

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF LASSEN, STATE OF CALIFORNIA CALLING FOR, AND AUTHORIZING THE SUBMISSION TO THE VOTERS OF LASSEN COUNTY TWO ADVISORY QUESTIONS REGARDING THE ESTABLISHMENT OF OFFICE OF DIRECTOR OF FINANCE CONSOLIDATING THE OFFICE OF AUDITOR, CONTROLLER, TAX COLLECTOR AND TREASURER, AND, IF SO ESTABLISHED, BE APPOINTED BY THE BOARD OF SUPERVISORS.

WHEREAS, the County of Lassen is a non-chartered county; and,

WHEREAS, the County of Lassen has consolidated the offices of Lassen County Auditor with the office of Lassen County Treasurer/Tax Collector as provided for in state law; and,

WHEREAS, California Government Code Section 26980, a board of supervisors of any county may establish the Office of Director of Finance; and

WHEREAS, California Government Code Section 26981 the Office of Director of Finance is the consolidation of 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; and,

WHEREAS, the office of Auditor, as a result of the position, also holds the office of Controller as provided for in California Government Code Section 24000(e); and,

WHEREAS, pursuant to California Government Code Section 26980(a) the Board of Supervisors of any county may establish the Office of Director of Finance if a majority of the voters' favor establishment of such office; and,

WHEREAS, if the Office of Director of Finance is established, there will be no elective Auditor, Tax Collector or Treasurer; and,

WHEREAS, pursuant to California Government Code Section 24009 (a) "the county officers to be elected by the people are the treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, public administrator, and coroner."

WHEREAS, in non-chartered counties, such as the County of Lassen, the California Attorney General has concluded that "the office of director of finance is to be appointed rather than elected, since no statute provides for such election." and specifically that "[t]he absence of enumeration of the director of finance in the list of elective county officers in section 24009 leads to the conclusion that this officer will be appointed rather than elected" (55 Ops. Cal. Atty. Gen. 346).

WHEREAS, a county may hold, at its discretion, an advisory election to receive an indication of general voter opinion for the purpose of allowing voters in the county to voice their opinions on substantive issues and the results of the advisory vote will in no manner be controlling on the Board of Supervisors, as provided for in California Elections Code section 9603 et. seq.

RESOLUTION NO. 23-053

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Lassen County, that:

Section 1. The foregoing recitals are adopted as findings by the Board of Supervisors as though set forth fully herein.

Section 2. The Board of Supervisors hereby calls an election to be held and conducted in and for the County of Lassen on Tuesday, March 5, 2024, for the purpose of submitting advisory questions to the electorate.

Section 3. At said Advisory Election, the question to be submitted to the voters shall be presented in the following manner:

RESOLUTION NO. 23-053

ADVISORY VOTE ONLY

Shall the Board of Supervisors of the County of Lassen establish the consolidated Office of Director of Finance, to perform the duties of Auditor, Controller, Tax Collector and Treasurer and make the office effective upon the expiration of the current term of office of those offices?

YES___ NO___

ADVISORY VOTE ONLY

If the Board of Supervisors should establish the consolidated Office of Director of Finance, should the position be appointed by the Board to serve a four-year term from the time of appointment.

YES___ NO

Section 4. The Lassen County Clerk as the Ex-officio Registrar of Voters is hereby directed to prepare and conduct all functions for the election and canvass the returns of the election as set forth in the Election Code, and to do all things required by law to present the proposed Advisory Measure to the electorate, including but not limited to, preparing and publishing all required postings, notices and fillings.

Section 5. Pursuant to Elections Code section 9160(b), the Board of Supervisors hereby directs the County Counsel to prepare an impartial analysis of the proposed Advisory Measures.

Section 6. Arguments for and against each Advisory Measure may be filed and published consistent with Elections Code section 9162, et seq.

The foregoing Resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 10th day of October, 2023, by the following vote:

AYES: Supervisors Bridges, Gallagher, Albaugh, and Ingram.

NOES: Supervisor Neely.

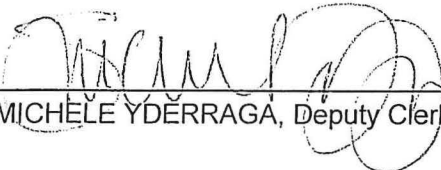
ABSTAIN: None.

ABSENT: None.

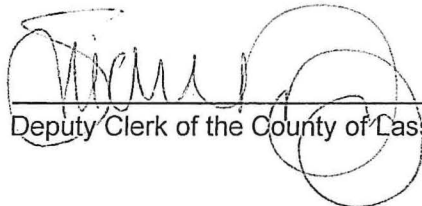
RESOLUTION NO. 23-053


CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF LASSEN, STATE OF CALIFORNIA

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

BY: 
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 10th day of October, 2023.


Deputy Clerk of the County of Lassen Board of Supervisors

