

Assignment Overview

Subject: Ordinance revisions for CDA reorganization

Question: Requesting review of proposed amendments to reflect the reorganization of the CDA into separate department of Environmental Management, Planning and Building, and Transportation.

Additional:

Contacts

Planning

Key Players

County Counsel Information

Assignment #: 2017-0140

File Number: Department
029.167.A
PLANNING-Ordinances (Regarding 2004 General Plan Implementation)

Court Case

Dates

Received: 3/15/17 Assigned: 3/15/17

Due: Closed:

Classification

Status: Open Closed By:

Indicator:

Work Flow

Assigned To David Livingston FYI

Log Time For: Projects

Project Name Planning

Project Phase 290200-Planning

Project Task

Company EL DORADO COUNTY COUNSEL

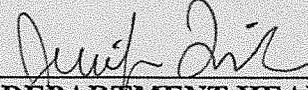
CAO?

3/25/17: PLEASE SCAN AND THEN RETURN ORIGINAL TO DEPARTMENT SO THEY CAN SEE ANY HANDWRITTEN COMMENTS. LOPE REVISIONS. DL

**REQUEST TO COUNTY COUNSEL
FOR LEGAL SERVICES
(Please put on Lavender Paper)**

TO: COUNTY COUNSEL

DATE: 3/15/2017

FROM: 

DEPARTMENT HEAD SIGNATURE
(Request must be approved by Dept. Head)

CONTACT PERSON: Jennifer Franich

TELEPHONE: x7539

INDEX CODE: _____ (If Index Code is blank we will assign to general index code for the department)

TYPE OF SERVICE REQUESTED: Ordinance

(Advice, Opinion, Analysis, Review, Litigation, Personnel, Evaluation, Ordinance, Resolution, Approval, Subpoena Preparation and/or detail review of Contract/Agreement, etc.)

Note: Requesting department must make every effort to find out if this legal services request or a related request has been made in the past prior to making a new request thereby reducing duplicating research/review work. If a related request has been made, please advise below.

SUBJECT: Ordinance revisions for CDA reorganization.

SPECIFIC LEGAL QUESTION(S)/LEGAL ACTION REQUESTED: (Please summarize request and include any attachments. Do not just say "see attached".)

Requesting review of proposed amendments to El Dorado County Ordinance Code Titles 1, 2, 6, 8, 9, 10, 12, 110, 120, 130 to reflect the reorganization of the Community Development Agency into separate departments of Environmental Management, Planning and Building, and Transportation. The ordinance includes specific changes to the organizational structure of CDA as well as updated references to departments, divisions, and designated department heads.

BACKGROUND/DISCUSSION: (Submit all relevant documents. Letter/Memo may be attached in lieu of written discussion.)

On February 28, 2017, the Board voted to approve the conceptual reorganization of the Community Development Agency to create the Departments of Planning and Building, Environmental Management, and Transportation, and Community Development Services Administration and Finance, and deleting the CDA Director, Assistant CDA Director, Transportation Division Director, Environmental Management Division Director, and Development Services Division Manager. The Board also directed staff to revise and update the County Code to reflect the changes in organizational structure, and return to the Board for adoption of affected ordinances and any required resolutions within 45 days. These changes accomplish that. All documents can be viewed in legistar (File #17-0202).

RELATED MATTERS: _____

ANY HEARING/MEETING DEADLINE DATE TO BE MET: _____

DATED: _____

EL DORADO COUNTY COUNSEL
2017 MAR 15 AM 11:09



ORDINANCE NO. _____

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. The Board of Supervisors finds and determines that amendments to El Dorado County Ordinance Code Titles 1, 2, 6, 8, 9, 10, 12, 110, 120, 130 are necessary to reflect the reorganization of the Community Development Agency into separate departments of Environmental Management, Planning and Building, and Transportation under a shared services model.

Section 2. References throughout the El Dorado County Ordinance Code shall be updated to reflect the new organizational structure, as follows:

Current Reference	Replace with...
Environmental Management Division Director	Director of Environmental Management
Environmental Management Division of the Community Development Agency	Department of Environmental Management
Environmental Management Division	Department of Environmental Management
Development Services Division Director	Director of Planning and Building
Director of Development Services	Director of Planning and Building
Development Services Department	Department of Planning and Building
Development Services Division of the Community Development Agency	Department of Planning and Building
Development Services Division	Department of Planning and Building
Transportation Division Director	Director of Transportation
Transportation Division of the Community Development Agency	Department of Transportation
Director of the Transportation Division of the Community Development Agency	Director of Transportation
Community Development Agency Director	Chief Administrative Officer or his or her designee

Section 3. Chapter 2.12, 2.14, 2.18, and 2.19 of Title 2; Chapter 6.24 of Title 6; Chapter 8.20 of Title 8; and Chapter 9.02 of Title 9 of the El Dorado County Ordinance Code are hereby renamed, amended, and/or repealed as follows:

Sec. 2.12.070. - Transfer of Road Commissioner duties.

