

**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 ~~departments and~~ divisions of the Resource Management Agency are as set forth in State law and the County Code. The constituent ~~departments and~~ divisions of the Resource Management Agency are the Planning Department, Land Use and Community Development Division, Building Services Department, the Public Works Department and Facilities Division, and the Administrative and fiscal support divisions.

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

~~QR.~~ 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 – PUBLIC WORKS DIRECTOR RESOURCE MANAGEMENT
AGENCY—DEPUTY DIRECTOR OF PUBLIC WORKS AND FACILITIES

Sections:

2.28.010 – ~~Office created.~~ Deputy Director of Public Works and Facilities

~~The office of Public Works Director is created. 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 – ~~Combination of d~~Duties.

The duties of the Deputy Director of Public Works and Facilities ~~Public Works Director~~ shall ~~consist of~~ include the duties of ~~the Road Commissioner and County Surveyor, combined with the duties of~~ the following other offices, departments or divisions:

- ~~A. Director of Transportation;~~
- ~~BA.~~ Manager of Solid Waste Disposal;
- ~~CB.~~ Litter Control Officer;
- ~~DC.~~ District Engineer of Special Districts under the control of the Board of Supervisors when so designated by said Board; and
- ~~ED.~~ Administrative Office of County Service Areas when so designated by the Board of Supervisors.

~~However, the Public Works Director may designate another individual within the Public Works Department to perform the duties of Road Commissioner and/or County Surveyor, if the designated individual meets all statutory or regulatory requirements for the performance of such duties.~~

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

2.28.~~021~~030 – County Surveyor.

The ~~duties of the~~ County Surveyor shall be ~~performed by the Director of Public Works, or by his or her designee within the Public Works Department who meets all statutory or regulatory qualifications and requirements for the performance of such duties~~ appointed as provided in Chapter 2.36. The Public Works and Facilities Division of 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, ~~Planning Department, the Building Services 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)

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

Chapter 2.30— CHIEF OF PLANNING DEPARTMENT

Sections:

2.30.010 – Planning ~~Department created~~ Services Unit.

The Planning ~~Department is a department~~ Services Unit is created as a unit within the Land Use and Community Development Division of the Resource Management Agency. The Planning Services Unit performs the functions of the ~~“Planning Department”~~ are 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 —~~Director Chief~~ of Planning ~~Services~~.

The ~~Director Chief~~ of Planning shall be appointed by ~~and serve at the pleasure of~~ the Director of the Resource Management Agency. The ~~Director Chief~~ of Planning shall direct and oversee the operations of the Planning Department 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 ~~may also be known as 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 ~~Director Chief~~ of Planning.

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

- ~~A. Execute the general duties as provided for department heads in Section 2.18.010;~~
- ~~B. Plan, organize, direct, and coordinate the programs, activities, and operation of the Planning Department~~Planning Services Unit;
- ~~C. Establish and maintain goals, objectives, and plans for carrying out the functions of the Planning Department~~Planning Services Unit;
- ~~D. Implement improvements or major changes in methods or levels of service delivery;~~

- ~~E. Analyze and evaluate program results as related to objectives and policy guidelines;~~
- ~~F. Review program funding needs, control program activities within budgetary limits and policies, and direct the preparation of the Planning Department Planning Services Unit program budgets;~~
- ~~G. Direct the training and professional development of the members of the Planning Department Planning Services Unit;~~
- ~~H. Coordinate the Planning Department Planning Services Unit's programs and services with those of other agencies and departments, both inside and outside the Resource Management Agency;~~
- ~~I. Advise the Board of Supervisors, County Administrative Officer, Director of the Resource Management Agency, and appointive boards and commissions on long-range land use planning;~~
- ~~J. Direct the evaluation of legislation affecting the operations of the Planning Department Planning Services Unit;~~
- ~~K. Perform such other duties as may be assigned by the Director of the Resource Management Agency or County Administrator Officer or as may be required by applicable law or the ordinances or resolutions of the Board of Supervisors.~~
- ~~— Designate other individuals within the Planning Department Unit to perform the duties of the Director Chief;~~
- A. Serve as Secretary to the Monterey County Planning Commission;
- B. Serve as Zoning Administrator;
- C. Provide Administrative Interpretations of ZCounty zoning ordinances; and
- L.D. Serve as Secretary to the Monterey County Airport Land Use Commission.

(Ord. No. 5135, § 2, 7-7-2009)

SECTION 56. Chapter 2.31 of the Monterey County Code shall be amended to read as follows:

Chapter 2.31 – CHIEF OF BUILDING SERVICES ~~DEPARTMENT~~

Sections:

2.31.010 – Building Services ~~Department created~~ Unit.

The Building Services ~~Department of the County of Monterey~~ 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 Department~~ 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 – ~~Director Chief~~ of Building Services.

The ~~Director-Chief~~ of Building Services shall be appointed by ~~and serve at the pleasure of~~ the Director of the Resource Management Agency. The ~~Director-Chief~~ of Building Services shall direct and oversee the operations of the ~~Building Services Department~~Building Services Unit and shall have all of the powers duties, and functions established for the ~~Director-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~~Director~~.

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

- ~~A. Execute the general duties as provided for department heads in Section 2.18.010;~~
- ~~B. Plan, organize, direct, and coordinate the programs, activities, and operation of the Building Services Department~~Building Services Unit;
- ~~C. Establish and maintain goals, objectives, and plans for carrying out the functions of the Building Services Department~~Building Services Unit;
- ~~D. Implement improvements or major changes in methods or levels of service delivery;~~
- ~~E. Analyze and evaluate program results as related to objectives and policy guidelines;~~
- ~~F. Review program funding needs, control program activities within budgetary limits and policies, and direct the preparation of the Building Services Department~~Building Services Unit program budgets;
- ~~G. Direct the training and professional development of the members of the Building Services Department~~Building Services Unit;
- ~~H. Coordinate the Building Services Department~~Building Services Unit's programs and services with those of other agencies and departments, both inside and outside the Resource Management Agency;
- ~~I. Advise the Board of Supervisors, County Administrative Officer, Director of the Resource Management Agency, and appointive boards and commissions on issues related to building codes;~~
- ~~J. Establish and maintain a one-stop permit processing program;~~
- ~~K. Direct the evaluation of legislation affecting the operations of the Building Services Department~~Building Services Unit;
- ~~L. Perform such other duties as may be assigned by the Director of the Resource Management Agency or County Administrator Officer or as may be required by applicable law or the ordinances or resolutions of the Board of Supervisors.~~
- ~~— Designate other individuals within the Building Services Department~~Building Services Unit to perform the duties of the Director~~Chief~~;
- 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
- M.B. Provide Aadministrative Iinterpretations of BCounty building Ccodes.

(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 Public Works and Facilities Division of 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 day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jane Parker, 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