ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTERS 2.12, 2.18, 2.19, and 3.14 OF THE MONTEREY COUNTY CODE FOR CONSISTENCY WITH FEDERAL AND STATE LAW, AND TO UPDATE TO CIVIL RIGHTS TERMINOLOGY

County Counsel Summary

This ordinance amends Chapters 2.12, 2.18, 2.19, and 3.14 of the Monterey County Code to reflect current civil rights terminology and to ensure consistency with federal and state laws. The ordinance replaces the phrase "Equal Opportunity Officer" to "Civil Rights Officer" to reflect the updated title. The ordinance also eliminates the term "affirmative action" to ensure compliance with Equal Employment Opportunity (EEO) and Americans with Disabilities Act laws. Lastly, the ordinance updates the responsibilities of the Civil Rights Officer by replacing the requirement to staff the "Equal Opportunity Advisory Commission and the Monterey County Commission on Disabilities" with a more flexible provision allowing staffing of commissions "determined or assigned to the Civil Rights Office by the Board of Supervisors".

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. On November 5, 1996, the State of California passed Proposition 209 (California Civil Rights Initiative). In accordance with the new legislation, the County of Monterey Board of Supervisors established the Office of Affirmative Action to meet the requirements the legislation established for local jurisdictions.

C. The Office of Affirmative Action dedicated its work to advancing civil rights policies and fostering equity within the County. However, over the years, the Office underwent several name changes to reflect its evolving role.

D. After initially being designated as the "Office of Affirmative Action," it later became the "Equal Opportunity Office" and, since January 9, 2018, is now referred to as the "Civil Rights Office" and its departmental lead the "Civil Rights Officer" under Chapters 2.19 and 2.80 of the Monterey County Code ("MCC").

E. These previous MCC updates emphasized the Office's responsibility for overseeing local civil rights policies and ensuring compliance with state and federal civil rights laws. While these changes in nomenclature have been documented, the MCC has not yet been fully updated accordingly.

F. The Board of Supervisors desires to amend the MCC to reflect current civil rights practices, and ensure consistency with civil rights federal and state laws.

G. Further, in addition to the terminology update, a change in the language pertaining to commissions under MCC Section 2.19.020 is necessary to afford flexibility in case the commissions determine to redesignate their name or purpose as they have done in the past.

SECTION 2. Subsection (A)(15) of Section 2.12.040 is hereby amended to read as follows:

In coordination with the ~~Equal Opportunity~~Civil Rights Officer, implement and enforce compliance with Equal Employment Opportunity~~/Affirmative Action~~ and Americans With Disabilities law, regulations, and policy;

SECTION 3. Subsection (E)(7) of Section 2.12.040 of the Monterey County Code is hereby amended to read as follows:

~~Equal Opportunity Officer~~Civil Rights Officer;

SECTION 4. Subsection (A)(9) of Section 2.18.010 of the Monterey County Code is hereby amended to read as follows:

To promulgate and administer internal rules and regulations for the proper handling of personnel matters, the efficient performance of the department's duties and functions, and to assure compliance with ~~affirmative action~~ equal opportunity goals and non-discrimination/harassment policies of the County.

SECTION 5. Section 2.19.020 of the Monterey County Code is hereby amended to read as follows:

The Civil Rights Officer shall be responsible for the civil rights and equal employment opportunity matters affecting County operations, for administration of the County's Equal Opportunity Plan and the County's Title VI Plan, for the investigation and resolution of related complaints, by or against the County, its officers, employees, and agents, and for performing such other duties as may be assigned by the Board of Supervisors ~~from time to time~~. The Civil Rights Officer shall also be responsible for the administration and enforcement of the Americans with Disabilities Act and staffing ~~the Equal Opportunity Advisory Commission and the Monterey County Commission on Disabilities~~commissions determined or assigned to the Civil Rights Office by the Board of Supervisors. The Civil Rights Officer shall report directly to the Board of Supervisors, and shall make periodic reports to the Board as needed.

SECTION 6. Subsection (D) of Section 3.14.030 of the Monterey County Code is hereby amended to read as follows:

~~Prior to~~Before commencing a recruitment for any position to which veteran's preference points apply, as set forth ~~herein~~ below in Section 3.14.040(C), a determination shall be made as to whether the job class to which that position belongs has achieved County-wide parity within the relevant EEO job category. If parity has not been achieved, the selective certification provisions of the Garza Consent Decree or an approved ~~Monterey County Affirmative Action~~County of Monterey Equal Opportunity Plan shall be applied to the Eligibility List which results from the recruitment conducted. The ranking of the Eligibility List shall include any applicable veteran's preference points, as provided ~~herein~~below in Section 3.14.060(A).

SECTION 7. Subsection (B) of Section 3.14.060 of the Monterey County Code is hereby amended to read as follows:

Referrals shall be made to appointing authorities within the County in compliance with the Garza ~~and Roberts~~ Consent Decree~~s,~~ or an approved ~~Monterey County Affirmative Action~~County of Monterey Equal Opportunity Plan, based upon the completed Eligibility List for each examination, and without disclosure of veteran's status, for the filling of vacant positions within each County department.

SECTION 8. SEVERABILITY. If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect. The Board of Supervisors hereby declares that it would have adopted this Ordinance, and each subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional. The courts are hereby authorized to reform the provisions of this Section to preserve the maximum permissible effect of each subsection herein.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect on the thirty-first day following its adoption.

PASSED AND ADOPTED this _____ day of ___ _ __ 2025, by the following vote:

AYES:

NOES:

ABSENT:

_____
Christopher M. Lopez
Chair, Monterey County Board of Supervisors

A T T E S T:

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM

Kelly L. Donlon
Chief Assistant County Counsel