

County Office of Director of Finance

County Officers may include a Director of Finance

Gov. Code Section 24000 outlines the “Officers of a County,” and provides that County officers may include a Director of Finance:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=24000.

- Subsection (u), “Director of Finance”

Establishing the consolidated office of Director of Finance

Lake County does not presently have the office of Director of Finance, and therefore, must establish the office. For a General Law County with Lake County’s population, the process is as follows:

Per **26980 et seq. (Chapter 4.6 of Part 3, Division 2, Title 3 of the Gov. Code)**, the Board of Supervisors of any county may establish the Consolidated Office of Director of Finance:

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=3.&part=3.&chapter=4.6.&article=

County office of Director of Finance is established by a vote

- **26980:** The Board of Supervisors of any county may establish the office of **Director of Finance**.
 - (a) The Board of Supervisors shall submit to the electors of the county the question of whether the office of the Director of Finance shall be established. If a **majority of the voters** voting on the question at that election favor the establishment of the office, the Board of Supervisors shall, **by Ordinance**, create the office.

Voters also decide whether elective or appointive

- **26980 (b):** The Board of Supervisors at that election **may also submit to the voters the question** of whether the office, if so established, shall be **elective, or appointed by the Board of Supervisors**. If a majority of the voters voting on the question favor making the office elective, the Board of Supervisors shall, **in the Ordinance creating the office, make it an elective one**.

Appointees/candidates must meet qualifications for Auditor-Controller OR Treasurer-Tax Collector

- **26980 (c):** Any person may be appointed by the Board of Supervisors, or be a candidate for election, to the office of Director of Finance, consolidated from other offices pursuant to this chapter, if he or she meets the qualifications set forth in section 26945 [qualifications to be Auditor-Controller] or section 27000.7 [qualifications to be Treasurer-Tax Collector].

Director of Finance position consolidates offices of Auditor, Controller, Tax Collector and Treasurer

- **26981:** The office of **Director of Finance shall be consolidated with the offices of Auditor, Controller, Tax Collector, and Treasurer** and the Director of Finance shall have all the powers and duties of such offices so consolidated together with such other powers and duties as the Board of Supervisors may provide.

Consolidation with any elective office only effective upon expiration of current term of the incumbent

- **26982:** The consolidation of the office of Director of Finance with any elective office shall become **effective only upon the expiration of the current term of office of the incumbent** of the office so consolidated.

An annual, independent audit is required

- **26983:** The Board of Supervisors of every County having the office of Director of Finance shall cause an **annual, independent audit** to be made of such office. The Board of Supervisors may request that the Grand Jury select such independent auditor.

NOTE: Larger counties, per *Gov. Code Section 26970, et seq.*, can ask their electorate to replace the elective office of County Auditor with the appointive office of County Director of Finance. Under this provision, the incumbent elected County Auditor is appointed the first County Director of Finance. **Lake County does not meet the population criteria to go this route.**

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=3.&part=3.&chapter=4.5.&article=

Support for consolidated office of Director of Finance as an eligible appointive position
Director of Finance consolidates the four traditionally elective offices of Auditor, Controller, Treasurer and Tax Collector. Since none of the consolidations enacted involve an office among the CA Constitution's mandated elective offices, the Consolidated Office of Director of Finance can be elective or appointive, with approval of a majority of the electorate.

Consolidation of these offices is enabled by CA Gov Code, Section **24300.5:**

"In addition to the duties of the county offices which may be consolidated under the provisions of Section 24300 [E.g. *treasurer and tax collector, county clerk and auditor (ex officio controller)*], the Board of Supervisors may **by Ordinance** consolidate the offices of auditor, controller, treasurer, tax collector, and director of finance."

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=24300.5.&lawCode=GOV

Per CA Gov Code, Section 24009 (a), "The county officers to be elected by the people are":

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=24009

- Treasurer; County Clerk; Auditor; Sheriff; Tax Collector; District Attorney; Recorder; Assessor; Public Administrator; Coroner

However, the California Constitution [Article XI, Section 1. (b)], only mandates that certain County officials are elected:

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&article=XI

- Sheriff
- District Attorney
- Assessor
- Board of Supervisors

Per CA Gov Code, Section 24009, (b), excepting the above, "Any county office that is required to be elective may become an appointive position...":

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=3.&part=1.&chapter=1.&article=

- Change from Elective to Appointive requires a majority vote:
 - Can be submitted to voters by the BOS or an initiative petition
 - Reversal from appointive to elective also requires a majority vote

Further relevant Government Code sections regarding consolidated offices

24301: "If the duties of officers are consolidated pursuant to this chapter, the Board of Supervisors, **by Ordinance**, may elect to separate the duties so consolidated, and reconsolidate them in any other manner permitted by this chapter or separate the duties without reconsolidation, and provide that the

duties of each office shall be performed by a separate person, if it deems the change to be in the public interest.”

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=24301&lawCode=GOV

24305: “When the duties of officers are consolidated pursuant to this chapter, the Board of Supervisors, **by Ordinance**, may elect to consolidate the budgets of the offices the duties of which are consolidated.”

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=24305.&lawCode=GOV

Additional Resources

Glenn County Code section enacted by Ordinance 1078, following their electorate’s decision to establish the office of Director of Finance:

<https://www.countyofglenn.net/govt/county-code/title-2/chapter-100>

- Details offices consolidated, notes budgets will be consolidated
- Notes appointment is by Resolution of the Board of Supervisors or contract with the Board
- Describes removal from office by majority vote of the Board of Supervisors

Marin County Civil Grand Jury report, “Establishing a Director of Finance: Evaluating Measure B”:

https://www.marincounty.org/~media/files/departments/gj/reports-responses/2008/dir_finance_meas_b.pdf

- Outlines arguments for and against consolidation
- Outlines arguments for appointive vs. elective
- Discusses the basic duties of the offices consolidated
- Notes that Marin County was cognizant that the pool of financial executives with sufficient leadership and government experience to successfully fill the office was limited. County officials felt it was important to be able to undertake a nationwide search, and not eliminate candidates who simply did not want to take the financial risk of running for elective office.
- The concern that an appointive office may lack sufficient independence was thought to be addressable by making a long-term appointment or awarding a long-term contract, and requiring a 4/5 vote for removal from office.

Marin County Ballot Measure Materials:

<https://www.marincounty.org/-/media/files/departments/rv/elections/past/2008/nov/measureb.pdf>

