

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTION 2.12.040 OF THE MONTEREY COUNTY CODE RELATING
TO APPOINTMENT OF COUNTY DEPARTMENT HEADS AND ADDING CHAPTER
2.22 TO THE MONTEREY COUNTY CODE RELATING TO APPOINTMENT OF THE
PUBLIC DEFENDER**

County Counsel Summary

This ordinance amends the Monterey County Code to change the appointing authority for the Monterey County Director of Child Support Services and Monterey County Public Defender consistent with state law. Under state law, the Board of Supervisors appoints the Director of Child Support Services, and the Board of Supervisors appoints the Public Defender if the Public Defender is established as an appointed rather than an elected position. This ordinance establishes the Monterey County Public Defender as a position to be appointed by and serve at the will of the Board of Supervisors. The ordinance also eliminates the authority of the County Administrative Officer to appoint the Public Defender or Director of Child Support Services. The ordinance also updates a reference to the County Department of Social Services to reflect a prior change in the name of the department.

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

SECTION 1. Subsection B of Section 2.12.040 of the Monterey County Code shall be amended to read as follows:

B. The County Administrative Officer shall be the appointing authority for the following County department heads:

1. Director of Parks;
2. Registrar of Voters;
3. Director of Information Technology;
4. Director of Emergency Communications (9-1-1);
5. Clerk of the Board of Supervisors; and
6. Director of Human Resources.

SECTION 2. Subsection C of Section 2.12.040 of the Monterey County Code shall be amended to read as follows:

C. The County Administrative Officer, with the concurrence of the Board, shall be the appointing authority for the following County department heads:

1. Agricultural Commissioner;
2. County Librarian;
3. Director of Health Services;
4. Director of the Resource Management Agency; and
5. Director of Social Services.

SECTION 3. Subsection E of Section 2.12.040 of the Monterey County Code shall be amended to read as follows:

E. The County Administrative Officer shall not be deemed the appointing authority for any of the following positions:

1. Elected Monterey County officials;
2. Monterey County Water Resources Agency, General Manager;
3. Natividad Medical Center, Chief Executive Officer;
4. Cooperative Extension, Director;
5. County Counsel;
6. Chief Probation Officer;
7. Equal Opportunity Officer;
8. Director of Child Support Services; and
9. Public Defender.

SECTION 4. Chapter 2.22 is added to the Monterey County Code to read as follows:

Chapter 2.22 – PUBLIC DEFENDER

Sections:

2.22.010 – Office established.

The office of the Monterey County Public Defender has been established pursuant to Government Code Sections 27700 et seq.

2.22.020 – Appointment.

The Public Defender shall be appointed by the Board of Supervisors to serve at its will as provided by Government Code Section 27703.

SECTION 5. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ___ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

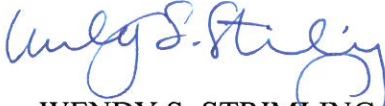
ABSTAIN:

Jane Parker, Chair
Monterey County Board of Supervisors

A T T E S T

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
Senior Deputy County Counsel