

Legislative Digest of Proposed
Revisions to Sonoma County Code Chapter 2, Article II

Article II. - Officers and Employees Generally.

Division 1. - Generally.

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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 ~~administrator~~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 ~~administrator~~executive during the term for which ~~he~~ they ~~has~~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 ~~administrator~~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 ~~of supervisors~~ has responsibility and control.
- (c) Make such studies or investigations of matters within the scope of operations of the board ~~of supervisors~~ 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 ~~in which efficiency economy or the public welfare may be promoted~~.
- (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, ~~and shall exercise continuous budgetary control after the adoption of such budget~~. Review all requests for appropriations, requests for budget transfers, and requests for new positions, and make recommendations to the board ~~of supervisors~~ 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 ~~of supervisors~~ acts as appointing authority.
- (g) Within the limitations established by law or by the board, Oversee ~~oversee~~ all central administrative services and supervise department heads of the county's ~~general services~~ agriculture, weights and measures department; human services, child support services department; community development commission; economic development board; emergency management; probation 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 information services departments regional parks department; and for any other county position designated by resolution or ordinance of the board ~~of supervisors~~.
- (h) Be appointing authority (appoint and dismiss authority) for ~~the general services director, the information systems director, 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; child support, human resources, the director of information services; the director of Permit Sonoma; public defender, the emergency manager the director of public infrastructure; the director of regional parks;~~ and for any other county position designated by resolution or ordinance of the board ~~of supervisors~~.
- (i) Evaluate all department heads' performance, except for elected department heads ~~over which the county administrator exercises appointing authority~~. The county ~~administrator executive~~ will solicit general input from the entire board ~~of supervisors before conducting~~ 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 ~~of supervisors~~, represent the county in its implementation of the legislative program and overall intergovernmental relationships.
- (l) Recommend to the board ~~of supervisors~~ a long-term capital improvement program including project priorities, costs and methods of financing.
- (m) Attend the meetings of the board ~~of supervisors~~ 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 ~~of supervisors~~ may direct and shall keep the board ~~of supervisors~~ 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 ~~administrator~~ 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 ~~of supervisors~~.

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

Any officer, official, board, commission, or department head appointed by the board ~~of supervisors~~ who is dissatisfied with any decision of the county ~~administrator~~ executive affecting such person or body, and who appeals such decision to the board ~~of supervisors~~, shall provide the county ~~administrator~~ executive with a written statement of ~~his~~ 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 ~~administrator~~ executive any duty or grant to ~~him~~ 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 ~~administrator~~ executive any authority or duty required to be exercised or performed by the board ~~of supervisors~~. The county ~~administrator~~ 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 ~~administrator~~ executive any legally delegable duty or authority which such board may from time-to-time judge proper.

Division 2-A. - Clerk of the Board of Supervisors

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 ~~administrator~~ 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 ~~administrator~~ executive.

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Division 4. - Public Defender.

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Sec. 2-17.1. – Supervision.

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

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Division 8. - Road Commissioner.^[11]

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 ~~transportation and public works~~ 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 ~~of transportation and~~ public

~~works~~infrastructure. The director of ~~transportation and~~ public ~~works~~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 ~~transportation and~~ public ~~works~~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 ~~transportation and~~ public ~~works~~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 ~~transportation and~~ public ~~works~~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.

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Division 10. Consolidation of Offices

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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.

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

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

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Article VI. - Planning Agency.

Sec. 2-75. - Established.

There is hereby established a planning agency which shall consist of 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.

Sec. 2-76. - Composition.

The county planning agency consists of two (2) planning commissions, which shall be known as the Sonoma County planning commission and the board of directors of the Sonoma County agricultural preservation and open space district, a board of zoning adjustments, which shall be known as the Sonoma County board of zoning adjustments, and a planning department. The board of directors of the Sonoma County agricultural preservation and open space district shall constitute an additional planning commission solely for the purpose of making the general plan conformity reports, as required by Government Code section 65402, for the district's acquisition of open space interests in real property in the unincorporated area of Sonoma County, and any related transactions including, but not limited to, those that result in an acquired interest being held by another public entity.

Sec. 2-77. - Powers and duties.

The county planning agency, county planning commission, county board of zoning adjustments and the county planning department shall perform those duties and exercise those powers delegated to it by the Planning and Zoning Law and other acts of the legislature and such additional powers and duties as may, from time to time, be delegated to it by the board of supervisors pursuant to Article VI, Section 11 of the California Constitution.

Sec. 2-78. - Composition of planning commission—Appointment, term and removal of appointees.

The county planning commission shall consist of one resident from each supervisorial district appointed by the board of supervisors. Such appointments shall be accomplished by resolution, with resolution shall provide the term of each appointee. Any or all appointees may be removed from office at any time by the board of supervisors, with or without cause.

Sec. 2-79. - Composition of board of zoning adjustments—Appointment, term and removal of appointees.

The county board of zoning adjustments shall consist of one resident from each supervisorial district appointed by the board of supervisors. Such appointments shall be accomplished by resolution, which resolution shall provide the term of each appointee. Any or all appointees may be removed from office at any time by the board of supervisors, with or without cause.

Sec. 2-79.5. - Rotation and substitution of appointees to planning commission and board of zoning adjustments.

The planning director shall establish a rotation schedule such that (1) each appointee sits on the board of zoning adjustments for six (6) months each year and on the planning commission for six (6) months each year, and (2) no appointees from the same supervisorial district simultaneously sit together on the board of zoning adjustments or planning commission.

In the event that an appointee gives notice to the planning director prior to the meeting that the appointee will not attend a meeting, the other appointee from the same supervisorial district may sit and act in place of the absent appointee at that meeting. In addition, any appointee, who does not wish to act on a quasi-judicial matter because that appointee has not been present throughout the entire hearing due to the rotation schedule, may refuse to participate on the matter and the other appointee from the same supervisorial district may sit and act on the matter.

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

The planning director shall be appointed by the ~~board of supervisors~~ county executive ~~in accordance with Section 65201 of the Government Code~~. 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.

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