

**MEMORANDUM
OFFICE OF THE
COUNTY COUNSEL
COUNTY OF PLACER**

TO: Board of Supervisors
FROM: Anthony J. La Bouff, Placer County Counsel
DATE: June 24, 2008
SUBJECT: County Charter – Ordinance Terms of Employment of County Counsel
SECOND READING OF ORDINANCE

Action Requested:

Second reading and adoption of the attached ordinance proposing a ballot measure to amend Section 507 of the County Charter to change the terms of employment of the County Counsel to conform with Government Code Section 27641 and directing the County Clerk-Recorder/Registrar of Voters to place a ballot measure before the voters of the County.

Background

On June 10, 2008, the Board, by a 5-0 vote, approved the introduction and first reading of an ordinance (required by Sections 23701 and 23730 of the Government Code) that would place a proposed amendment to the County Charter on the ballot of the November 4, 2008 election. This ordinance would propose the amendment of the terms of employment of the County Counsel from at-will, subject to removal from office at any time with the vote of a majority of the Board of Supervisors to a four-year term consistent with Government Code Section 27641. The ordinance is attached.

As a reminder, any ballot measure that is intended to be placed on the ballot of the November 4, 2008 general election needs to be submitted to their office by July 2, 2008.

Attachment: Ordinance

Before the Board of Supervisors County of Placer, State of California

In the matter of:

**Ordinance Proposing Amendment Of
Section 507 Of The Placer County
Charter Affecting Terms Of
Employment Of The County Counsel;
And Ordering The Measure To Be
Placed On The Ballot Of Statewide
General Election To Be Held
November 4, 2008**

Ord. No: _____

First Reading: June 10, 2008

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

CHAIRMAN, BOARD OF SUPERVISORS

Attest:
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN THAT:

WHEREAS, the 2007-2008 Placer County Charter Review Committee recommended that a Charter amendment be proposed to amend Section 507 of the Placer County Charter to change the employment of the County Counsel from serving at the pleasure of the Board of Supervisors to terms consistent with Section 27641 of the Government Code; and

WHEREAS, Section 507 of the Placer County Charter currently reads as follows:

Sec. 507 County Counsel. *The County Counsel shall be appointed by the Board of Supervisors and serve at its pleasure. Unless his duties are otherwise prescribed or modified by an ordinance of the Board, he shall have all the powers and duties of a County Counsel now or hereafter set forth in the general laws; and*

WHEREAS, Government Code Section 27641 provides that, under general state law, a county counsel shall serve for a four-year term and can only be removed from office during that term for neglect of duty, malfeasance or misconduct in office, or other good cause shown; and

WHEREAS, the 2007-2008 Placer County Charter Review Committee suggested that the change be made to as it was felt that state law was more in keeping with the goal of Placer County receiving the best possible legal advice

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Supervisors of the County of Placer, State of California, that:

1. The Board of Supervisors orders that the following question be placed as a County measure on the ballot of the Statewide General Election to be held November 4, 2008:

Shall Article V, Section 507 of the Placer County Charter be amended to change the terms of the County Counsel's employment from serving at the pleasure of the Board of Supervisors to employment consistent with state general law, which provides for a four year term and removal during that term for neglect of duty, malfeasance or misconduct in office, or other good cause shown ?

_____ **Yes**

_____ **No**

2. That if a majority of the electorate approves the above question, that Section 507 of the Placer County Code shall be amended as follows:

Sec. 507 County Counsel. The County Counsel shall be appointed by the Board of Supervisors and serve at its pleasure **according to the terms of Government Code section 27641 as currently enacted or hereafter amended including any successor statute enacted by the State Legislature to replace it.** Unless his duties are otherwise prescribed or modified by an ordinance of the Board, he shall have all the powers and duties of a County Counsel now or hereafter set forth in the general laws.

3. This ordinance is effective immediately pursuant to California Government Code Section 25123, as it relates to an election.