Pursuant to Streets and Highways Code § 2006.1, the office of Road Commissioner is abolished and all duties of the Road Commissioner are transferred to the Director of ~~the Community Development Agency~~ Transportation.

CHAPTER 2.14. - APPOINTED OFFICERS AND DEPARTMENT HEADS

Sec. 2.14.010. - Designation of appointed department heads.

A. The following appointed positions are hereby designated as department heads pursuant to Section 404 of the County Charter:

1. Clerk of the Board of Supervisors.
2. Director of Child Support Services.
- ~~3. Community Development Agency Director.~~
3. Director of Environmental Management
4. Health and Human Services Agency Director.
5. Director of Human Resources.
6. Director of Information Technologies.
7. Director of Library Services.
8. Director of Planning and Building
- ~~8.~~ 9. Public Defender.
10. Director of Transportation

B. The positions of Chief Administrative Officer, County Counsel, Agricultural Commissioner/Sealer of Weights and Measures, and Chief Probation Officer are not designated as department heads under this section, although they do direct departments, because they are specifically provided for elsewhere in the County Charter. Similarly, elected officers of the County are provided for elsewhere in the County Charter.

~~C. Any reference in this Code to the Community Development Director, Development Services Director, Environmental Management Director, the Director of Public Works, or the Director of Transportation shall be understood to refer to the Community Development Agency Director or his or her qualified designated representative.~~

~~D.C.~~ Any reference in this Code to the Director of the Area Agency on Aging, the Director of Community Services, the Director of Social Services or the Director of Welfare, shall be understood to refer to the Health and Human Services Agency Director or his or her qualified designated representative.

CHAPTER 2.18. - COMMUNITY DEVELOPMENT-AGENCY SERVICES

~~Sec. 2.18.010. Establishment; consolidation of departments.~~

~~There is established a Community Development Agency consisting of a consolidation of the former Development Services Department, Environmental Management Department and Department of Transportation. Any reference in this Code to the Development Services Department shall be understood to refer to the Community Development Agency. Any reference in this Code to the Development Services Director or Community Development Director shall be understood to refer to the Community Development Agency Director or his/her designated representative.~~

Sec. 2.18.020010. - Purpose.

The purpose of Community Development Agency Services is created to consolidate the Development Services Department of Planning and Building, Environmental Management Department and Department of Transportation under a shared services model while retaining the independent functions of the Departments.

Sec. 2.18.030020. - ~~Divisions: Departments.~~

~~Within the Community Development Agency Services, there shall be created a Development Services Division Planning and Building Department, Environmental Management Division Department, and Department of Transportation Division. Where referenced in state statute or elsewhere in this Code, the Community Development Agency Director or his/her designated representative shall serve as the Planning Director, Zoning Administrator, Executive Secretary to the Planning Commission, and Road Commissioner.~~

- A. Director of Planning and Building. The Planning and Building Department shall be administered by a county officer to be known as the Director of Planning and Building, who shall be appointed by the Board of Supervisors and shall hold office at the pleasure of the Board of Supervisors. Where referenced in state statute or elsewhere in this Code, the Director of Planning and Building or his/her designated representative shall serve as the Planning Director, Zoning Administrator, and Executive Secretary to the Planning Commission.
- B. Director of Transportation. The Department of Transportation shall be administered by a county officer to be known as the Director of Transportation, who shall be appointed by the Board of Supervisors and shall hold office at the pleasure of the Board of Supervisors. Where referenced in state statute or elsewhere in this Code, the Director of Transportation or his/her designated representative shall serve as the ~~and~~ Road Commissioner.

AND COUNTY ENGINEER ?

Sec. 2.18.040. - Building Official.

Where used in this Code or in the California Building, Plumbing, Mechanical and Housing Codes and the National Electrical Code, the term "Building Official" means the Chief Building Inspector, who shall serve as the supervisor of the Building Safety Division. The Chief Building

Inspector shall serve under the administrative authority of the ~~Community Development Agency~~ Director of Planning and Building, but shall have the primary responsibility for interpreting and administering the California Building Standards Code as the Building Official.

Sec. 2.18.050. - Powers and duties of Chief Building Inspector.

