

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 2 OF THE SONOMA COUNTY CODE AS FOLLOWS: AMENDING DIVISION 2 OF ARTICLE II TO REDISGNATE THE POSITION OF COUNTY ADMINISTRATOR AS COUNTY EXECUTIVE; MAKING CORRESPONDING CHANGES TO THE REMAINING DIVISIONS IN CHAPTER 2, ARTICLE II TO SHIFT THE SUPERVISIONS OF THE MAJORITY OF THE COUNTY'S DEPARTMENT AND AGENCY HEADS UNDER THE COUNTY EXECUTIVE; AND CHANGING THE APPOINTING AUTHORITY FOR CERTAIN DEPARTMENT AND AGENCY HEADS FROM THE BOARD OF SUPERVISORS TO THE COUNTY EXECUTIVE

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. *Legislative Purpose.* The Board of Supervisors ("Board") adopted a five-year Specific Plan in March 2021. The Specific Plan consists of five pillars, including Organizational Excellence. The Organizational Excellence pillar commits the County to providing superior public service to Sonoma County residents. The Board finds that in order to serve Sonoma County residents and fulfill the County's state and federal mandates, the County organization must be efficient and effective, fiscally responsible, and accountable. The Board further finds that shifting the oversight and supervision of the County's department and agency heads under the County Administrator creates operational efficiencies and improves the organization's overall effectiveness. Accordingly, the Board desires to strengthen the County's operational effectiveness and accountability by shifting appointing authority for certain department heads and delegating daily oversight and supervision of all department and agency heads to the county administrator, except where otherwise provided by state law. The Board further desires to denote this shift by redesignating the head of the county administrator's office as the "county executive."

Section II. *Amendments to Division 2 of Article II of Chapter 2 of the Sonoma County Code.* Division 2 of Article II of Chapter 2 of the Sonoma County Code is hereby repealed and replaced to read in its entirety as follows:

"Division 2. - County Administrator.

Sec. 2-6. - Generally—Appointment—Compensation.

There is in the county an office designated as "county administrator." Such office is a part of the classified service under the county civil service regulations. The board of supervisors shall appoint the county administrator, with a salary set by such board, and the position shall be formally designated as the "county executive."

Sec. 2-7. - Qualifications.

In addition to other qualifications provided by law or ordinance, the county executive shall have demonstrated administrative ability evidenced by at least five (5) years of responsible administrative or executive experience requiring the planning and execution of work programs or administrative operations, the budgeting and control of expenditures, and the coordination of varied activities; at least two (2) of such five (5) years shall have involved responsibilities for reporting to or working with a legislative body or policy making board. No member of the board of supervisors or the county shall be eligible for appointment as county executive during the term for which they have been elected or appointed, or for one (1) year thereafter.

Sec. 2-8. – Powers, duties and responsibilities.

Under the supervision and control and subject to the direction of the board of supervisors, the county executive shall have the following power, duties and responsibilities:

- (a) Advise, assist, act as agent for and be responsible to the board of supervisors for the prompt and efficient administration and execution of all those aspects of county government over which the board exercises control and direction, and oversee the faithful execution of the ordinances, orders and regulations of such board.
- (b) Supervise, direct and coordinate the administration of all county offices, departments and institutions, and the official conduct of all county officers and officers of all districts and subdivisions of the county, as to all matters over which the board has responsibility and control.
- (c) Make such studies or investigations of matters within the scope of operations of the board as such board may direct, and may make such studies or investigations of such matters as will promote economy or efficiency in government of the public welfare. May require any county officer or the head of any county institution or department to report upon or assist in such studies or investigations.
- (d) Make recommendations to the board of supervisors concerning any matter within the scope of such board's operations and authority.
- (e) Prepare and recommend to the board of supervisors an annual budget for all departments and agencies for which the board of supervisors is responsible. Review all requests for appropriations, requests for budget transfers, and requests for new positions, and make recommendations to the board thereon prior to action by such board upon such requests.
- (f) Review and make recommendations to such board concerning all appointments to, or suspensions, or removals from any office or employment with respect to which the board acts as appointing authority.

