



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

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

- a. Adopted Ordinance 5213 amending Chapter 2.80 of the Monterey County Code establishing policy and procedures for the investigation and resolution of discrimination complaints;
- b. Adopted Resolution No. 13-011 to establish the Equal Opportunity & Non-Discrimination Policy;
- c. Adopted Resolution No. 13-012 to establish the Prevention of Sexual Harassment Policy;
- d. Adopted Resolution No.13-013to establish the Equal Opportunity for Persons with Disabilities and Reasonable Accommodation Policy;
- e. Adopted Resolution No. 13-014 to establish the Diversity Policy; and
- f. Directed the Equal Opportunity Officer to implement policies and procedures.

PASSED AND ADOPTED on this 29th day of January 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter, and Parker
NOES: None
ABSENT: None

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 76 for the meeting on January 29, 2013.

Dated: January 31, 2013
File Number: 13-0058

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

By Denise Hancock
Deputy

ORDINANCE NO. 5213

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 2.80 OF THE MONTEREY COUNTY CODE ESTABLISHING
POLICY AND PROCEDURES FOR THE INVESTIGATION AND RESOLUTION OF
DISCRIMINATION COMPLAINTS**

County Counsel Summary

This ordinance amends and expands Chapter 2.80 of the Monterey County Code, which was enacted in 1991 to establish policy and procedures for the investigation and resolution of discrimination complaints. The amended Chapter 2.80 reaffirms the commitment of the County of Monterey to provide equal opportunities for all, provides for flexibility in administration with the ability to respond to changes in the law, establishes policies, and delegates to the Equal Opportunity Officer the responsibility to develop and revise as appropriate procedures to implement the purposes of this Chapter. The ordinance also authorizes the Board of Supervisors to adopt by resolution the following policies: 1. Equal Opportunity and Non-Discrimination Policy; 2. Prevention of Sexual Harassment Policy; 3. Equal Opportunity for Persons with Disabilities and Reasonable Accommodation Policy; and 4. Diversity Policy. The ordinance also changes the title of Chapter 2.80 to "Equal Opportunity and Non-Discrimination Ordinance."

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

SECTION 1. Chapter 2.80 of the Monterey County Code is hereby amended in its entirety to read as follows:

Chapter 2.80 EQUAL OPPORTUNITY AND NON-DISCRIMINATION ORDINANCE

Sections

- 2.80.010 Recitals.**
- 2.80.020 Purpose.**
- 2.80.030 Jurisdiction.**
- 2.80.040 County policies supporting this Chapter.**
- 2.80.050 Programs supporting this Chapter.**
- 2.80.060 Procedures supporting this Chapter.**
- 2.80.070 Superseding of redundant resolutions.**

2.80.010 Recitals.

A. This ordinance is adopted with the stated goal of reaffirming the commitment of the County of Monterey to providing equal opportunities for all, and preventing and eliminating

unlawful discrimination. In 1991, the County of Monterey adopted the Discrimination Complaint Ordinance, which has served the County of Monterey well for many years. The 2013 amendment and retitling of the ordinance recognize the long-standing commitment of the County of Monterey to the principles of equal opportunity and anti-discrimination. It also provides for flexibility in administration and the ability to respond to changes in the law, establishes policies and authorizes the development and amendments to the procedures, and establishes a process for updating of procedures when needed to conform to changes in the law. To promote this commitment, the County adopts this ordinance and provides for the adoption of policies, programs and procedures designed to effectuate the purposes of this Chapter.

2.80.020 Purpose.

A. The County of Monterey reaffirms its commitment to providing all persons residing in, employed by, or doing business with the County with equal opportunities to live, grow, learn, work, play, worship, and enjoy the privileges and responsibilities of contact with the County, unhampered by unlawful discrimination, irrespective of any person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or any other protected status recognized under the law.

