

Date of Hearing: June 13, 2018

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT  
Cecilia Aguiar-Curry, Chair  
SB 907 (Cannella) – As Amended April 2, 2018

**SENATE VOTE:** 38-0

**SUBJECT:** County road commissioner: Merced County.

**SUMMARY:** Authorizes Merced County to transfer the duties of the Office of the Road Commissioner to Merced County's Department of Public Works. Specifically, **this bill:**

- 1) Allows the Merced County Board of Supervisors to abolish the Office of Road Commissioner if it transfers all of the Road Commissioner's duties to the county director of the Department of Public Works.
- 2) Provides that the director of the Department of Public Works is not required to have any special permit, registration, or license.
- 3) Requires that any civil engineering functions that are required to be performed by the Road Commissioner must be performed by a registered civil engineer acting under the authority of the director of the Department of Public Works.

**EXISTING LAW:**

- 1) Creates the Office of Road Commissioner for each county and, except in San Francisco, requires that every person who is appointed as Road Commissioner must be a civil engineer. The Road Commissioner must annually submit to the county board of supervisors a tentative road budget covering all proposed expenditures for county road purposes and manages personnel, equipment, and expenditures related to county road work.
- 2) Authorizes any county to abolish the Office of Road Commissioner if the county transfers all of the Road Commissioner's duties to the county Director of Transportation. The Director is not required to have any special permit, registration, or license, and any civil engineering functions required to be performed by the Road Commissioner must be performed by a registered civil engineer acting under the authority of the Director of Transportation.
- 3) Authorizes any county to create an office entitled Public Works Director, combining the duties of Road Commissioner and Surveyor and any other compatible duties not legally required to be performed by another county officer.
- 4) Authorizes the Orange County Board of Supervisors to abolish the Office of Road Commissioner if the board transfers all of the Commissioner's duties to an environmental management agency.

**FISCAL EFFECT:** None

**COMMENTS:**

- 1) **Background and Bill Summary.** State law creates the Office of Road Commissioner in each county and, except in San Francisco, requires every person who is appointed as a Road Commissioner to be a civil engineer. A Road Commissioner must annually submit to the county board of supervisors a tentative road budget covering all proposed expenditures for county road purposes. In conformity with the board of supervisors' adopted policies and budget, the Road Commissioner manages personnel, equipment, and expenditures related to county road work.

Any county can abolish the Office of Road Commissioner if the board transfers all of the Road Commissioner's duties to the county Director of Transportation [AB 807, (Carpenter), Chapter 378, Statutes of 1975]. The Director of Transportation is not required to have any special permit, registration, or license. Any civil engineering functions that are required to be performed by the Road Commissioner must be performed by a registered civil engineer acting under the authority of the Director of Transportation.

The Orange County Board of Supervisors can abolish the office of Road Commissioner if it transfers all of the Road Commissioner's duties to an environmental management agency [AB 247 (Hayden), Chapter 83, Statutes of 1979]. The environmental management agency's Director is not required to have any special permit, registration, or license. Any civil engineering functions which are required to be performed by the Road Commissioner must also be performed by a registered civil engineer acting under the authority of the agency's Director.

Merced County was given the explicit authority to consolidate the office of Road Commissioner with the office of the Public Works Director until January 1, 2018 [SB 736 (Cannella), Chapter 378, Statutes of 2012]. However, the county has yet to use this authority, and due to the sunset date, this authority has now lapsed. This bill reauthorizes the county's authority to transfer the duties of the Road Commissioner to the county director of the Department of Public Works. Merced County is the sponsor of this bill.

- 2) **Author's Statement.** According to the author, "The County of Merced held the authority to fold the responsibilities of the Road Commissioner into its Public Works Department from 2013 until January 1, 2018, due to SB 736. This authorization allowed the county flexibility to keep the Road Commissioner's responsibilities consolidated with the Department of Public Works after the retirement of a former Public Works Director who also served as Road Commissioner because he was a registered engineer. SB 907 restores this flexibility that was lost when SB 736 provisions sunset this January, allowing Merced County to consolidate functions of the county Road Commissioner and Public Works Department under a Public Works Director who is not a registered engineer."
- 3) **Arguments in Support.** The sponsors argue that this bill "would ensure that Merced County can continue to hold the authority to fold the responsibilities of the Road Commissioner into the Public Works Department. Legislation approved in 2012 granted Merced County this option. Merced sought the initial legislation – SB 736 – due to the board's determination that moving such responsibilities to a transportation department would be inconsistent with the

role of their Council of Governments, and that the Road Commissioner would be best housed in the Public Works Department in the County's structure.”

- 4) **Arguments in Opposition.** None on file.
- 5) **Double-Referral.** This bill is double-referred to the Transportation Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Merced County [SPONSOR]

**Opposition**

None on file

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