



Legislation Text

File #: 23-0801, **Version:** 2

Department of Transportation recommending the Board approve Final Passage (Second Reading) of Ordinance **5181** updating County Ordinance 5094, to incorporate text changes clarifying Director of Transportation and Deputy Director of Engineering authorities and the exemption of this Ordinance from the California Environmental Quality Act. (Cont. 7/18/2023, Item 51)

FUNDING: N/A

DISCUSSION / BACKGROUND

On July 18, 2023, the Board heard the Introduction (First Reading) of Ordinance 5181 updating County Ordinance 5094, to incorporate text changes clarifying Director of Transportation and Deputy Director of Engineering authorities and the exemption of this Ordinance from the California Environmental Quality Act and Continue the matter to August 22, 2023 for Final Passage (Second Reading).

Consistent with Board Policy A-3, Ordinances - New or Amended, the Board provided conceptual approval on May 16, 2023 (Item 27, Legistar 23-0880), to update County Ordinance 5094, which incorporates text changes clarifying Director of Transportation and Deputy Director of Engineering authorities and the exemption of this ordinance to the California Environmental Quality Act

On October 9, 2018 (Item 17, Legistar 18-0994), the Board approved Ordinance 5094 which delegated to the Director of Transportation (Director) the authority to acquire any interest in or easement upon real property for the purposes of a public structure, road, trail, or improvement as previously approved by the Board or as part of the approved Capital Improvement Program, with the delegated authority limited to real property acquisitions of \$25,000 or less in value. This Ordinance became effective on November 9, 2018, and will expire on November 9, 2023.

The Department of Transportation (Transportation) is proposing the following changes to the new Ordinance:

- Expand the delegation of the Director to include the authority to commence a project's Right-of-Way (ROW) phase by ordering title reports and certified appraisals and enter into negotiations with the owners or their designated representatives for ROW specified transactions.
- Authorization be given to the Director to perform any and all acts necessary to approve and accept any minor Addendums to acquisitions or easements upon real property subject to approval by County Counsel as to form, so as to promptly execute the addendums, which are often time-sensitive. Addendums are limited to an additional \$25,000 or less in value for Temporary Construction Easement extensions.
- Delegate to the Deputy Director of Engineering the signature authority to approve and accept all escrow and title company transactions related to acquisitions for ROW purposes. This delegation would allow the Director to designate minor transactions, allowing the ROW program to run more efficiently.
- The changes to "Section 3. Compliance with California Environmental Quality Act" (CEQA)

clarifies why this ordinance is exempt from CEQA.

A redlined version of Ordinance 5094 is included as Attachment C for information only.

ALTERNATIVES

The Board could choose not to make any changes to the existing Ordinance 5094, and an updated Ordinance would become effective with the same attributes.

PRIOR BOARD ACTION

See Discussion/Background Section.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel has reviewed the proposed changes.

CAO RECOMMENDATION / COMMENTS

Approve staff recommendation.

FINANCIAL IMPACT

There is no net County cost associated with this agenda item.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will publish a Summary Ordinance in the appropriate local newspaper(s) following Board approval of the Final Passage (Second Reading) of the Ordinance.
- 2) The Clerk of the Board will obtain signatures on the Ordinance and transmit a copy of the Ordinance to Laney Inglis with DOT.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Rafael Martinez, Director
Department of Transportation