- (g) Within the limitations established by law or by the board, oversee all central administrative services and supervise department heads of the county's agriculture, weights and measures department; child support services department; community development commission; economic development board; emergency management; department of health services; human resources department; human services department; Independent Office of Law Enforcement Review and Outreach; information systems department; Permit Sonoma; public defender; public infrastructure department; probation department; and regional parks department; and for any other county position designated by resolution or ordinance of the board.
- (h) Be appointing authority (appoint and dismiss authority) for the executive director of the community development commission; the director of economic development; the emergency management director; the equity officer; the director of health services; the human resources director; the human services director; the director of information services; the director of Permit Sonoma; the director of public infrastructure; the director of regional parks; and for any other county position designated by resolution or ordinance of the board.
- (i) Evaluate all department heads' performance, except for elected department heads. The county executive will solicit general input from the entire board for such evaluations. For department heads appointed by the board but over which the county executive exercises supervisory authority pursuant to subdivision (g) of this section, the county executive shall also make recommendations to the board on the hiring, discipline, or termination of such department heads.
- (j) Supervise, direct and coordinate all human resource functions not specifically governed by the civil service ordinance, such as risk management, employee benefits, labor relations and countywide training, and may delegate such functions to any county officer, department head or employee.
- (k) When authorized by the board, represent the county in its implementation of the legislative program and overall intergovernmental relationships.
- (l) Recommend to the board a long-term capital improvement program including project priorities, costs and methods of financing.
- (m) Attend the meetings of the board and may participate in the discussion of any subject before such board, but shall have no vote.
- (n) Perform such other services and duties as the board may direct and shall keep the board fully advised of all matters which come to his or her attention which may be pertinent to the discharge of the board's responsibilities.
- (o) Pursuant to Government Code section 29090, the county executive is delegated the authority to authorize transfers within the budget, provided such transfers are within major budget categories.

- (p) Serve as representative of the board of supervisors to meet and confer with representatives of recognized employee organizations in the County's labor relations activities.
- (q) Freeze and unfreeze any vacant county position for reasons of economy or efficiency and be responsible for the control and assignment of extra help.
- (r) Perform all of the duties of the clerk of the board.

Sec. 2-9. - Appeals from decisions of county executive.

Any officer, official, board, commission, or department head appointed by the board of supervisors who is dissatisfied with any decision of the county executive affecting such person or body, and who appeals such decision to the board of supervisors, shall provide the county executive with a written statement of their intention to appeal to the board of supervisors with the general reasons therefor.

Sec. 2-10. - Construction and interpretation of division.

No provision of this division is intended to vest in the county executive any duty or grant to them any power or authority which is vested by law in any other county officer or employee. Nothing herein shall be construed to delegate to the county executive any authority or duty required to be exercised or performed by the board of supervisors. The county executive shall have no power to bind, obligate or commit the county or the board of supervisors of the county in connection with any contractual obligation. Nothing contained in this section shall preclude the board of supervisors from delegating to the county executive any legally delegable duty or authority which such board may from time-to-time judge proper.”

Section III. *Amendments to Section 2-10.1 of Division 2-A of Article II of Chapter 2 of the Sonoma County Code.* Section 2-10.1 (Clerk of the Board of Supervisors) of Division 2-A of Article II of Chapter 2 of the Sonoma County Code is hereby amended to read as follows:

“Sec 2-10.1. - Appointment of the clerk of the board of supervisors.

The office of clerk of the board of supervisors is hereby separated from the office of county clerk. The position of clerk of the board of supervisors shall be filled by appointment by this board. The county executive is appointed to act as clerk of the board of supervisors, and the duties of the clerk of the board of supervisors are hereby consolidated with the duties of the county executive.”

Section IV. *Section 2-17.1 added to Division 4 of Article II of Chapter 2 of the Sonoma County Code.* New Section 2-17 is hereby added to Division 4 of Article II of Chapter 2 of the Sonoma County Code to read as follows:

“Sec. 2-17.1 - Supervision.

