



Monterey County Board of Supervisors

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:

Adopted Ordinance 5297 to Amend Chapter 2.80 of the Monterey County Code to clarify its purpose, to change the title of Chapter 2.80 from "Equal Opportunity and Nondiscrimination Ordinance" to "Civil Rights Ordinance," to change references to "Equal Opportunity Officer" to "Civil Rights Officer," and to update the Chapter consistent with state and federal law.

PASSED AND ADOPTED on this 9th day of January 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Salinas, Phillips and Parker

NOES: None

ABSENT: Supervisor Adams

I, Nicholas E. Chiulos, Acting 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 80 for the meeting January 9, 2018.

Dated: January 10, 2018
File ID: ORD 17-020

Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

ORDINANCE NO. 5297

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 2.80 OF THE MONTEREY COUNTY CODE RELATING TO CIVIL RIGHTS

County Counsel Summary

Existing Chapter 2.80 of the Monterey County Code reaffirms the County's commitment to nondiscrimination and equal opportunity and delegates to the County Equal Opportunity Officer responsibility for developing and implementing equal opportunity and nondiscrimination policies. This ordinance amends Chapter 2.80 to clarify its purpose, to change the title of Chapter 2.80 from "Equal Opportunity and Nondiscrimination Ordinance" to "Civil Rights Ordinance," to change references to "Equal Opportunity Officer" to "Civil Rights Officer," and to update the Chapter consistent with state and federal law.

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

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

Chapter 2.80 –CIVIL RIGHTS ORDINANCE.

Section 2.80.010 – Purpose and Findings.

A. The purpose of this Chapter is to reaffirm the County's commitment to respect civil rights, provide equal opportunities for all, and pursue equity in all County operations and services.

B. The County understands that diversity is a collection of individual attributes that together help the agency pursue organizational objectives efficiently and effectively. The County of Monterey believes the variety of perspectives resulting from such diversity helps promote innovation, creativity, and opportunities for collaboration. The County supports an organizational culture of inclusion that connects each employee to the organization so that all employees are able to participate and contribute their full potential. This culture encourages collaboration, flexibility, fairness, respect, and courtesy.

C. A broad study of the effects of diversity trainings found that mandatory diversity prevention training works to minimize biases within professional environments.

D. Despite decades of efforts, Monterey County residents may still suffer from inequities, bias, discrimination, and harassment.

E. A National Women's Law Center report found that more than one in four women experience sexual harassment in the workplace but are loath to report it. It is estimated that between 70-90% of women never file a complaint.

F. This Chapter is consistent with the Civil Rights Act of 1964, California's Fair Employment and Housing Act (FEHA) of 1959, The Americans with Disabilities Act of 1990, and cases interpreting those laws.

Section 2.80.020 – Applicability.

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

Section 2.80.030 – Definitions.

Unless otherwise expressly stated, whenever used in this Chapter, the following terms shall have the meanings set forth below:

- A. "Chapter" means Chapter 2.80 of the Monterey County Code.
- B. "County" means the County of Monterey.

Section 2.80.040 – Regulations.

- A. The County of Monterey will comply with all state, federal, and local civil rights, equal opportunity, nondiscrimination, and anti-harassment laws.
- B. All County officials and employees are responsible for maintaining a workplace and delivering services in a manner that is free from unlawful discrimination, harassment, hostile working conditions, and retaliation.
- C. 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 officials whom the Board appoints concerning their compliance with this Chapter, related adopted policies, and the Equal Opportunity Plan.

Section 2.80.050 – Enforcement.

- A. Pursuant to Chapter 2.19 of the Monterey County Code, the Civil Rights Officer is responsible for the investigation and resolution of civil rights and equal employment opportunity complaints by or against the County, its officers, employees, and agents.
- B. Duties assigned to the Civil Rights Officer under the Chapter shall be carried out by the Civil Rights Officer or his or her designee.

C. In furtherance of the purposes of this Chapter, the Board of Supervisors shall direct and delegate to the Civil Rights Officer responsibility for developing, revising, and implementing equal opportunity and nondiscrimination policies.

D. The Board of Supervisors shall direct and delegate to the Civil Rights Officer responsibility for developing, revising, and implementing appropriate procedures to enforce this Chapter and policies adopted to implement this Chapter.

E. The Board of Supervisors shall adopt by resolution policies to implement this Chapter in furtherance of its commitment to equal opportunity and nondiscrimination, including, but not limited to, the following:

1. Nondiscrimination Policy;
2. Sexual Harassment Policy;
3. Language Access and Effective Communication Policy; and
4. Reasonable Accommodation Policy.

SECTION 2. Severability

If any section, subsection, 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 regardless of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 3. Effective Date

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

PASSED AND ADOPTED on this 9th day of January 2018, by the following vote:

AYES: Supervisors Alejo, Salinas, Phillips and Parker

NOES: None

ABSENT: Supervisor Adams

ABSTAIN: None

/s/ Luis Alejo
Luis Alejo
Chair, Monterey County Board of Supervisors

A T T E S T:

NICHOLAS E. CHIULOS
Acting Clerk of the Board

By: /s/ Denise Hancock
Deputy

APPROVED AS TO FORM:

/s/ Wendy S. Strimling

WENDY S. STRIMLING
Senior Deputy County Counsel