ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 2.21 OF THE MONTEREY COUNTY CODE REGARDING THE DISCHARGE OF RISK MANAGEMENT FUNCTIONS FOR THE COUNTY OF MONTEREY

County Counsel Summary

This ordinance amends Chapter 2.21 of the Monterey County Code to provide that the risk management functions for the County of Monterey are to be discharged in the County Counsel's Office, and that the County Counsel shall appoint the County's Risk Manager.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. The Risk Management functions for the County of Monterey were transferred to the County Counsel's Office from the Administrative Office in 2012.

C. Chapter 2.21 of the Monterey County Code ("Code") was added in 2018 to more fully set forth the duties of the County Counsel.

D. Section 2.21.060 of the Code, which designates the County Counsel as the County's Risk Manager, was added to address some organizational issues in the County Counsel's Office.

E. The position of Risk Manager is one that requires particularized knowledge and experience that not all persons appointed to the position of County Counsel may possess.

F. It is therefore appropriate to amend Section 2.21.060 of the Code to provide that the Risk Management functions for the County shall be discharged in the County Counsel's Office, and the County Counsel shall appoint the Risk Manager for the County.

SECTION 2. Section 2.21.060 of the Monterey County Code is amended to read as follows:

Risk management functions for the County of Monterey shall be discharged in the County Counsel's Office. The County Counsel shall appoint and supervise the County's Risk Manager, who shall discharge the duties of Risk Manager, including as set forth in the County Code, either directly or through designees. The County Counsel may

organize the County Counsel's Office in a manner the County Counsel deems appropriate for the discharge of the County's risk management functions.

SECTION 3. SEVERABILITY.

If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional. The courts are hereby authorized to reform the provisions of this Chapter in order to preserve the maximum permissible effect of each subsection herein.

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect on the thirty-first day following its adoption.

PASSED AND ADOPTED this ____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

_____
Luis A. Alejo
Chair, Monterey County Board of Supervisors

A T T E S T:

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM

Leslie J. Girard
County Counsel