B. The Board of Supervisors values providing an open and empathetic channel of communications for County officials and employees, applicants for employment and for business relationships with the County, and others who receive services from the County, so that they may discuss and obtain guidance with respect to issues covered by this ordinance. To that end, the Board of Supervisors has appointed an Equal Opportunity Officer who is charged with the responsibility for developing, maintaining and revising policies and procedures under the Chapter, administering the relevant delegated provisions of the County of Monterey Equal Opportunity Plan; ensuring compliance with federal, state and local laws pertaining to equal opportunity and discrimination; receiving, addressing and investigating complaints of discrimination; and providing advice about resources and assistance available for persons concerned about discrimination.

C. The Board of Supervisors reaffirms its expectation that each County official and employee should be responsible for maintaining a workplace that is free from unlawful discrimination, harassment and hostile working conditions. To this end, the County has provided, and will continue to provide, training and education designed to enable all employees to recognize and prevent unlawful discrimination, sexual harassment and hostile work environments.

D. The Board of Supervisors reaffirms its belief that the interests of the County and all affected parties are best served when complaints of unlawful discrimination are effectively and

expeditiously handled at the lowest possible level, so as to provide for prompt and thorough investigation and appropriate response to such complaints, and to promote early resolution of all discrimination complaints.

E. The Board of Supervisors shall hold all County department heads and appointing authorities accountable for the actions of their managers, supervisors, staff and agents, and the Board of Supervisors shall include criteria in the annual performance evaluations of all appointed officials concerning their compliance with this Chapter and related adopted policies as well as the County of Monterey Equal Opportunity Plan.

F. Duties assigned to the Equal Opportunity Officer under the Chapter may be carried out by the Equal Opportunity Officer or his or her designee.

2.80.030 Jurisdiction.

The scope of this Chapter is limited to claims and complaints alleging unlawful discrimination relating to employment with the County of Monterey, applicants for employment with County of Monterey, recipients of County services and those who seek to or do business with the County of Monterey and efforts to prevent unlawful discrimination.

2.80.040 County policies supporting this Chapter.

A. In furtherance of the purposes of this Chapter, the Board of Supervisors shall adopt by resolution, and may add or revise as appropriate, policies identified as follows:

1. Equal Opportunity and Non-Discrimination Policy
2. Prevention of Sexual Harassment Policy
3. Equal Opportunity for Persons with Disabilities and Reasonable Accommodation Policy
4. Diversity Policy

B. These policies apply to conduct of all vendors, contractors and employees and officers of the County, and will be posted on the County's Equal Opportunity Office website. Each County employee and department is responsible for sound administration of and adherence to these policies.

C. The Equal Opportunity Officer is charged with addressing complaints of non-compliance with these policies.

2.80.050 Programs supporting this Chapter.

In furtherance of the purposes of this Chapter, the Board of Supervisors directs and delegates to the Equal Opportunity Officer responsibility for developing, revising and implementing a Discrimination Prevention Program.

2.80.060 Procedures supporting this Chapter.

A. In furtherance of the purposes of this Chapter, the Board of Supervisors directs and delegates to the Equal Opportunity Officer responsibility for developing, revising and implementing appropriate procedures to effectuate each of the policies identified above. These procedures will be designed to provide practical protocols and instructions for bringing forth and addressing complaints and concerns about compliance with the policies identified above. The Equal Opportunity Officer or his or her designee will provide training to County employees with respect to these policies and procedures.

B. The Equal Opportunity Officer will provide periodic reports to the Board of Supervisors with respect to revisions to the procedures developed by the Equal Opportunity Office pursuant to this ordinance.

2.80.070 Superseding of redundant resolutions.

In recognition of the provisions of this Chapter and the policies, programs and procedures established hereunder, the following resolutions of the Board of Supervisors are hereby superseded by this Chapter and the policies identified above:

- A. Resolution 71-311 Establishing Policy with Respect to Employment of Minority and Economically Disadvantaged Persons in County Government
- B. Resolution 72-274 Adopting Affirmative Action Plan for Monterey County
- C. Resolution 75-231 Establishing Revised Policy with Respect to Equal Employment Opportunity
- D. Resolution 75-240 Amends Resolution 72-274 Adopting Affirmative Action Plan for Monterey County (re-title commission and increase membership)
- E. Resolution 76-56 Amends Resolution 72-274 Adopting Affirmative Action Plan for Monterey County (revises sections 1 and 5)
- F. Resolution 79-12 Amends Resolution 72-274 Adopting Affirmative Action Plan for Monterey County (revises section 5)
- G. Resolution 81-133 Amends Resolution 72-274 Adopting Affirmative Action Plan for Monterey County (revises section 5)
- H. Resolution 82-166 Amends Resolution 75-65 (amending section 1 of Affirmative Action Plan for Monterey County) and Addition of Sexual Harassment Policy
- I. Resolution 86-138 Amends Resolution 72-274 Adopting Affirmative Action Plan for Monterey County (revises section 5)

