

ASSEMBLY BILL

No. 819

Introduced by Assembly Member Wilk

February 21, 2013

An act to amend Section 2006 of the Streets and Highways Code, relating to county roads.

LEGISLATIVE COUNSEL'S DIGEST

AB 819, as introduced, Wilk. County roads: county road commissioners.

Existing law requires the appointment of a single road commissioner in each county by the county board of supervisors, with specified powers and duties relating to county roads, and authorizes the abolishment of the office of road commissioner if the county board of supervisors transfers all duties of the road commissioner to the county director of transportation or another authorized person, as specified.

This bill would make nonsubstantive changes to the provision requiring appointment of a single road commissioner.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2006 of the Streets and Highways Code
2 is amended to read:
3 2006. (a) The board of supervisors of each county shall appoint
4 a single road commissioner for all road districts in the county.
5 Every person who is appointed road commissioner after December
6 31, 1965, shall be a registered civil engineer. However, the City

1 and County of San Francisco may appoint a person road
2 commissioner who is not a registered civil engineer. ~~Any~~ A person
3 appointed road commissioner on or before December 31, 1965,
4 need not be a registered civil engineer if he or she is approved by
5 the board of supervisors as qualified and competent to handle the
6 road and highway work of the county. ~~Any~~ A person who is a road
7 commissioner in ~~any~~ a county on December 31, 1965, need not
8 be a registered civil engineer to be appointed road commissioner
9 of another county after December 31, 1965. After October 1, 1952,
10 ~~no~~ a person shall *not* be appointed road commissioner until the
11 board of supervisors holds a public hearing on the qualifications
12 of the candidate or candidates for the position of road
13 commissioner. At least 14 days but not more than 30 days ~~prior~~
14 ~~to~~ *before* the hearing, notice of the hearing shall be posted at the
15 county courthouse and published at least once in a newspaper of
16 general circulation in the county. Nothing in this section precludes
17 one person from serving two or more counties. An elective county
18 official shall not be appointed road commissioner after October
19 1, 1952, unless the official is holding the position of road
20 commissioner on that date. The road commissioner is, at all times,
21 under the direction and supervision of the board of supervisors but
22 may be dismissed, after a hearing, only upon a majority vote of
23 the board *of supervisors*. This subdivision ~~does~~ *shall* not apply in
24 chartered counties whose charter requires the county surveyor to
25 perform the duties of, or exercise the powers conferred by law on,
26 the road commissioner.

27 (b) Each county shall furnish evidence to the Controller that it
28 has complied with this section.

29 (c) Neither the Controller nor any other state officer shall make
30 any allocations or payments to ~~any~~ a county from the Highway
31 Users Tax Account in the Transportation Tax Fund until the county
32 has complied with the requirements of this section; except that, if
33 a vacancy occurs in the office of road commissioner of a county,
34 the allocations or payments to the county shall not be suspended
35 pursuant to this section unless the county has not appointed a new
36 road commissioner in accordance with this section within 180 days
37 from the date the vacancy first occurred.

38 (d) The 180-day time limit is contingent on the condition that
39 there be a qualified acting road commissioner functioning during

- 1 the interim period under direct appointment by the board of
- 2 supervisors.

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