

ATTACHMENT A

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AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTERS 2.12, 2.27, 2.28, 2.29, 2.30, 2.31, 2.36, AND 2.56 OF THE MONTEREY COUNTY CODE RELATING TO DISSOLUTION OF THE RESOURCE MANAGEMENT AGENCY, CREATION OF THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT AND PUBLIC WORKS, FACILITIES AND PARKS DEPARTMENT, AND UPDATE OF THE FEE FOR EXAMINATION OF RECORDS OF SURVEY.

County Counsel Summary

In 2020, the Board of Supervisors adopted ordinances and took other actions to dissolve the Monterey County Resource Management Agency (RMA), replace the RMA with two new County departments known as the Housing and Community Development Department and the Public Works, Facilities and Parks Department, and create new director positions for each of the new departments. This ordinance amends the Monterey County Code, specifically Chapters 2.12, 2.27, 2.28, 2.29, 2.30, 2.31, 2.36, and 2.56, to reflect and incorporate these organizational changes and make corresponding clarifications and minor revisions to reflect the new organizational structure. This ordinance also updates the fee stated in the County Code for the County Surveyor's examination of records of survey.

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

SECTION 1. PURPOSE AND FINDINGS

A. In 2019, the County retained the firm Citygate Associates, LLC ("Citygate") to perform a study of the structure and functions of the Monterey County Resource Management Agency ("RMA"). Citygate issued a report entitled *Review of the Resource Management Agency*, dated July 22, 2020, with 76 recommendations for the reorganization of the structure and functions of the RMA.

B. On July 28, 2020, the Board of Supervisors received a presentation of the Citygate report and, guided by the report's recommendations, directed dividing the RMA into two new departments, with staff to return with a further analysis and implementation plan.

C. On September 29, 2020, the Board of Supervisors adopted Ordinance No. 5342 which, effective November 30, 2020, dissolved the RMA and replaced the RMA with two new County departments to be known as the Housing and Community Development Department ("HCD") and the Community Services Department ("CSD").

D. Ordinance No. 5342 also authorized the County Administrative Officer to appoint directors of these new departments, with the directors to be guided, but not bound, by the Citygate report in organizing their respective departments.

E. On December 1, 2020, the Board of Supervisors adopted Ordinance No. 5347 to change the name "Community Services Department" to "Department of Public Works, Facilities and Parks" ("PWFP").

F. Although Ordinance Nos. 5342 and 5347 authorized appropriate revisions to be made to the County Code without further direction or authorization from the Board of Supervisors, the organizational restructuring necessitates additional minor revisions and clarifications to the County Code. Accordingly, the Board desires to adopt this ordinance to amend the County Code to incorporate the organizational changes effected by Ordinance Nos. 5342 and 5347 and to make corresponding revisions and clarifications to the County Code to reflect the new structure.

G. This ordinance also amends the County Code to update the fee for examination of records of survey based on the actual cost of providing the service. The proposed fee corresponds more closely, without exceeding, the actual cost of the examination service and conforms to the fee previously adopted as part of the Monterey County Fee Resolution for this service.

H. The Board of Supervisors finds that the organizational restructuring initially effected by Ordinance Nos. 5342 and 5347 and further memorialized and clarified by this ordinance is in the public interest and necessary for effective delivery of County services.

I. The adoption of this ordinance is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(4) and (5) because it is an organizational and administrative activity of government that will not result in a direct or indirect physical impact on the environment and is a fiscal activity that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

SECTION 2. Subdivision C of Section 2.12.040 of the Monterey County Code is amended to read as follows:

C. The County Administrative Officer, with the concurrence of the Board, shall be the appointing authority for the following County department heads:

1. Agricultural Commissioner;
2. County Librarian;
3. Director of Health Services; and
4. Director of Social Services.

SECTION 3. Chapter 2.27 of the Monterey County Code is amended to read as follows:

Chapter 2.27 - HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

2.27.010 - Housing and Community Development Department created.