- J. Resolution 88-153 To Establish Policy of Non-Discrimination for those Employees Infected with HIV or Having AIDs or AIDS Related Symptoms
- K. Resolution 90-525 Amending 72-274, 75-56, 81-133, and 82-166 insofar as each is inconsistent with 90-525.

SECTION 2. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this 29 day of January, 2013, by the following vote:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

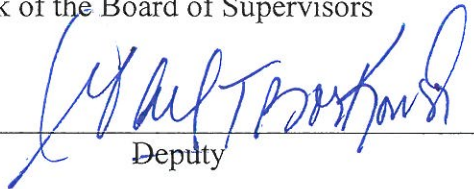
NOES: None

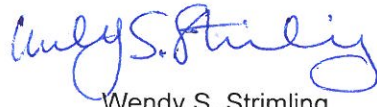
ABSENT: None


Chair, Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By 
Deputy

APPROVED AS TO FORM:

Wendy S. Strimling
Senior Deputy County Counsel

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 13-011

- a. Approving the Equal Opportunity)
and Non-Discrimination Policy.....)

WHEREAS, the County of Monterey reaffirms its commitment to providing all persons residing in, employed by, or doing business with the County with equal opportunities, unhampered by unlawful discrimination, irrespective of any person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation or any other protected status recognized under the law; and

WHEREAS, the County of Monterey values providing an open and empathetic channel of communications for County officials and employees, applicants for employment and for business relationships with the County, and others who receive services from the County, so that they may discuss and obtain guidance with respect to issues covered by the Equal Opportunity and Non-Discrimination Ordinance; and

WHEREAS, in adopting the Equal Opportunity and Non-Discrimination Ordinance, amending Chapter 2.80 of the Monterey County Code, the Board of Supervisors has appointed an Equal Opportunity Officer charged with the responsibility for developing, maintaining and revising policies and procedures, and the relevant delegated provisions of the County of Monterey Equal Opportunity Plan; for ensuring compliance with federal, state and local laws pertaining to equal opportunity and discrimination; for receiving, addressing and investigating complaints of discrimination; and for providing advice about resources and assistance available for persons concerned about discrimination; and

WHEREAS, Chapter 2.80.040 of the Monterey County Code provides for the adoption of the Equal Opportunity and Non-Discrimination Policy.

NOW, THEREFORE BE IT RESOLVED that the Monterey County Board of Supervisors on behalf of the County and all citizens thereof, adopts the Equal Opportunity and Non-Discrimination Policy attached hereto.

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried this 29th day of January 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter
NOES: None
ABSENT: None

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 76 for the meeting on January 29, 2013.

Dated: January 31, 2013
File Number: 13-0019

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

By Denise Hancock
Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 13-012

b. Approves the Prevention of Sexual)
Harassment Policy.....)

WHEREAS, the County of Monterey reaffirms its commitment to providing all persons residing in, employed by, or doing business with the County with equal opportunities, unhampered by unlawful discrimination, irrespective of any person’s race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation or any other protected status recognized under the law; and

WHEREAS, the County of Monterey values providing an open and empathetic channel of communications for County officials and employees, applicants for employment and for business relationships with the County, and others who receive services from the County, so that they may discuss and obtain guidance with respect to issues pertaining to claims of sexual harassment; and

WHEREAS, in adopting the Equal Opportunity and Non-Discrimination Ordinance, amending Chapter 2.80 of the Monterey County Code, the Board of Supervisors has appointed an Equal Opportunity Officer charged with the responsibility for developing, maintaining and revising policies and procedures, and the relevant delegated provisions of the County of Monterey Equal Opportunity Plan; for ensuring compliance with federal, state and local laws pertaining to equal opportunity and discrimination; for receiving, addressing and investigating complaints of discrimination and sexual harassment; and for providing advice about resources and assistance available for persons concerned about sexual harassment; and

WHEREAS, Chapter 2.80.040 of the Monterey County Code provides for the adoption of the Prevention of Sexual Harassment Policy.

