

ORDINANCE NO. 10431 (N.S.)

AN ORDINANCE AMENDING ARTICLE XV AND REPEALING ARTICLE XXXIX OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO REORGANIZING AND INTEGRATING THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN THE HEALTH AND HUMAN SERVICES AGENCY

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and declares as follows:

- A. On July 1, 2016, the County's Department of Housing and Community Development will be moved into the Health and Human Services Agency.
- B. In order to ensure that San Diego County Administrative Code provisions reflect this organizational change, today's action seeks Board of Supervisors approval to amend Article XV (Health and Human Services Agency) and repeal Article XXXIX (Department of Housing and Community Development).

Section 2. Article XV is amended as follows:

ARTICLE XV. HEALTH AND HUMAN SERVICES AGENCY

SEC. 230. RECOGNITION OF AGENCY.

There is in the County of San Diego a Health and Human Services Agency, referred to hereinafter in this Article and throughout this Code, as the Agency. The Agency shall be under the general supervision of the Chief Administrative Officer. Each of the departments, divisions and geographic service regions of the Agency shall operate under the direction of an assigned Director. By operation of law the Agency succeeds to and assumes all the duties and responsibilities of the Departments of Area Agency on Aging, Public Health, Social Services, Mental Health, Behavioral Health, Alcohol and Drug Services, Child Welfare Services, Housing and Community Development, and the duties and responsibilities of the Veterans Service Officer.

SEC. 231. RECOGNITION OF THE AGENCY DIRECTOR.

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There is in the County and in the Agency the position of Deputy Chief Administrative Officer/ Agency Director of the Health and Human Services Agency, hereinafter in this Article and throughout this Code, referred to as Agency Director. The Agency Director shall be appointed by the Chief Administrative Officer. Any vacancy occurring in such position shall be filled by appointment by the Chief Administrative Officer in accordance with the County Charter and of the rules and policies established thereunder, and County ordinances. The Agency Director shall also be appointed and serve as a Deputy Chief Administrative Officer and, as described in Section 122 of this Code, shall oversee on behalf of the Chief Administrative Officer, the group of departments, divisions and geographic service regions which comprise the Agency.

In the event that the Agency Director does not possess the qualifications for County Health Officer specified in Section 101005 of the California Health and Safety Code, the enforcement duties described in Sections 101030 and 101040 of the Health and Safety Code shall be discharged by a physician and surgeon employed by the Agency with the title of Public Health Officer. The Public Health Officer enforcement responsibility under said circumstances is limited to decisions requiring technical medical judgments.

In the event the Agency Director does not possess the qualifications for County Veterans Service Officer specified in Section 970 of the California Military and Veterans Code, the Agency Director shall appoint a County Veterans Service Officer who possesses the requisite qualifications and who shall be under the supervision of the Agency Director.

In the event the Agency Director does not possess the qualifications for County Mental Health Director specified in Sections 5751 and 5751.1 of the California Welfare and Institutions Code, the Agency Director shall appoint a County Mental Health Director who possesses the requisite qualifications and who shall be under the supervision of the Agency Director.

SEC. 232. DUTIES OF THE AGENCY DIRECTOR.

The Agency Director shall act under the supervision of the Chief Administrative Officer. The Agency Director shall exercise supervision over all the functions of the Agency and shall enforce such rules and regulations as are prescribed and approved by the Board. Except as provided in Section 231 of this Code with respect to the County Public Health Officer and County Veterans

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Service Officer, the Agency Director succeeds to and assumes all responsibilities, authorities and duties of, and shall assume and become the following public officials, as such officials are referenced in federal, County or State statutes, ordinances, or regulations: County Public Health Officer; Director of Health Services; Local Director of Mental Health; Director of Public Social Services; County Welfare Director; County Drug Program Administrator; County Alcohol Program Administrator; County Drug and Alcohol Program Administrator; Director of the Area Agency on Aging; Community Action Director; Housing and Community Development Services Director; Behavioral Health Director; Child Welfare Services Director; and Veterans Service Officer. Except as provided in Section 231 of this Code with respect to the County Health Officer, Mental Health Director, and County Veterans Service Officer, the Agency Director may delegate the responsibilities of these positions to personnel in the Agency who report to the Agency Director.

SEC. 232.1. AGENCY DIRECTOR TO COORDINATE AGENCY.

The Agency Director shall coordinate the various activities of the departments, divisions and geographic service regions of the Agency and, within the scope of the policy declared by the Board, may issue administrative regulations designed to accomplish this end.

SEC. 232.2. APPOINTMENT OF PERSONNEL.