A. The Housing and Community Development Department is created as a comprehensive County department to administer, coordinate, and oversee the development and implementation of policies and regulations concerning land use planning, building, code compliance, and housing. The Department includes but is not limited to divisions for planning services, development services, and permit center operations. The powers and duties of the Housing and Community Development Department are as set forth in state law and the County Code. References in the Monterey County Code to the Resource Management Agency shall be

understood to refer to the Housing and Community Development Department where the referenced function is managed by that Department.

B. The Housing and Community Development Department shall provide the following services in connection with its programs and activities:

1. Regional and local planning in coordination with the State, cities, and local and special districts;

2. Stewardship of the County's natural resources to protect the health, welfare, and safety of the public; and

3. Streamlined delivery of land use services that provide a predictable permitting process that balances the public interest with private property rights.

(Ord. 4269 § 2 (part), 2005; Ord. No. 5135, § 4, 7-7-2009; Ord. No. 5140, § 1, 10-13-2009; Ord. No. 5184, § 1, 7-26-2011; Ord. No. 5271, § 1, 7-26-2016; Ord. No. 5342, 9-29-2020)

2.27.020 - Director of Housing and Community Development.

The Director of Housing and Community Development shall be appointed by and serve at the pleasure of the County Administrative Officer. The Director shall direct and oversee the operations of the Housing and Community Development Department subject to the direction of the County Administrative Officer and in compliance with state law and local rules.

(Ord. 4269 § 2 (part), 2005; Ord. 5342, 9-29-2020)

2.27.030 - Duties of Director.

The Director of Housing and Community Development shall:

A. Plan, organize, direct, and coordinate the programs, activities, and operations of the Department;

B. Establish and maintain goals, objectives, and plans for carrying out the functions of the Department;

C. Implement improvements and determine and recommend plans for establishing new service programs or major changes in methods or levels of service delivery;

D. Analyze and evaluate program results as related to objectives and policy guidelines;

E. Review program funding needs, formulate budget guidelines, control program activities within budgetary limits and policies, and direct the preparation of Department program budgets for the County Administrative Officer and Board of Supervisors;

F. Develop and recommend the annual Department budget and programs and present and justify them to the County Administrative Officer and the Board of Supervisors;

G. Hire, assign, reassign, terminate, suspend and take such other disciplinary or related administrative action as needed concerning the division heads in the Department and evaluate their performance at least annually;

H. Direct the training and professional development of top level Department personnel;

I. Manage and coordinate the Department's programs, plans, and operations among divisions;

J. Coordinate the Department's programs, services, and administrative functions with those of other agencies and departments;

- K. Advise the Board of Supervisors, County Administrative Officer and appointive boards and commissions on long-range planning where Department services are concerned;
 - L. Establish and maintain a one-step permit-processing program;
 - M. Act as liaison between the Board of Supervisors and County Administrative Officer and the Planning Commission, Association of Monterey Bay Area Governments, Local Agency Formation Commission, and other agencies and commissions which impact the Department's services;
 - N. Control, monitor, and evaluate each of the Department's programs and services;
 - O. Direct the preparation and evaluation of legislation affecting the operation of the Department;
 - P. Organize the Department in any manner as the Director deems necessary or appropriate to carry out the functions assigned to the Department, consistent with the general organization and functions of the Department set forth in this Chapter; and
 - Q. Perform such other duties as may be assigned by the County Administrative Office or Board of Supervisors.
- (Ord. 4269 § 2 (part), 2005; Ord. No. 5184, § 2, 7-26-2011; Ord. No. 5271, § 2, 7-26-2016; Ord. No. 5342, 9-29-2020)

SECTION 4. Chapter 2.28 of the Monterey County Code is amended to read as follows:

Chapter 2.28 - PUBLIC WORKS, FACILITIES AND PARKS DEPARTMENT

2.28.010 - Public Works, Facilities and Parks Department created.