The public defender shall report to and be supervised by the county executive.”

Section V. *Amendments to Division 8 of Article II of Chapter 2 of the Sonoma County Code.* Division 8 of Article II of Chapter 2 of the Sonoma County Code is hereby repealed and replaced to read in its entirety as follows:

“Division 8. - Road Commissioner.

Sec. 2-26. - Office established.

There is hereby created and established the office of county road commissioner of and for the county.

Sec. 2-27. - Repealed by Ord. No. 5336 § 3.

Sec. 2-28. - Transfer of all duties of road commissioner to county director of public infrastructure and elimination of the office of county road commissioner.

Pursuant to Streets and Highways Code § 2006.1, all duties of the county road commissioner are transferred to the county director of public infrastructure, who oversees transportation and public works. The office of county road commissioner of Sonoma County is abolished. 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 the director public infrastructure. The director of public infrastructure shall not be required to have any special permit, registration, or license.

Sec. 2-28.1. - Acquisition of real property interests of \$25,000 or less.

- (a) Pursuant to the provisions of Government Code Section 25350.60 and subject to the procedures specified in this section, the director of public infrastructure is hereby authorized to perform all acts necessary to approve and accept for the county the acquisition of any interest in real property in connection with the construction, maintenance and repair of county roads, bridges and other public facilities, where the purchase price for such interest does not exceed twenty-five thousand dollars (\$25,000.00).
- (b) The director of public infrastructure may approve and accept the acquisition of any such interest in real property only if such acquisition meets all of the following conditions:
 - (1) is necessary for the construction, maintenance or repair of county roads, bridges or other public facilities maintained by the department of transportation and public works; and
 - (2) the appropriate environmental review pursuant to the California Environmental Quality Act and/or the National Environmental Policy Act has been completed; and

- (3) the fair market value of the real property interest to be acquired has been determined by an appraisal or some other generally accepted industry standard or method of valuation; and
 - (4) funding for the acquisition has been appropriated and is available; and
 - (5) the transaction complies with all applicable state and federal laws and regulations pertaining to the acquisition of real property by a county.
- (c) The form of any deed or other instrument conveying any interest in real property shall be approved by county counsel.
- (d) The acquisition under this section of any interest in real property for street or road widening or alignment projects, where such widening or alignment is of a minor nature, shall not be subject to the provisions of Government Code Section 65402.
- (e) Upon acceptance of any deed or grant, the director of public infrastructure shall be authorized to execute a certificate of acceptance substantially in the form specified in Government Code Section 27281 (or any successor statute thereto), and shall transmit the instrument to the county recorder for recording. The county recorder is hereby authorized to record the instrument at no cost to the county in accordance with applicable law, including Government Code Section 27383. This section shall not limit the authority of the director of transportation and public works to accept on behalf of the county deeds and easements to facilitate road improvements that do not involve financial compensation pursuant to Government Code Section 27281 and Resolution No. 95-0431, adopted by the board of supervisors on April 11, 1995.
- (f) The authority granted by this section shall include signature authority on all documentation required to approve and accept for the county the acquisition of the real property interests, including, but not limited to, right-of-way contracts, purchase agreements, permanent easements, temporary construction easements, escrow documents, and all other related documents that would normally be executed by the chair of the board of supervisors in order to effectuate the transfer of real property to the county, on condition of approval of county counsel as to the subject document or instrument.
- (g) Pursuant to Government Code Section 25350.60, the authority granted by this section shall expire five (5) years from the date it takes effect, unless such authority is renewed or extended by a subsequent ordinance of the board of supervisors. Upon the expiration of this authority, the director of transportation and public works shall submit to the board of supervisors a summary report of the property interests acquired under this authority.

Sec. 2-29. – Repealed by Ordinance No. 5336 § 3.

Sec. 2-30. – Repealed by Ordinance No. 5336 § 3.

Sec. 2-31. – Repealed by Ordinance No. 5336 § 3.

