

Date of Hearing: June 25, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 907 (Cannella) – As Amended April 2, 2018

SENATE VOTE: 38-0

SUBJECT: County road commissioner: Merced County

SUMMARY: Authorizes the Merced County Board of Supervisors to transfer the duties of the Office of the Road Commissioner to Merced County's Department of Public Works.

Specifically, **this bill:**

- 1) Authorizes 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.
- 2) Requires the Road Commissioner to annually submit to the county Board of Supervisors a tentative road budget covering all proposed expenditures for county road purposes and to manage personnel, equipment, and expenditures related to county road work.
- 3) 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. In these cases, the Director is not required to have any special permit, registration, or license, but 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.
- 4) 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.
- 5) 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, this bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS: 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.

Existing law authorizes any county to abolish the Office of Road Commissioner if the Board transfers all of the Road Commissioner's duties to the county Director of Transportation. The Director of Transportation is not required to have any special permit, registration, or license. Statute specifies 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 Transportation.

In 2012, SB 736 (Cannella), Chapter 378, Statutes of 2012, authorized Merced County to consolidate the Office of Road Commissioner with the office of the Public Works Director until January 1, 2018. The county did not take advantage of this authority prior to the sunset date, and now the authority has 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.

Committee Comments: Existing law already authorizes counties to abolish the Office of the Road Commissioner and transfer duties to a county employee (Director of Transportation). Writing in support of this bill, Merced County states that "Merced sought the initial legislation – SB 736 – due to the Board's policy 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." While this policy determination is relatively reasonable on its face, it also seems that other solutions that do not require special legislation for one county could be available. There does not seem to be any compelling argument given by either the author or the sponsor which explains why this legislative solution is required for Merced County alone. Given the lack of explanation, it is unclear why this legislation is necessary.

Double Referral: This bill passed out of the Assembly Local Government Committee on June 13, 2018, with a 7-0 vote.

Previous Legislation: SB 736 (Cannella), Chapter 378, Statutes of 2012, authorized Merced County to transfer the duties of the road commissioner to the director of the department of public works. This law expired on January 1, 2018.

AB 247 (Hayden), Chapter 83, Statutes of 1979, granted counties the authority to 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 426, Statutes of 1975, authorized Orange County to transfer duties of the road commissioner to the environmental management agency.

REGISTERED SUPPORT / OPPOSITION:

Support

County of Merced (Sponsor)

Opposition

None on file

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