A. The Public Works, Facilities and Parks Department is created as a comprehensive County department to administer, coordinate, and oversee the development and implementation of policies and regulations concerning public works, facilities, and parks, including but not limited to infrastructure and facilities maintenance and operations, capital projects, traffic engineering, open space, parks and trail systems, and administrative and fiscal support for the Department. The powers and duties of the constituent divisions of the Public Works, Facilities and Parks Department are as set forth in state law and the County Code. References in County Code to the Resource Management Agency, or Department of Public Works, shall be understood to refer to the Public Works, Facilities and Parks Department where the referenced function is managed by that Department.

B. The Public Works, Facilities and Parks Department shall provide the following services in connection with its programs and activities:

1. Delivery of infrastructure and services that provide for the public health and safety in transportation, public works, and utility services consistent with available funding;
2. Facilities maintenance and capital planning services in support of County owned and leased facilities and unimproved parcels; and
3. Development and oversight of County open space, parks, and trails systems.

(Ord. No. 5342, 9-29-2020; Ord. No. 5347, 12-1-2020)

2.28.020 – Director of Public Works, Facilities and Parks.

The Director of Public Works, Facilities and Parks shall be appointed by and serve at the pleasure of the County Administrative Officer. The Director shall direct and oversee the

operations of the Public Works, Facilities and Parks Department, subject to the direction of the County Administrative Officer and in compliance with state law and local rules. References in the County Code to the “Public Works Director” or “Director of Public Works” shall be interpreted to refer to the Director of Public Works, Facilities, and Parks or their designee, except for references to the County Surveyor. The duties of the Director shall include the duties of the following other offices, departments or divisions:

- A. Manager of Solid Waste Disposal;
- B. Litter Control Officer;
- C. District Engineer of Special Districts under the control of the Board of Supervisors when so designated by said Board; and
- D. Administrative Officer of County Service Areas when so designated by the Board of Supervisors.

(Ord. 4015, 1999; Ord. 3610 § 11, 1992; Ord. No. 5271, § 3, 7-26-2016; Ord. No. 5342, 9-29-2020; Ord. No. 5347, 12-1-2020; Ord. No. 5347, 12-1-2020.)

2.28.030 - County Surveyor.

The County Surveyor shall be appointed as provided in Chapter 2.36. The Public Works, Facilities and Parks Department shall house the County Surveyor.

(Ord. 4015, 1999; Ord. 3610 § 12, 1992; Ord. 3469, 1990; Ord. No. 5271, § 3, 7-26-2016; Ord. No. 5342, 9-29-2020; Ord. No. 5347, 12-1-2020.)

2.28.040 – Road Commissioner.

The office of Road Commissioner is abolished, and the duties of the Road Commissioner are transferred to the County Director of Transportation, who is the Director of Public Works, Facilities and Parks.

(Ord. No. 5271, § 3, 7-26-2016; Ord. No. 5342, 9-29-2020; Ord. No. 5347, 12-1-2020.)

2.28.050 – Duties of Director.

The Director of Public Works, Facilities and Parks shall:

- A. Plan, organize, direct, and coordinate the programs, activities, and operations of the Department;
- B. Establish and maintain goals, objectives, and plans for carrying out the functions of the Department;
- C. Implement improvements and determine and recommend plans for establishing new service programs or major changes in methods or levels of service delivery;
- D. Analyze and evaluate program results as related to objectives and policy guidelines;
- E. Review program funding needs, formulate budget guidelines, control program activities within budgetary limits and policies, and direct the preparation of Department program budgets for the County Administrative Officer and Board of Supervisors;
- F. Develop and recommend the annual Department budget and capital improvement programs and present and justify them to the County Administrative Officer and the Board of Supervisors;

G. Hire, assign, reassign, terminate, suspend and take such other disciplinary or related administrative action as needed concerning the division heads in the Department and evaluate their performance at least annually;

H. Direct the training and professional development of top level Department personnel;

I. Manage and coordinate the Department's programs, plans, and operations among divisions;

J. Coordinate the Department's programs, services, and administrative functions with those of other agencies and departments;

K. Advise the Board of Supervisors, County Administrative Officer, and appointive boards and commissions on long-range planning where Department services are concerned;