The powers and duties of the Chief Building Inspector shall be as follows:

- A. To enforce all the provisions of law, this Code, and the other rules and regulations pertaining to the installation, erection, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition or arrangement of structures and systems identified in the California Building Standards Code. The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety, as they apply to Group R, Division 3 dwellings, as described in Section 310.1 of Part 2 of the California Building Standards Code, are delegated to the Chief Building Inspector of the County;
- B. To review applications for construction permits, issue permits, collect fees therefor, make inspections, issue certificates of occupancy and such other functions as are imposed on the Chief Building Inspector by the codes referenced in this chapter, either in person or by such assistants, deputies, or employees authorized by the ~~Development Services Division of the Community Development Agency~~ Department of Planning and Building;
- C. To inspect the installation of manufactured homes for compliance with applicable State and local laws and ordinances;
- D. To collect and deposit fees as directed by County ordinance;
- E. To perform such other duties as may be assigned by the ~~Community Development Agency~~ Director of Planning and Building.

Sec. 2.18.060. - Purpose.

The purpose of the building code and the implementation by the Chief Building Inspector is to provide minimum standards to safeguard life or limb, health, property or public welfare by regulating and controlling the design, construction, quality of material, use and occupancy, location, the installation and maintenance of electrical installations, plumbing installations, and heating and mechanical installations of all buildings and structures and certain equipment specifically regulated in this chapter and to provide for their enforcement by the Building Inspection Division.

Sec. 2.18.070. - Coordination of Health Department and Environmental Health Division.

The Board of Supervisors directs the ~~Community Development Agency Director~~ Chief Administrative Officer or his or her designee to ensure that the Environmental Health Division of the ~~Community Development Agency~~ Environmental Management Department and the Health Services Division of the Health and Human Services Agency maintain close communication and

effective coordination of operations in order to ensure an efficient and adequate overall public health program in the County.

CHAPTER 2.19. - ENVIRONMENTAL MANAGEMENT ~~DIVISION~~

Sec. 2.19.010. - Establishment; ~~consolidation of Division.~~

There is established an Environmental Management Department ~~Division within the Community Development Agency~~ consisting of vector control (CSA) and environmental health and waste materials management programs. Any reference in this Code to Environmental Health Department; or Vector Control Department ~~or Environmental Health Department~~ shall be understood to refer to the Environmental Management ~~Division of the Community Development Agency~~ Department. ~~Any reference in this Code to the Environmental Management Director or Community Development Director shall be understood to refer to the Community Development Agency Director or his/her designated representative.~~

Sec. 2.19.020. - Divisions.

~~There shall be created within the Community Development Agency an Environmental Health Division.~~ In order to better coordinate environmental management issues and services, the Environmental Management ~~Division~~ Department will maintain all environmental health services and programs at a level equal to those provided under the existing program plan submitted to the State Department of Health Services.

Sec. 2.19.030. - Environmental Management Director.

The Environmental Management ~~Division~~ Department shall be administered by a County officer to be known as the Environmental Management ~~Division~~ Director, who shall be appointed by the Board of Supervisors and shall hold office at the pleasure of the Board of Supervisors, and possess a valid certificate as a registered environmental health specialist.

Sec. 2.19.040. - Definition of titles.

Where referenced in State statute or elsewhere in this Code, the Environmental Management ~~Division~~ Director or his or her designated representative shall serve as the Environmental Health Director, Vector Control Director, and Waste Materials Management Director.

Sec. 2.19.050. - Environmental Health Director; Deputy Health Officer.

The Environmental Health Division shall be administered by a County officer, known as the Environmental Health Director, who shall be appointed by the ~~Community Development Agency~~ Director of Environmental Management. The Environmental Health Director shall possess a valid certificate as a registered environmental health specialist in the State and shall have substantial experience in public health, as established by the Board of Supervisors for the position.

Sec. 2.19.060. - Deputization.

The Environmental Health Director shall function as Deputy Health Officer in the fields of food and water sanitation control, occupational health, vector control, noise sanitation, solid and liquid waste, and other environmentally based public health programs as identified in "Services in a Local Environmental Health and Sanitation Program" by the State Health Department.

Sec. 2.19.070. - State of emergency.

Nothing contained in this chapter shall be interpreted as abridging or otherwise limiting the authority of the County Health Officer during a state of emergency. A state of emergency exists when declared by the Health Officer who shall retain all powers, duties, and responsibilities relating to the protection of public health as set forth in Section 452 of the Health and Safety Code of the state. The declaration of emergency shall be confirmed by the Board of Supervisors if the state of emergency exceeds seven days.