The Agency Director shall appoint and employ such personnel, including assigned Directors, as may be necessary to properly conduct the business of the Agency. Assigned Directors shall appoint and employ such personnel in the departments, divisions, and geographic service regions which they direct as are necessary to properly conduct Agency business. All appointments and employments made by the Agency Director and assigned Directors shall be made in accordance with the provisions of the County Charter, the Rules of the Civil Service Commission and County ordinances.

SEC. 232.3. PREPARATION OF BUDGET AND SUPERVISION OF EXPENDITURES.

The Agency Director shall prepare and file with the Auditor and Controller and Chief Administrative Officer the required annual itemized estimates of expenditures and revenues for

the Agency, and shall supervise the expenditure of all funds allotted to the Agency. The assigned Directors who direct departments, divisions, and geographic service regions within the Agency shall prepare and file with the Agency Director the required annual itemized estimates of expenditures for their respective departments, divisions, and geographic service regions.

SEC. 232.4. TOBACCO SETTLEMENT REVENUE SECURITIZATION TRUST FUND.

(a) Establishment of Fund and Statement of Intent. There is hereby established the Tobacco Settlement Revenue Securitization Trust Fund ("Trust Fund") to be administered by the Agency Director. The Trust Fund consists of proceeds received from the sale of the County's Tobacco Settlement Revenues ("TSRs") to the San Diego County Tobacco Securitization Corporation ("Corporation"). The Corporation paid for the TSRs using the proceeds of a loan from the Tobacco Securitization Authority of Southern California, ("Authority") a joint powers authority that issued bonds to finance the loan. The TSRs are used to make payments on the bonds. Since the bonds were issued on a tax-exempt basis, the County is required by the Internal Revenue Code (Title 26, United States Code) and the regulations implementing the Code, to comply with various restrictions on the use of the proceeds deposited in the Trust Fund. In addition, the Board of Supervisors has determined to limit expenditures from the Trust Fund to health related matters. The purpose of this section is to restrict expenditures from the Trust Fund to health related purposes and subject to the restrictions imposed by the Internal Revenue Code and implementing regulations.

(b) Expenditure Restrictions. Expenditures from the Trust Fund shall be allocated in accordance with the following guidelines:

1. To support a comprehensive tobacco control strategy that will significantly reduce tobacco use among youth and adults. Programs may include, but not be limited to, those that address cessation of tobacco use, support of tobacco control laws, and prevention and health promotion activities that encourage a tobacco-free lifestyle.

2. To increase funding for programs that:

- a. Promote access and reduce barriers to assure quality healthcare.

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- b. Promote healthy lifestyles through prevention and education.
 - c. Reduce the abuse of alcohol, tobacco and other addictive substances.
 - d. Improve mental health services.
 - e. Significantly reduce violence and abuse.
 - f. Reduce the incidence of chronic and infectious diseases.
 - g. Improve the health status indicators of vulnerable populations.
 - h. Minimize disparities in health status.
- 3. To support health related programs that leverage funding from other sources.
 - 4. To use funds to supplement and not replace existing healthcare revenue.
 - 5. Programs and services shall demonstrate effectiveness through evaluation of outcomes.
 - a. Programs shall incorporate "best practices" that have been proven to be cost-effective and efficient.
 - b. Innovative programs may be funded, providing there are plans for evaluation of outcomes.
- (c) Internal Revenue Code Compliance. All expenditures must comply with the Internal Revenue Code and its implementing regulations as needed to maintain the exemption from federal income taxation on the interest payments on the bonds issued by the Authority.

SEC. 233. FUNCTIONS OF THE AGENCY.

The Agency Director shall administer programs of health and human services through the departments, divisions, and geographic service regions which comprise the Agency in a manner which integrates the administration and delivery of these services to assure efficiency, effectiveness, accessibility, and quality. The Health and Human Services Agency succeeds to,

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assumes and shall function as, and may be referred to as, all of the following organizations as these organizations are referenced in County, State or federal statute, ordinance, or regulation: County Mental Health Department; County Health Department; County Public Health Department; County Alcohol Program; County Drug Abuse Program; County Behavioral Health Department; County Agency and Department for the Administration of Public Social Services; County Welfare Department; the Area Agency on Aging; and Housing and Community Development Services. The Agency Director shall provide proper planning, coordination and direction for:

(1) Services for senior citizens. The Agency Director shall delegate to a separate administrative unit the functions of the Area Agency on Aging. This separate administrative unit shall be a department of the Agency and shall be referred to as "Aging & Independence Services." The Agency Director shall administer programs to provide proper planning, coordination and direction for activities and services provided by the County for senior citizens. Such activities may be authorized by federal, State or local laws, and shall be governed by those laws as well as applicable rules, regulations, guidelines, agreements and policies made pursuant to said laws. Those activities shall include but not be limited to the following:

(a) Preparation of an Area Plan and any other plans necessary to ensure that legal mandates for planning are met, and the service needs of senior citizens are identified and documented.