L. Develop and recommend a comprehensive range of options to enhance the financing of the County road system;

M. Act as liaison between the Board of Supervisors and County Administrative Officer and other agencies and commissions which impact the Department's services;

N. Control, monitor, and evaluate each of the Department's programs and services;

O. Direct the preparation and evaluation of legislation affecting the operation of the Department;

P. Serve as the County Director of Transportation and perform the duties of the Road Commissioner. Any civil engineering functions which are required to be performed by the Road Commissioner shall be performed by a registered civil engineer acting under the authority of Director if the Director is not a registered civil engineer;

Q. Organize the Department in any manner as they deem necessary or appropriate to carry out the functions assigned to the Department, consistent with the general organization and functions of the Department set forth in this Chapter; and

R. Perform such other duties as may be assigned by the County Administrative Office or Board of Supervisors.

(Ord. 4269 § 2 (part), 2005; Ord. No. 5184, § 2, 7-26-2011; Ord. No. 5271, § 2, 7-26-2016; Ord. No. 5342, 9-29-2020; Ord. No. 5347, 12-1-2020)

SECTION 5. Section 2.29.010 of the Monterey County Code is amended to read as follows:

2.29.010 - Assignment of functions of Planning Agency.

Pursuant to section 65100 of the Government Code as may be periodically amended, the Planning Agency of the County of Monterey shall consist of the Board of Supervisors, the Planning Commission, the Housing and Community Development Department, and such other hearing officers and bodies as are designated in County's zoning and subdivision ordinances as Appropriate Authorities. Each of such entities shall have all of the powers, duties, and functions established for them by state law and the plans, ordinances, rules, and regulations of the County. (Ord. No. 5135, § 1, 7-7-2009; Ord. No. 5271, § 4, 7-26-2016; Ord. No. 5342, 9-29-2020)

SECTION 6. Chapter 2.30 of the Monterey County Code is amended to read as follows:

Chapter 2.30 – PLANNING DIVISION AND CHIEF OF PLANNING

2.30.010 - Planning Division.

The Planning Division is created as a division within the Housing and Community Development Department. The Planning Division performs the functions of the Planning Department as set forth in California Planning and Zoning Law (Government Code section 65000 et seq.) and other applicable laws and the general plan, local coastal program, zoning ordinances, subdivision ordinances, and other applicable plans, ordinances, rules, and regulations of the County.

(Ord. No. 5135, § 2, 7-7-2009; Ord. No. 5271, § 4, 7-26-2016; Ord. 5342, 9-29-2020)

2.30.020 - Chief of Planning.

The Chief of Planning shall be appointed by the Director of Housing and Community Development. The Chief of Planning shall direct and oversee the operations of the Planning Division and shall have all of the powers, duties, and functions established for the Director of Planning by the general plan, local coastal program, zoning ordinances, subdivision ordinances, and other applicable plans, ordinances, rules and regulations of the County. The Chief of Planning may also be known as the Director of Planning or the Planning Director. References in the Monterey County Code to the Director of Planning or the Planning Director shall be understood to refer to the Chief of Planning.

(Ord. No. 5135, § 2, 7-7-2009; Ord. No. 5271, § 4, 7-26-2016; Ord. 5342, 9-29-2020)

2.30.030 - Duties of Chief of Planning.

The duties of the Chief of Planning shall include the following offices and functions:

- A. Serve as Secretary to the Monterey County Planning Commission;
- B. Serve as Zoning Administrator;
- C. Provide administrative interpretations of County zoning ordinances; and
- D. Serve as Secretary to the Monterey County Airport Land Use Commission.

(Ord. No. 5135, § 2, 7-7-2009; Ord. No. 5271, § 4, 7-26-2016; Ord. 5342, 9-29-2020)

SECTION 7. Chapter 2.31 of the Monterey County Code is amended to read as follows:

Chapter 2.31 – BUILDING SERVICES AND CHIEF OF BUILDING SERVICES

2.31.010 - Building Services.

