



There's a Change in the Weather

A Report on the New Position of Mendocino County Chief Executive Officer

SUMMARY

In response to citizen questions and concerns, the Grand Jury looked at the changes anticipated as a result of the shift from a County Administrative Officer (CAO) to a County Executive Officer (CEO).

BACKGROUND

On March 1, 2005 the Board of Supervisors (BOS) passed by a unanimous vote an ordinance (No. 4140) creating the position of CEO. Associated with the announcement of the change from a CAO was the expectation that the CEO will supervise and evaluate the work of County agencies more effectively than the BOS has been able to in the past.

METHODOLOGY

The Grand Jury reviewed job descriptions and Ordinance 4140 and conducted numerous interviews of both county personnel and others not currently serving in government.

FINDINGS

1. Reports published earlier this year by the Mendocino County Grand Jury (on Animal Control and the Library) cited the failure of the BOS to exercise proper and sufficient control over the administration of those departments. The same criticism occurs in a number of Grand Jury reports from previous years.

Response (CEO): The CEO agrees with this finding that the reports have been critical.

Response (County Counsel): The Department agrees with the finding that this year the Grand Jury did allege that the Board of Supervisors failed to exercise proper and sufficient control over the administration of Animal Care & Control and the Library.

Response (Board of Supervisors): The Board agrees with this finding that the reports have been critical.

2. Under the new organization, the BOS retains direct supervisory responsibility only for the Clerk of the Board, the County Counsel and the CEO. All other County agencies are ultimately the responsibility of the BOS but will be supervised by the CEO.

Response (CEO): The CEO disagrees with this finding in part and agrees with this finding in part. Elected department heads cannot be supervised by the Board or the CEO. The Chief Probation Officer and the Farm Advisor are appointed and supervised by other entities than the Board and the CEO. Additional language will be necessary in the County Code to make provisions regarding appointed department heads consistent with supervision by the CEO.

Response (County Counsel): The Department disagrees with this finding in that the CEO does not supervise the Assessor-Clerk-Recorder's Office, the Sheriff's Office, the District Attorney's Office, the Auditor-Controller, Treasurer-Tax Collector, or any other elected official's department.

Response (Board of Supervisors): The Board disagrees with this finding in part and agrees with this finding in part, in concurrence with the response of the CEO.

3. The language in the ordinance, which does not clearly assign responsibilities for supervision of departments, leaves considerable room for confusion and misinterpretation.

Response (CEO): The CEO agrees with this finding.

Response (County Counsel): The Department disagrees with this finding. The ordinance amending Mendocino County Code § 2.28 et seq. states that the CEO will "appoint, transfer, discipline, suspend or dismiss, as appropriate, any non-elected department head who is not required to be appointed by the Board of Supervisors." (§ 2.28050 (3)(h)) The amended ordinance also defines those department heads who report directly to the BOS. (see § 2.28.050(3)(g)) In addition, when read as a whole, the new ordinance clearly establishes that the department heads, except for elected department heads, County Counsel, and the Clerk of the Board, all report to the CEO, and that the CEO has the ability to terminate and/or discipline the department heads that report to the CEO.

Response (Board of Supervisors): The Board agrees with this finding.

4. Mendocino County Supervisors are elected officials who do not necessarily have the training and expertise to be personnel managers.

Response (CEO): The CEO does not have sufficient information to agree or disagree with this finding.

Response (County Counsel): The County Counsel cannot agree or disagree with this finding due to insufficient information.

Response (Board of Supervisors): The Board does not have sufficient information to agree or disagree with this finding.

5. The CAO's office had seven funded positions in the 2004-5 County budget.

Response (CEO): The CEO agrees with this finding.

Response (County Counsel): The Department does not have sufficient information to either agree or disagree with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

6. There is no anticipated increase in staffing for that office under the CEO.

Response (CEO): The CEO agrees with this finding in part and disagrees with this finding in part. There has been no increase in staffing attributable to the transition to CEO, at this point in time. Analysis is underway regarding workload and resources. There has been the addition of two positions as a result of incorporation of the risk management function into the Executive Office. The two Safety Officers are not included in this count.

Response (County Counsel): The Department does not have sufficient information to either agree or disagree with this finding.

Response (Board of Supervisors): The Board agrees with this finding in part and disagrees with this finding in part; in concurrence with the response of the CEO.

7. The CEO is an at-will employee of the County – that is, his employment may be terminated at any time by a vote of the BOS.

Response (CEO): The CEO agrees with this finding.

Response (County Counsel): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

RECOMMENDATIONS:

1. The Grand Jury recommends that the BOS and the CEO, with the County Counsel, devote ample time to the drawing up of lines of authority and responsibility, in particular with regard to the supervision of agency directors.

Response (CEO): The CEO agrees with this recommendation. Follow-up discussion and decision-making will be scheduled with the Board of

Supervisors and County Counsel on the subjects of CEO authority and responsibilities by September 1, 2005.

Response (County Counsel): This Department will continue to work with the CEO and BOS to implement the ordinance in an effective manner.

Response (Board of Supervisors): The Board agrees with this recommendation and concurs with the response of the CEO.

2. The Grand Jury recommends that the BOS step back from the management of individual departments as well as the hiring, retention and evaluation of department heads, in order that the CEO may do his job without undue interference.

Response (CEO): The CEO agrees with this recommendation, as this was the understanding with which he was hired.

Response (County Counsel): This Department has no ability to implement this recommendation.

Response (Board of Supervisors): The Board agrees with this recommendation.

COMMENT

“Policy and personnel management don’t mix,” as one interviewee observed. The creation of the CEO position is clearly intended to provide for better management and, in the process, allow the BOS to focus on policy without the added friction brought on by difficult personnel issues. Agency directors may be relieved, in fact, by having to report to one person rather than a Board, but the change should also mean that a coherent and consistent management process will be in place.

Whether or not the BOS will give the CEO the power to manage effectively remains to be seen. If the Board meddles and micro-manages, then the change will have brought no improvement. Put another way, we will be no worse off than we were before, but no-one thinks that’s a good option.

The BOS has, in fact, a lot invested in the success of the CEO; at this point, the CEO has therefore considerable power to establish a good working environment. In addition to his relationship with the BOS, the CEO needs to make himself available to the public who deserve to know more about the person who takes this new position.

There are some who fear that the CEO position will act to insulate further the County government from the public and thereby make County officials less responsive to public needs and wishes. The Grand Jury understands that concern.

The important questions about lines of authority have to be worked out carefully. That such questions are still pending is inevitable, as this venture into a new kind

of administration is a work in progress, with details to follow. It has been undertaken by County officials who are seeking to make changes in an organization that badly needs change.

Supervisors, as well as outside observers, are unanimous in their agreement that politics and conflict have diminished the effectiveness of the BOS in the past. We can only hope that those days are over and that this group has realized that the budget crisis, along with all the other crises, demands cooperation and effective action. The decision to create the CEO position supports that hope.

RESPONSE REQUIRED

Mendocino County Board of Supervisors

RESPONSE REQUESTED

Mendocino County Chief Executive Officer

Mendocino County Counsel