



Legislation Details (With Board Report)

**File #:** ORD 16-023      **Name:** PD and DSS Adopt Ordinance  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/21/2016      **In control:** Board of Supervisors  
**On agenda:** 11/1/2016      **Final action:** 11/1/2016

**Title:** Adopt an ordinance (Attachment A) amending Section 2.12.040 of the Monterey County Code and adding Chapter 2.22 to the Monterey County Code to:  
a. Change the appointing authority of the Public Defender and establish the Public Defender as an appointed position to be appointed by and serve at the will of the Board of Supervisors; and  
b. Change the appointing authority of the Director of Child Support Services; and  
c. Update the reference to the County Department of Social Services to reflect a prior change in the name of the department.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. PD and DSS Ordinance.Clean.Att A, 3. PD and DSS BR Ordinance.Redlined.Att B, 4. Completed Board Order and Ordinance

Date	Ver.	Action By	Action	Result
11/1/2016	1	Board of Supervisors	adopted	

Adopt an ordinance (Attachment A) amending Section 2.12.040 of the Monterey County Code and adding Chapter 2.22 to the Monterey County Code to:

- a. Change the appointing authority of the Public Defender and establish the Public Defender as an appointed position to be appointed by and serve at the will of the Board of Supervisors; and
- b. Change the appointing authority of the Director of Child Support Services; and
- c. Update the reference to the County Department of Social Services to reflect a prior change in the name of the department.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt an ordinance (Attachment A) amending Section 2.12.040 of the Monterey County Code and adding Chapter 2.22 to the Monterey County Code to:

- 1. Change the appointing authority of the Public Defender and establish the Public Defender as an appointed position to be appointed by and serve at the will of the Board of Supervisors; and
- 2. Change the appointing authority of the Director of Child Support Services; and
- 3. Update the reference to the County Department of Social Services to reflect a prior change in the name of the department.

SUMMARY/DISCUSSION:

The proposed 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 appoints the Public Defender if the Public Defender is established as an appointed rather than an elected position. Accordingly, this ordinance removes these positions from lists of officers appointed by the County

Administrative Officer and adds these positions to the list of officers not appointed by the County Administrative Officer. Under the ordinance, the Monterey County Public Defender is established as an appointed position to be appointed by and serve at the will of the Board of Supervisors.

The proposed ordinance also updates a reference to the County Department of Social Services to reflect a prior change in the name of the department approved by your board on December 11, 2012.

On October 18, 2016 the Board of Supervisors introduced, waived reading and set November 1, 2016 as the date for adoption of this ordinance.

OTHER AGENCY INVOLVEMENT:

County Counsel has approved the ordinance as to form.

FINANCING:

There are no costs associated with the proposed ordinance.

Prepared by: Kim Moore, Assistant Director of Human Resources, 755-5353

Approved by: Irma Ramirez-Bough, Director of Human Resources, 755-5043

Attachments:

Attachment A: Draft Ordinance

Attachment B: Redline Version

cc: Lew Bauman, County Administrative Officer

Charles McKee, County Counsel

Manuel T. González, Assistant County Administrative Officer