The Building Services Section is within the Development Services Division of the Housing and Community Development Department. The Building Services Section includes plan check, building inspection, and code compliance. The functions of the Building Services Section are to administer and enforce the California Building Standards Code with such modifications as are set forth in the County Code, to conduct inspections, and to perform such other functions as may be set forth in applicable law and the general plan, local coastal program, zoning ordinances, subdivision ordinances, and other applicable plans, ordinances, rules, and regulations of the County.

(Ord. No. 5135, § 3, 7-7-2009; Ord. No. 5271, § 6, 7-26-2016; Ord. 5342, 9-29-2020)

2.31.020 - Chief of Building Services.

The Chief of Building Services shall be appointed by the Director of Housing and Community Development. The Chief of Building Services shall direct and oversee the operations of the Building Services Section and shall have all of the powers, duties, and functions established for the Chief by the California Building Standards Code with such modifications as are set forth in the County Code and by the other applicable plans, ordinances, rules, and regulations of the County and to the extent allowed by law. References in the Monterey County Code to the Director of Building Services or the Building Services Director shall be understood to refer to the Chief of Building Services.

(Ord. No. 5135, § 3, 7-7-2009; Ord. No. 5271, § 6, 7-26-2016; Ord. 5342, 9-29-2020)

2.31.030 - Duties of Chief of Building Services.

The duties of the Chief of Building Services shall include the following offices and functions:

A. Serve as Building Official, or to the extent the Chief does not have the licensing or certification required by law for a function of the Building Official, such function shall be performed by a person with the requisite licensing or certification acting under the authority of the Chief; and

B. Provide administrative interpretations of County building codes.

(Ord. No. 5135, § 3, 7-7-2009; Ord. No. 5271, § 6, 7-26-2016; Ord. 5342, 9-29-2020)

SECTION 8. Section 2.36.010 of the Monterey County Code is amended to read as follows:

2.36.010 - Office made appointive.

Pursuant to section 27550 of the Government Code of the State of California, the office of the Surveyor of Monterey County is made appointive. The County Surveyor shall be appointed by and serve at the pleasure of the Board of Supervisors. The Public Works, Facilities and Parks Department shall house the County Surveyor.

(Ord. 860 § 2, 1953; Ord. No. 5271, § 7, 7-26-2016; Ord. No. 5342, 9-29-2020; Ord. No. 5347, 12-1-2020)

SECTION 9. Section 2.36.050 of the Monterey County Code is amended to read as follows:

2.36.050 – Fee for examination of record.

The fee for examining a record of survey shall be four hundred fifty dollars (\$450.00) for the first sheet and one hundred fifty dollars (\$150) for each additional sheet.

Said fee can be waived at the discretion of the County Surveyor for a public agency submitting a record of survey on its own behalf and in a hardship case when the person having

the record of survey prepared meets the eligibility requirements of the general Assistance Program of the County of Monterey as adopted by the Board of Supervisors. (Ord. 3207 §1, 1987; Ord. 860 §4, 1953)

SECTION 10. Section 2.56.040 of the Monterey County Code is amended to read as follows:

2.56.040 - Officers—Meetings—Rules and records.

A. The Historic Resources Review Board shall elect from its members a Chair and Vice-chair to serve in such capacities for a term of one year and, subject to other provisions of law, may elect such other officers as it may determine.

B. The Chief of Planning, or the designee of the Chief, shall serve as Secretary to the Historic Resources Review Board and shall be custodian of the Board's records. The Secretary shall also generally supervise the technical and clerical work of the Historic Resources Review Board and perform such other duties as the Historic Resources Review Board may assign and the Board of Supervisors may authorize.

C. The Historic Resources Review Board shall hold at least one regular meeting each month.

D. The Historic Resources Review Board shall adopt rules for the transaction of business, consistent with this Code.

SECTION 11. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 12. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:


ABSTAIN:

Mary L. Adams, Chair
Monterey County Board of Supervisors

ATTEST

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

KELLY L. DONLON
Assistant County Counsel