



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 15-0209, **Version:** 1

Provide direction to staff on a preferred option regarding the operation of the Permit Streamlining Task Force. Staff has identified three options for the Board to consider:

- a. Take no action, and the Permit Streamlining Task Force would continue to operate as a volunteer private group that advises County staff on land use permit process issues (operation, organization, fees) but has no official role with the County; or
- b. Direct staff to return for formal Board action officially forming a group with Board-appointed members; or
- c. Take no action, and the Permit Streamlining Task Force decides on its own to disband.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Provide direction to staff on a preferred option regarding the operation of the Permit Streamlining Task Force. Staff has identified three options for the Board to consider:

- a. Take no action, and the Permit Streamlining Task Force would continue to operate as a volunteer private group that advises County staff on land use permit process issues (operation, organization, fees) but has no official role with the County; or
- b. Direct staff to return for formal Board action officially forming a group with Board-appointed members; or
- c. Take no action, and the Permit Streamlining Task Force decides on its own to disband.

SUMMARY:

Following a Grand Jury Report in 2004 that identified issues with the County's land use process, representatives from local builder's exchanges as well as local contractors, architects and engineers formed a group to consult with staff on the County's land use permit process (Exhibit A - 2006 Article). This group was called the Permit Streamlining Task Force. Over time the Task Force came to be referred to as the Streamlining Taskforce because it considered more than just the permit process. In 2013, the question arose whether the Brown Act should apply to the Task Force given its evolving role, such as reviewing draft ordinances. Staff is seeking direction from the Board about the future operation of the Task Force. If the group is to have an official role, then it should be created as an official body of the County, which would make it subject to the Brown Act. If the group is not an official body of the County, then it should be treated as any other private group, have no special role, and receive no staffing by County. Three options staff identified, include:

- a. The group would continue to operate as a volunteer private advisory group providing its advice to staff on permit process issues; the group would have no official advisory role and would not be subject to the Brown Act.
- b. The Board would officially form a group with Board-appointed members to address matters that affect land use, including draft ordinances; meetings would be subject to the Brown Act.

c. The Streamlining Task Force could, at its option, disband.

DISCUSSION:

The current Task Force requested that staff ask the Board of Supervisors the following questions:

a. Does the Board feel there is a benefit to the current Permit Streamlining Task Force and as such would like it to remain in its current form as a non-Brown Act volunteer group providing input to staff on permit streamlining issues?

b. Does the Board feel that there is a benefit to having a Permit Streamlining Committee formed officially which would become then a “Brown Act” governed committee with the seats potentially filled with Board appointed individuals?

c. Does the Board not need or want a permit streamlining committee?

The Brown Act applies to advisory bodies created by formal action of the County with continuing subject matter jurisdiction. If the Task Force were to remain a volunteer advisory group not subject to the Brown Act, then to avoid any legal issues in regard to the Brown Act, expenditure of public funds, or due process, the role of the group would be limited. It would be limited on the type of items addressed and how its comments are characterized when presented to decision makers and how staff interacts with it. The group would have no official role, would receive no staff support, and would be treated like any other private group who seeks to meet with staff or decision-makers. If the Board desires for the Permit Streamlining Task Force to have an official advisory role, the Board should officially form the Permit Streamlining Task Force. As a Board-created body of the County, it would be subject to the Brown Act, but it would have a recognized role and could provide recommendations to the decision makers. Staff finds that having the ability to consult these stakeholders on permit process matters is helpful to understand how our operations are perceived.

The Task Force to date has created a private/public partnership bringing various perspectives (contractors/developers, builders exchange, architects, engineers, land use professionals, county staff, etc.) together for the betterment of the County permitting process. Representatives from various segments of the development community have volunteered many hours to work with staff to better understand the regulatory limits and explore opportunities to improve the process that work for everyone. This relationship helped to significantly improve communication between these groups. With changes in the leadership of permitting agencies, this group provided consistency to avoid re-inventing the wheel. The make-up of the group has worked well and adds valuable input how prospective changes (process, fees, etc.) could impact [economic] development in Monterey County. Some specific accomplishments resulting from working with this group include, but are not limited to: Permit Flow Chart (brochure), Revised LUAC Guidelines, Over-the-Counter Plan Check, Staking and Flagging Criteria, and Land Use Fee Updates.

Currently, the Task Force is responsible for developing their agenda and keeping their own minutes. Staff gets invited to attend meetings and respond to questions/comments from members. This dialog helps Task Force members better understand County operations, and County staff better understand possible impacts of proposed actions to the development industry.

OTHER AGENCY INVOLVEMENT:

Departments/agencies that have met regularly with the Taskforce include: Resource Management Agency (Planning, Building Services, Environmental Services, Public Works), Environmental Health Bureau, and Monterey County Regional Fire District.

FINANCING:

Staff time would be associated with attending meetings and working on matters of interest to the Task Force. This work is considered part of the public service staff provides to members of the public, so there is no new cost associated with this effort. A Brown Act Committee would require staff time to prepare agendas and minutes for the Committee. This could be completed using existing staff that avoids added cost but would take time from completing other tasks. Staff setting the Task Force agendas can help establish priorities for activities and reduce conflict with other project timelines.

Approved by:

Carl P. Holm, AICP, Acting RMA Director

Attachment: Exhibit A-2006 Article (Attachment on file with the Clerk of the Board)

cc: Front Counter; Board of Supervisors; County Counsel; Nick Chiulos; RMA-Planning; RMA-Public Works; RMA-Building Services; RMA-Environmental Services; Environmental Health Bureau, Economic Development, County Parks; Fire (Brennan Blue, Dorothy Priolo), Streamlining Taskforce c/o Ernie Mills