(b) Establishment of a network of comprehensive and coordinated services for the elderly through contracts and other working agreements with service providers, as well as through direct services where appropriate and authorized by laws or waivers of laws or regulations.

(c) Provision of support and technical assistance to individuals and groups desiring to develop the capacity to provide services to senior citizens.

(d) Other activities which may from time to time be required by laws, rules, regulations, guidelines, agreements or policies.

(e) The provision of all necessary administrative and clerical support to the Aging and Independence Services Advisory Council, and other advisory boards as directed by the Agency Director.

(2) Health services activities provided by the County to respond to mental health, physical health, public/community health, and alcohol and other drug abuse service needs. The Agency shall enforce all County ordinances and State laws pertaining to health matters, and all orders, quarantine regulations and rules prescribed by the State Department of Health Services and all statutes pertaining to public health and vital statistics. Those activities shall include but not be limited to the following:

(a) The administrative supervision and control of the following:

(i) Edgemoor Distinct Part Skilled Nursing Facility;

(ii) County behavioral health programs;

(iii) Provision of medical care to qualified individuals;

(iv) County Alcohol and Drug Abuse Programs;

(v) Medical and nursing services for other County departments.

(b) The maintenance of complete records of all persons admitted to or treated by facilities operated by the Agency. Such records shall be confidential and their contents shall only be disclosed in compliance with State and federal laws and regulations.

(c) The provision of emergency care consisting of measures to that are episodic or acute in nature to any person brought to any emergency facility established within the Agency for such purposes.

(d) The admission of patients to institutional care under the following circumstances:

(i) Any person falling within the provision of Division 5 of the Welfare and Institutions Code.

(ii) An emergency patient whose condition does not permit a patient being moved to private care.

(iii) Any person who requires care not available through private facilities in the community for financial or other reasons.

(iv) Any person falling within the provision of contracts established between the County of San Diego and another agency.

(v) Wards of the juvenile courts.

(vi) Any person presented in compliance with a court order.

(vii) Prisoners confined in a county jail or any city jail within the County.

Provided, however, that no patient will be admitted to any facility of the Agency when the Agency Director or his agent finds no medical justification for such admission.

(3) Social services programs of welfare relief and other services required by and in conformity with State and federal statutes and regulations and as may be authorized by the Board in this code, and other applicable ordinances or regulations, including aid and relief to indigents. The Agency will perform such functions as may be assigned to it, including, but not limited to, the following:

(a) Determination of eligibility for cash assistance, food stamps and Medi-Cal under applicable federal and State laws.

(b) Preparation of individuals for jobs and coordinate training programs to help clients back to self-sufficiency.

(c) Provision of protection and related services to children and adults who are abused, neglected or exploited, or otherwise cannot care for themselves.

(d) Contract with community agencies for a broad range of human care services and integrate the efforts of private organizations into a comprehensive service network.

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(4) Children, Youth, and Families Identifying and addressing the needs of children, youth, and families who are in the public charge as well as children, youth and families whose safety may be at risk.

(5) Military Veterans Identifying and addressing the needs of military veterans.

(6) Housing and Community Development Services will provide professional and technical services in the administration of the County's federally-assisted Community Development Block Grant and Rental Assistance programs to meet the needs of low and moderate-income families; and shall monitor, and implement, if directed, the economic development policies and related economic development strategies adopted by the Board of Supervisors. The programs will be carried out in accordance with applicable rules and regulations. In providing such services, the Department will perform such functions as may be assigned to it including, but not limited to, the following:

(a) Prepare the necessary grant application for federal assistance for Community Development and Housing.

(b) Administer and coordinate the Community Development program among County Departments and participating cities.

(c) Administer housing assistance programs.

(d) Plan and administer Residential Rehabilitation and site acquisition activities.

(e) Prepare and implement plans and programs necessary to provide adequate housing and community development activities for the County's very low, low, and moderate-income families and to coordinate and monitor the affirmative fair housing marketing plan.

Section 3. Article XXXIX is repealed in its entirety.

Section 4. Effective Date. This ordinance shall take effect thirty (30) days after its adoption. Within fifteen days after the date of adoption of this ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

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Approved as to form and legality:

THOMAS E. MONTGOMERY, County Counsel

By

Kyle Sand, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 28th day of June, 2016.



RON ROBERTS
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 28th day of June, 2016.

DAVID HALL
Clerk of the Board of Supervisors

By Diana Lopez
Diana Lopez, Deputy



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