

**Sierra County  
Board of Supervisors'  
Agenda Transmittal &  
Record of Proceedings**

<b>MEETING DATE:</b> November 1, 2016	<b>TYPE OF AGENDA ITEM:</b> <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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<b>DEPARTMENT:</b> Board of Supervisors <b>APPROVING PARTY:</b> County Counsel <b>PHONE NUMBER:</b> 559-500-1600
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**AGENDA ITEM:** Adoption of an urgency ordinance allowing the appointment of an interim Public Guardian.

**SUPPORTIVE DOCUMENTS ATTACHED:**  Memo  Resolution  Agreement  Other

**BACKGROUND INFORMATION:** The vacancy of the Director position in Health and Human Services requires that a Public Guardian be appointed until the position is filled. The urgency ordinance provides the authority to the Board to make such an appointment. A 4/5 vote is required.

**FUNDING SOURCE:**  
**GENERAL FUND IMPACT:** No General Fund Impact  
**OTHER FUND:**  
**AMOUNT:** \$ N/A

**ARE ADDITIONAL PERSONNEL REQUIRED?**  
  
 Yes, -- --  
 No

**IS THIS ITEM ALLOCATED IN THE BUDGET?**  Yes  No  
  
**IS A BUDGET TRANSFER REQUIRED?**  Yes  No

**SPACE BELOW FOR CLERK'S USE**

<p><b>BOARD ACTION:</b></p> <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2016- _____ Agreement 2016- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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**COMMENTS:**

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CLERK TO THE BOARD

\_\_\_\_\_  
DATE

**ORDINANCE NO. \_\_\_\_\_**

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SIERRA  
TO AMEND SECTION 2.44.10 OF THE SIERRA COUNTY CODE**

The Board of Supervisors of the County of Sierra, State of California, ordains as follows:

**SECTION I. Statement of Urgency**

This urgency ordinance is adopted pursuant to California Government Code section 25123 (d).

This urgency ordinance is necessary for the immediate preservation of the public peace, health and safety, by providing for the appointment of a Public Guardian in the absence of a Director of Health and Human Services, maintaining continuity of services to County residents in need of financial, housing and medical assistance. In the absence of this ordinance, there will be no clear authority for provisions of Public Guardian services to the public in need of such services and no authority allowing the Board of Supervisors to ensure that Public Guardian services continue should the office of Public Guardian become vacant due to the absence of the Director of Health and Human Services.

**SECTION 2. Purpose.**

The Board of Supervisors of the County of Sierra hereby States the Purpose of the Urgency Ordinance is as following:

- (1) The needs of Public Guardian services are a continuous and ongoing function of the County of Sierra;
- (2) The office of Public Guardian resides in the Director of Health and Human Services;  
and
- (3) The position of Director of Health and Human Services is or may be vacant in the future and the Board of Supervisors must appoint an interim Public Guardian and this ordinance will allow for such appointment.

**SECTION 3. Amendment Section 2.44.010**

Section 2.44.010 of the Sierra County Code is amended to read, in its entirety, as follows;

There is hereby created the office of Public Guardian. The Director of the Department of Health and Human Services shall serve as the Public Guardian and shall automatically be appointed to the office upon accepting the position. The Public Guardian may appoint other employees of the Health and Human Services department to act as deputy Public Guardian with the permission of the Director of Health and Human Services. Should the position of Director of Health and Human Services become vacant for any reason, the Board of Supervisors shall appoint an interim

Public Guardian to act in that capacity until replacement or return of the Director of Health and Human Services. Such appointee may be from within or outside the Department of Health and Human Services and shall possess all the powers of the Public Guardian, including the appointment of deputy Public Guardians and shall remain in office until the Director of Health and Human Services assumes the office.

**SECTION 4. Urgency Adoption**

This ordinance is enacted pursuant to California Government Code section 25123(d) and is effective immediately upon adoption.

Introduced at a regular meeting of the Board of Supervisors held on the 1st day of November, 2016, and passed and enacted this 1<sup>st</sup> day of November, 2016 by the Board of Supervisors of the County of Sierra by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSE:

COUNTY OF SIERRA

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LEE ADAMS, CHAIRMAN  
Board of Supervisors

ATTEST:

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HEATHER FOSTER  
Clerk of the Board of Supervisors