

Date of Hearing: June 9, 2021

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
SB 79 (Nielsen) – As Amended May 27, 2021

SENATE VOTE: 36-0

SUBJECT: County road commissioner: Counties of Colusa and Glenn.

SUMMARY: Authorizes 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. Specifically, **this bill:**

- 1) Allows the Board of Supervisors of Colusa and Glenn Counties 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.
- 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.
- 4) Contains an urgency clause.

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 Colusa and the Board of Supervisors of the County of Glenn 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 director. This bill is sponsored by the County of Colusa.

According to the author, "SB 79 would bring relief to the Counties of Colusa and Glenn by allowing the Board of Supervisors to transfer county road commissioner authority to the Director of Public Works. Right now, current law only allows a county to transfer road commissioner duties to the Director of Transportation. Colusa and Glenn Counties have been unable to fill the road commissioner position for quite some time now and there are serious consequences if the position is left vacant for more than six months - the Counties won't be able to access their monthly Highway User Tax Account (HUTA) apportionments. This would be an important and necessary change for these small, rural communities."

- 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.

The state imposes per-gallon excise taxes on gasoline and diesel fuel, sales taxes on gasoline and diesel fuel and registration taxes on motor vehicles with allocations dedicated to transportation purposes. Cities and counties receive revenue from the motor vehicle fuel taxes through the HUTA fund, which is designed to provide local agencies an apportionment of specified tax revenues available for limited transportation purposes. However, for counties that have vacancies in the position of road commissioner, neither the State Controller nor any other state officer is allowed to make any allocations or payments to any county from the HUTA after 180 days have passed since the position became vacant (AB 1919, Harris, 1987).

- 3) **Prior Legislation.** SB 907 (Canella), Chapter 135, Statues 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) **Urgency Clause.** This bill contains an urgency clause and requires a 2/3 vote of each house.
- 5) **Arguments in Support.** According to the County of Colusa, "Colusa County has a department of public works, a director of public works, and a civil engineer acting under the authority of the director of the department of public works. With the authority proposed in SB 79, Colusa County can meet all the requirements of state law and receive and invest into county road projects its share of HUTA funding, which includes the county's share of gasoline excise tax revenues.

"As a small county, having a Public Works Department makes the most efficient use of our manpower and other valuable resources, over having separate Transportation, Utilities, Floodplain Management and Recreation departments. It is a system that has worked very well here for many years, until we found ourselves having difficulty recruiting someone who possessed the requisite civil engineering degree and desired to function as Road Commissioner."

- 6) **Argument in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

County of Colusa [SPONSOR]
County of Glenn

Opposition

None on file.

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