

Date of Hearing: March 23, 2022

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

SB 207 (Dahle) – As Amended June 29, 2021

SENATE VOTE: Not relevant

SUBJECT: County road commissioner: County of Siskiyou.

SUMMARY: Authorizes the Board of Supervisors of Siskiyou County to transfer duties of the Road Commissioner to the county director of the department of public works. Specifically, **this bill:**

- 1) Authorizes the Board of Supervisors of the County of Siskiyou to abolish the Office of the Road Commissioner if the board transfers all duties of the Road Commissioner to the county director of the department of public works.
- 2) Specifies that the director of the department of public works shall not be required to have any special permit, registration, or license.
- 3) Provides that any civil engineering functions that 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 the department of public works.
- 4) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable because of the particular needs of the County of Siskiyou, including the difficulty in finding properly qualified candidates for the position of county Road Commissioner.

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.

FISCAL EFFECT: None.

COMMENTS:

- 1) **Bill Summary and Author's Statement.** This bill allows the Board of Supervisors of the County of Siskiyou to abolish the Office of Road Commissioner if they transfer all of the Road Commissioner's duties to the County Director of the Department of Public Works. Any civil engineering functions that are required to be performed by the Road Commissioner must perform by a registered civil engineer acting under the Director of the Department of Public Work's. This bill is sponsored by the author.

According to the author, "As we have done for other counties struggling to maintain fiscal balance due to specific legal requirements that do not accurately reflect the construction of local government workforces, this bill will continue to ensure that one of California's counties will continue to receive funds necessary for infrastructure development and maintenance."

- 2) **Background.** 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.

- 3) **Prior Legislation.** SB 79 (Nielsen) Chapter 33, Statutes of 2021, authorized the Board of Supervisors of the County of Colusa and the Board of Supervisors of the County of Glenn to transfer the duties of the County Road Commissioner to the County Director of the Department of Public Works.

SB 907 (Canella), Chapter 135, Statutes of 2018, authorized the Board of Supervisors of the County of Merced 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.

AB 247 (Hayden), Chapter 83, Statutes of 1979, authorized the Board of Supervisors of the County of Orange to abolish the Office of Road Commissioner if it transfers all of the Road Commissioner's duties to an environmental management agency.

- 4) **Author Amendment.** The Assembly Rules Committee approved the addition of an urgency clause to this bill on March 17, 2022, at the request of the author, which is proposed to be added to this bill as a committee amendment.
- 5) **Arguments in Support.** According to Siskiyou County, "The County of Siskiyou Department of Public Works is responsible for the construction and maintenance of 1,361 miles of roadway and 175 bridges. The County has a total area of 6,347 square miles and is

the fifth-largest county by area in California. The Department of Public Works is an extremely important asset to the citizens and visitors of Siskiyou County and must have the flexibility to ensure all mandates, requirements, policies, and procedures are sustained.

“The County has been actively recruiting a Public Works Director since its previous Director announced his retirement in February 2021. The County experienced one failed recruitment that resulted in the County being required to hire a third-party contractor for both the civil engineering duties and the road commissioner position as well. Not only is this not an efficient use of taxpayer dollars, but the County does not have the funding to supplant such services into the future. The ability for the Siskiyou County Board of Supervisors to transfer the duties of the county road commissioner to the Director of Public Works would be incredibly helpful and appreciated. This would provide additional flexibility and opportunities as Siskiyou County looks to the future operations of its Public Works department.”

6) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

County of Siskiyou

Opposition

None on file

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