Sec. 2-32. – Repealed by Ordinance No. 5336 § 3.

Sec. 2-33. - Road districts consolidated.

All road districts in the county, that is, supervisorial district No. 1, supervisorial district No. 2, supervisorial district No. 3, supervisorial district No. 4, supervisorial district No. 5, and all of such road districts, are hereby consolidated into a road district to be hereinafter known as "Sonoma County road district," excluding, however, any area contained therein as incorporated area.

Such road districts are consolidated for the purpose of carrying out the provisions of this division.”

Section VI. *Section 2-33.13 of Division 10 of Article II of Chapter 2 of the Sonoma County Code.* Section 2-13.13 of Division 10 of Article II of Chapter 2 of the Sonoma County Code is hereby amended to read as follows:

“Sec. 2-33.13. - Consolidation of duties of agricultural commissioner and sealer of weights and measures.

The duties of county agricultural commissioner and the duties of county sealer of weights and measures are consolidated as of October 25, 1984. The office may be known as agricultural commissioner - sealer. The agricultural commissioner – sealer shall be appointed by the board of supervisors and shall be supervised by and report to the county executive.”

Section VII. *Section 2-33.15 of Division 10 of Article II of Chapter 2 of the Sonoma County Code.* Section 2-13.15 of Division 10 of Article II of Chapter 2 of the Sonoma County Code is hereby amended to read as follows:

“Sec. 2-33.15. - Consolidation of the duties of the clerk of the board of supervisors with the duties of the county executive

The duties of the clerk of the board of supervisors are hereby consolidated with the duties of the county executive.”

Section VIII. *Amendments to Section 2-75 of Article VI of Chapter 2 of the Sonoma County Code.* Section 2-75 (Established) of Article VI (Planning Agency) of Chapter 2 of the Sonoma County Code is hereby amended to read as follows:

“Sec. 2-75. - Established.

There is hereby established a planning agency which shall include a county planning department to be known and designated as “Permit Sonoma,” a county planning

commission, and a county board of zoning adjustments, and said planning agency shall serve as the Sonoma County planning agency.”

Section IX. *Amendments to Section 2-80 of Article VI of Chapter 2 of the Sonoma County Code.* Section 2-75 (Appointment; powers and duties of the planning director) of Article VI (Planning Agency) of Chapter 2 of the Sonoma County Code is hereby amended to read as follows:

“Sec. 2-80. - Appointment, powers and duties of planning director.

The planning director shall be appointed by the county executive. The planning director shall perform those duties and exercise those powers delegated to him by the planning and zoning law and other acts of the legislature, and such other powers and duties as may, from time to time, be delegated to him by the board of supervisors pursuant to Article VI, Section 11 of the California Constitution.”

Section X. *Global replacement of the term “County Administrator” with “County Executive.* Except as otherwise provided in this Ordinance, the term “county administrator” is hereby replaced with the term “county executive” wherever it appears in the Sonoma County Code.

Section XI. *Global replacement of the gender specific pronouns with gender neutral pronouns.* The terms “he/his,” “she/her,” “he/she,” and “his/her” are hereby replaced with the gender-neutral terms “they/their,” as appropriate, wherever those terms appear in the Sonoma County Code.

Section XII. *Reconciliation of the terms “Permit Sonoma” and “Permit and Resource Management Department”.* Wherever the terms “Permit and Resource Management Department” or “PRMD” appear in the Sonoma County Code they shall be presumed to mean and include “Permit Sonoma”.

Section XIII. *Reconciliation of the terms “General Services” and “Transportation and Public Works”.* Wherever the terms “General Services,” “Transportation and Public Works” or “TPW” appear in the Sonoma County Code they shall be presumed to mean and include “Public Infrastructure”.

Section XIV. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section XV. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in, a local newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 26th day of March, 2024, and finally passed and adopted this 16 day April, 2024, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin:	Coursey:	Gore:	Hopkins:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

M. Christina Rivera,
Clerk of the Board of Supervisors