Sec. 2.19.080. - Level of staffing.

The Environmental Management ~~Division~~ Department shall supervise a staff of registered sanitarians meeting the qualifications established by the state department of health pursuant to the provisions of the Health and Safety Code. The level of staffing and other support personnel shall be adequate to implement mandated services and programs as determined appropriate by the Board of Supervisors.

Sec. 2.19.090. - Laboratory services.

All necessary microbiology laboratory services shall be provided to the Environmental Health Division by the Health and Human Services Agency, Division of Health Services, laboratory or equivalent State-certified laboratory.

Sec. 2.19.100. - Coordination of Health Department and Environmental Health Division.

The Environmental Health Director shall ensure that the Environmental Health Division of the ~~Community Development Agency~~ Environmental Management Department and the Health Services Division of the Health and Human Services Agency maintain close communication and effective coordination of operations in order to ensure an efficient and adequate overall public health program in the County.

Sec. 2.20.730. - Powers and duties.

The Parks and Recreation Commission shall have the following powers and duties:

- A. Act in an advisory capacity to the Board of Supervisors in formulating and reviewing policies effecting public recreation;
- B. Consult with staff, including the ~~Community Development Department Director Parks and Reereation Director~~ Parks Manager, on methods of financing park and recreation facilities. Study and make fiscal recommendations to the Board of Supervisors on

- planning acquisition, development, maintenance, and operation of said facilities including a long-term capital outlay projection;
- C. Study and review staffing needs of the Parks and Recreation Division and make recommendations to the Board of Supervisors;
 - D. Review the current sections of the recreation element of the County general plan. Recommend to the Board of Supervisors modifications, updating, and adding new sections to said element as needed or concurrent with other review by the Planning Division;
 - E. Review and recommend to the Board of Supervisors adoption of master plans and policy on usage operations and maintenance of parks and recreation facilities;
 - F. Represent the County's parks and recreation plan to public officials and to the general public in order that this plan receive maximum support from public and private sources;
 - G. Cooperate with State, Federal, local agencies, and special interest groups to coordinate a park and recreation plan in the County;
 - H. Be receptive to gifts, sites, funds, and other assistance for parks and recreation facilities for Board of Supervisors' approval;
 - I. Review and recommend to the Board of Supervisors support for legislation favorable to parks and recreation;
 - J. Establish general procedures to carry out the purpose of the Commission; and adopt bylaws and rules and regulations as it may deem necessary to facilitate the carrying on of a recreation and park system. The bylaws, rules and regulations shall be submitted to the Board of Supervisors for approval;
 - K. Recommend persons to Board of Supervisors to serve on the Commission when requested by the Board of Supervisors.

Sec. 2.20.750. - Director of Parks and Recreation; duties.

The Director of Parks and Recreation ^{PARKS MANAGER ?} shall attend meetings of the Parks and Recreation Commission and shall serve as Clerk of the Commission and shall make such reports to the Commission, to the Chief Administrative Officer, ~~Community Development Department Director~~, or to the Board of Supervisors, as shall be required of him or her. All recommendations of the Commission to the Board of Supervisors shall be first submitted to the Director of Parks and Recreation, and his or her recommendation may be a part of or accompany any Commission recommendations.

TITLE 6 ANIMALS:

Sec. 6.24.010. - License; required.

D. Upon receipt of an application for a commercial animal establishment license by the Animal Control Officer, the application shall be forwarded to the Department of ~~Community Development~~ Planning and Building and the Public Health ~~Department~~ ^{DIVISION ?} of the County, and

designated employees of these departments shall ascertain whether or not the applicant's plan is in conformity with County law governing their respective department.

TITLE 8: PUBLIC HEALTH AND SAFETY:

Sec. 8.20.020. - Definitions.

Cemetery Director means the ~~Director of the Community Development Agency~~ Chief Administrative Officer or his or her designee appointed to direct and supervise the operation and maintenance of cemeteries under the jurisdiction of the County.

TITLE 9: PUBLIC PEACE, MORALS AND WELFARE

Sec. 9.02.080. - Coordination of inspections.

It shall be the duty of the ~~Development Services~~ Code Enforcement Unit to coordinate the inspections and administrative orders as fully as practicable so that the owners and occupants of the premises shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.

Section 3. This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the ____ day of _____, 2017, by the following vote of said Board:

Ayes:

ATTEST
JAMES S. MITRISIN
Clerk of the Board of Supervisors

Noes:
Absent:

By _____
Deputy Clerk

Chair, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: JAMES S. MITRISIN, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

Ordinance No. _____

Page 2

By _____
Deputy Clerk