



Modification Memo

2014 JAN 27 PM 4:26

CLERK OF THE BOARD
OF ORANGE COUNTY
BOARD OF SUPERVISORS

January 27, 2014

To: Susan Novak, Clerk of the Board of Supervisors

From: Michael B. Giancola, County Executive Officer

Subject: Additional Background Information, Changes to Recommended Action #2 and Deletion of Attachments – Options for Public Administrator and Public Guardian Position. Item #62 for the January 28, 2014 Board Meeting.

Explanation: Please strikethrough for changes to Recommended Action #2, and Background. Please see underlined for additional background information and Delete Attachments A, B, and C.

Recommend Action No. 2

If selecting Option 2, hold first reading of ordinance to consolidate the Public Administrator with another County elected office (~~either Treasurer Tax Collector, Sheriff Coroner, Clerk Recorder or the District Attorney~~), read title of ordinance (~~either Attachment A, or Attachment B, or Attachment C, or Attachment D~~), order further reading of ordinance be waived, consider the matter, direct the ordinance be placed on the agenda of the next regularly scheduled Board meeting for adoption, and at the next regularly scheduled Board meeting, have the second reading of ordinance, consider the matter and adopt the ordinance.

Background Information

Option 2: Consolidation - By ordinance, consolidate the PA position with another one of several other County offices (the Clerk, Treasurer, Coroner, District Attorney, or Sheriff). Any person elected to the combined office must qualify for the each office. ~~If combined with the Treasurer-Tax Collector, for example, it would allow for fiduciary oversight as the Treasurer Tax Collector is required to be a CPA. There is also a synergy in that the Treasurer Tax Collector also understands investment assets and real property assets that must be liquidated and distributed to beneficiaries by the PA.~~ If two offices are consolidated, there is a separate oath taken for each office. The offices may have a combined salary or each office may have its own salary. Should the Board consolidate Public Administrator with another elective office and does not appoint the Public Administrator to serve as the Public Guardian, CEO recommends placing Public Guardian with Health Care Agency/Behavioral Health to allow greater synergy with mental health services. The Board will be receiving additional information from County Counsel under separate cover, clarifying the options available for consolidation of the office of Public Administrator with another Countywide elected office.

Option 3: Combination of Public Guardian with Public Administrator After Election or Appointment – After the election or appointment of a new PA, the Board could consider whether or not it would be appropriate to appoint the PA as the Public Guardian. The Board could combine the Public Guardian with the PA for the term of the PA, with an option to terminate the agreement with a 90 day notice and the requirement that the incumbent pay the employee share of the pension benefits. This would allow the Board to retain sole discretion over the consolidation of the PG with PA after each election. Alternatively, the Board could appoint the PA as Ex Officio Public Guardian via ordinance as is authorized by Government Code section 27432(b) as it did on May 27, 2007. **Under this option, after the election or appointment of a Public Administrator, the Board could execute an employment agreement with the Public Administrator to serve as the appointed Public Guardian for a defined term (e.g. one year) similar to other board appointed positions such as County Counsel or Clerk of the Board. This employment agreement could include provisions, among other things, that require certain performance requirements be met and provide for an annual review process by the Board. These performance requirements could include effective fiscal management, budget management and control, human resource management, including staff development and appropriate delegation of assignments to staff.**

cc: Members, Board of Supervisors
Nick Chrisos, County Counsel
Cymantha Atkinson, County Executive Office
Mark Denny, County Executive Office
Jessica O'Hare, County Executive Office