



Monterey County Board of Supervisors

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Board Order

Upon motion of Supervisor Salinas, seconded by Supervisor Armenta and carried by those members present, the Board of Supervisors hereby:

Adopted Ordinance 5271 amending Chapters 2.27, 2.28, 2.29, 2.30, 2.31 and 2.36 of the Monterey County Code relating to the structure and functions of the Resource Management Agency and appointment of the County Surveyor.

PASSED AND ADOPTED on this 26th day of July 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Salinas, Parker and Potter

NOES: None

ABSENT: Supervisor Phillips

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on July 26, 2016.

Dated: August 1, 2016
File ID: ORD 16-019

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

ORDINANCE NO. 5271

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTERS 2.27, 2.28, 2.29, 2.30, 2.31 AND 2.36 OF THE MONTEREY COUNTY CODE RELATING TO THE STRUCTURE AND FUNCTIONS OF THE RESOURCE MANAGEMENT AGENCY AND APPOINTMENT OF THE COUNTY SURVEYOR.

County Counsel Summary

This ordinance restructures the Resource Management Agency and its management. The ordinance eliminates the “Planning Department” and “Building Services Department” and establishes instead three divisions of the Resource Management Agency: the Land Use and Community Development Division; the Public Works and Facilities Division; and the Administrative Division. The ordinance also modifies the duties and functions of the management of the Resource Management Agency. These changes include the Director of the Resource Management Agency serving as County Director of Transportation and overseeing road commissioner functions, changing the name of the Director of Public Works to Deputy Director of Public Works and Facilities and revising the Director’s functions; and changing the Director of Planning to a Chief of Planning and changing the Director of Building Services to a Chief of Building Services and revising their duties. This ordinance also makes the County Surveyor a position appointed by the Board of Supervisors.

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

SECTION 1. Subsection A of section 2.27.010 of the Monterey County Code is amended to read as follows:

The Resource Management Agency of the County is created as a comprehensive local agency to administer, coordinate, and oversee the development and implementation of policies and regulations concerning land use planning, building inspection, code compliance, public works, and general services. The powers and duties of the constituent divisions of the Resource Management Agency are as set forth in State law and the County Code. The constituent divisions of the Resource Management Agency are the Land Use and Community Development Division, the Public Works and Facilities Division, and the Administrative Division.

SECTION 2. Section 2.27.030 of the Monterey County Code is amended to read as follows:

2.27.030 – Duties of Director.

The Director shall:

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

- B. Establish and maintain goals, objectives, and plans for carrying out the functions of the Agency;
- 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 Agency program budgets for the County Administrative Officer and Board of Supervisors;
- F. Develop and recommend the annual Agency budget and capital improvements 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 department and division heads in the Agency and evaluate their performance at least annually;
- H. Direct the training and professional development of top level Agency personnel;
- I. Manage and coordinate the Agency's programs, plans, and operations between departments and divisions;
- J. Coordinate the Agency'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 Agency services are concerned;
- L. Establish and maintain a one-step permit-processing program;
- M. Develop and recommend a comprehensive range of options to enhance the financing of the County road system;
- N. 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 Agency's services;
- O. Control, monitor, and evaluate each of the Agency's programs and services;
- P. Direct the preparation and evaluation of legislation affecting the operation of the Agency;
- Q. Serve as the County Director of Transportation and shall have all 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; and
- R. Perform such other duties as may be assigned by the County Administrative Office or Board of Supervisors.

SECTION 3. Chapter 2.28 of the Monterey County Code is amended to read as follows:

CHAPTER 2.28 – RESOURCE MANAGEMENT AGENCY—DEPUTY DIRECTOR OF PUBLIC WORKS AND FACILITIES

Sections:

2.28.010 – Deputy Director of Public Works and Facilities.

The Deputy Director of Public Works and Facilities shall be appointed by and serve at the pleasure of the Director of the Resource Management Agency. References in the Monterey County Code to the Public Works Director or Director of Public Works shall be understood to refer to the Deputy Director of Public Works and Facilities, except for references to the Road Commissioner and County Surveyor.

(Ord. 1966 §1, 1973)

2.28.020 –Duties.

The duties of the Deputy Director of Public Works and Facilities 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 Office of County Service Areas when so designated by the Board of Supervisors.

(Ord. 4015, 1999; Ord. 3610 §11, 1992.)

2.28.030 – County Surveyor.

The County Surveyor shall be appointed as provided in Chapter 2.36. The Resource Management Agency shall house the County Surveyor.

(Ord. 4015, 1999; Ord. 3610 § 12, 1992; Ord. 3469, 1990)

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 the Resource Management Agency.

SECTION 4. 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 Resource Management Agency Land Use and Community Development Division, 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)

SECTION 4. Chapter 2.30 of the Monterey County Code shall be amended to read as follows:

Chapter 2.30 – CHIEF OF PLANNING

Sections:

2.30.010 – Planning Unit.

The Planning Unit is created as a unit within the Land Use and Community Development Division of the Resource Management Agency. The Planning Unit 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 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, § 2, 7-7-2009)

2.30.020 – Chief of Planning.

The Chief of Planning shall be appointed by the Director of the Resource Management Agency. The Chief of Planning shall direct and oversee the operations of the Planning Unit 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)

2.30.030 – Duties of Chief of Planning.

The Chief of Planning duties shall include the following offices or assignments:

- 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)

SECTION 6. Chapter 2.31 of the Monterey County Code shall be amended to read as follows:

Chapter 2.31 – CHIEF OF BUILDING SERVICES

Sections:

2.31.010 – Building Services Unit.

The Building Services Unit is created as a unit within the Land Use and Community Development Division of the Resource Management Agency. The functions of the Building Services Unit 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)

2.31.020 – Chief of Building Services.

The Chief of Building Services shall be appointed by the Director of the Resource Management Agency. The Chief of Building Services shall direct and oversee the operations of the Building Services Unit 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)

2.31.030 – Duties of Chief of Building Services.

The Chief of Building Services duties shall include the following offices or assignments:

- 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)

SECTION 7. Section 2.36 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 Resource Management Agency shall house the County Surveyor.

SECTION 8. 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 9. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this 26th day of July, 2016, by the following vote:

AYES: Supervisor Armenta, Salinas, Parker and Potter

NOES: None

ABSENT: Supervisor Phillips

ABSTAIN: None

/s/ Jane B. Parker

Jane Parker, Chair

Monterey County Board of Supervisors

A T T E S T

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By: Gail T. Borkowski

APPROVED AS TO FORM:

/s/ Wendy S. Strimling

WENDY S. STRIMLING
Senior Deputy County Counsel