NOW, THEREFORE BE IT RESOLVED that the Monterey County Board of Supervisors on behalf of the County and all citizens thereof, adopts the Prevention of Sexual Harassment Policy attached hereto.

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried this 29th day of January 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter
NOES: None
ABSENT: None

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 76 for the meeting on January 29, 2013.

Dated: January 31, 2013
File Number: 13-0058

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

By Denise Hancock
Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 13-013

c. Approves the Equal Opportunity for)
Persons with Disabilities and Reasonable)
Accommodation Policy)

WHEREAS, the County of Monterey reaffirms its commitment to providing all persons residing in, employed by, or doing business with the County with equal opportunities, unhampered by unlawful discrimination, irrespective of any person’s race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation or any other protected status recognized under the law; and

WHEREAS, the County of Monterey values providing an open and empathetic channel of communications for County officials and employees, applicants for employment and for business relationships with the County, and others who receive services from the County, so that they may discuss and obtain guidance with respect to issues pertaining to claims of discrimination; and

WHEREAS, in adopting the Equal Opportunity and Non-Discrimination Ordinance, amending Chapter 2.80 of the Monterey County Code, the Board of Supervisors has appointed an Equal Opportunity Officer charged with the responsibility for developing, maintaining and revising policies and procedures, and the relevant delegated provisions of the County of Monterey Equal Opportunity Plan; for ensuring compliance with federal, state and local laws pertaining to equal opportunity and discrimination; for receiving, addressing and investigating complaints of discrimination; and for providing advice about resources and assistance available for persons concerned about diversity and discrimination; and

WHEREAS, Chapter 2.80.040 of the Monterey County Code provides for the adoption of the Equal Opportunity for Persons with Disabilities and Reasonable Accommodation Policy.

NOW, THEREFORE BE IT RESOLVED that the Monterey County Board of Supervisors on behalf of the County and all citizens thereof, adopts the Equal Opportunity for Persons with Disabilities and Reasonable Accommodation Policy attached hereto.

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried this 29th day of January 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter
NOES: None
ABSENT: None

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 76 for the meeting on January 29, 2013.

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

By Denise Hancock
Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 13-014

e. Approves the Diversity Policy...)

WHEREAS, the County of Monterey reaffirms its commitment to providing all persons residing in, employed by, or doing business with the County with equal opportunities, unhampered by unlawful discrimination, irrespective of any person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation or any other protected status recognized under the law; and

WHEREAS, the County of Monterey values providing an open and empathetic channel of communications for County officials and employees, applicants for employment and for business relationships with the County, and others who receive services from the County, so that they may discuss and obtain guidance with respect to issues pertaining to claims of discrimination; and

WHEREAS, in adopting the Equal Opportunity and Non-Discrimination Ordinance, amending Chapter 2.80 of the Monterey County Code, the Board of Supervisors has appointed an Equal Opportunity Officer charged with the responsibility for developing, maintaining and revising policies and procedures, and the relevant delegated provisions of the County of Monterey Equal Opportunity Plan; for ensuring compliance with federal, state and local laws pertaining to equal opportunity and discrimination; for receiving, addressing and investigating complaints of discrimination; and for providing advice about resources and assistance available for persons concerned about diversity and discrimination; and

WHEREAS, Chapter 2.80.040 of the Monterey County Code provides for the adoption of the Diversity Policy.

NOW, THEREFORE BE IT RESOLVED that the Monterey County Board of Supervisors on behalf of the County and all citizens thereof, adopts the Diversity Policy attached hereto.

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried this 29th day of January 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter

NOES: None

ABSENT: None

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 76 for the meeting on January 29, 2013.

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Gail T. Borkowski, Clerk of the Board of Supervisors
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By Denise Hancock
Deputy