

Meeting Date: 11/17/2020 (15)

ORDINANCE NO. 10689 (N.S.)

AN ORDINANCE AMENDING SECTION 84.101 OF ARTICLE IIIp OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE FIRST 5 COMMISSION OF SAN DIEGO, SECTIONS 232.4 AND 233 OF ARTICLE XV RELATING TO THE HEALTH AND HUMAN SERVICES AGENCY AND SECTIONS 397.1, 397.3, AND 397.5 OF ARTICLE XXIIa RELATING TO THE OFFICE OF THE PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN IN THE COUNTY OF SAN DIEGO

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

Section 1. Section 84.101 of Article IIIp of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 84.101. MEMBERSHIP AND SELECTION.

The Commission shall consist of the following members appointed by the Board of Supervisors:

(a) One member shall be the member of the Board of Supervisors who served as Chair of the Board of Supervisors in the preceding calendar year. In the absence of the preceding Chair of the Board of Supervisors, the Board of Supervisors will appoint a Board member to be the presiding Chair of the Commission. This provision shall become effective January 1, 2021.

(b) Two at-large members shall serve on the Commission. One at-large member shall be nominated each year by the Chairperson of the Board of Supervisors and shall serve a two-year term as provided for in section 84.103. The terms of the at-large members shall be staggered as provided in section 84.103. Each year, the nominating Supervisor shall nominate the at-large member from among the persons described in the following categories: recipients of project services included in the County Strategic Plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency or a local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting nurturing and early childhood development; representatives of local school districts; representatives of local medical, pediatric, or obstetric associations or societies; the County health officer; and persons responsible for management of the following County functions: children's services, public health services, social services, behavioral health services, and tobacco and other substance abuse prevention and treatment services;

(c) One member shall be the Director of the Health and Human Services Agency; and

(d) One member shall be nominated by the Director of the Health and Human Services Agency from among the County health officer and persons responsible for management of the following County functions: children's services, public health services, social services, behavioral health services, and tobacco and other substance abuse prevention and treatment services.

(Added by Ord. No. 8985 (N.S.), effective 12-8-98; amended by Ord. No. 8991 (N.S.), effective 1-14-99; amended by Ord. No. 9403 (N.S.), effective 12-6-01; amended by Ord. No. 10023 (N.S.), effective 2-11-10)

Section 2. Section 232.4 of Article XV of the San Diego County Administrative Code is hereby amended to read as follows:

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 and facilitation of the adoption and enforcement of tobacco control regulations and laws, and prevention and health promotion activities that encourage tobacco-free environments and practices.

2. To increase funding for programs that:

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

b. Promote healthy lifestyles through prevention and education.

c. Reduce the abuse of alcohol, tobacco and other addictive substances.

d. Improve mental health services and the integration of tobacco cessation into mental health treatment programs.

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.

Section 3. Section 233 of Article XV of the San Diego County Administrative Code is hereby amended to read as follows:

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, 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

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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 & 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, including alcohol and drug abuse;

(iii) Provision of medical care to qualified individuals;

(iv) 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

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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, nutrition assistance 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.

(4) Assessing and providing support to address the needs of children, youth, and families who are in the public charge as well as those whose safety may be at risk.

(5) 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 4. Section 397.1 of Article XXIIa of the Administrative Code is hereby amended to read as follows:

SEC. 397.1. RECOGNITION OF PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN.

There is in the County and in the Office of Public Administrator and Public Guardian the position of Public Administrator/Public Guardian. The Office of the Public Administrator is created for the purpose of performing the functions of a public administrator as specified in the California Probate Code and general law. The Office of Public Guardian is hereby created pursuant to the authority of Title 3, Division 2, Part 3, Chapter 8.5 (commencing with Section 27430) of the Government Code. The Public Administrator of the County of San Diego shall be and is hereby made Public Guardian, effective upon his or her filing an official bond in the sum of \$25,000 pursuant to the provisions of Section 27434 of the Government Code; said sum of \$25,000 is hereby fixed as the amount of the official bond of the Public Guardian. Inclusion of the Public Administrator/Public Guardian in the County insurance policy will be deemed as compliance with this section pursuant to Government Code section 1463.

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Section 5. Section 397.3 of Article XXIIa of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 397.3. DUTIES OF THE OFFICE OF THE PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN.

(a) The Public Administrator/Public Guardian is authorized to perform the duties of a Public Administrator pursuant to the California Probate Code and general law, and to perform the duties of a Public Guardian pursuant to the Government Code.

(b) Upon the request of the court or of any County officer or department head, the Public Administrator/Public Guardian is hereby authorized to petition for appointment as guardian of the person or estate or person and estate of any incompetent or minor person applying for, receiving or having received, charity, relief, hospitalization, medical, surgical or institutional care under the laws of this State.

(c) The Public Administrator/Public Guardian is hereby authorized to be appointed trustee of any trust as authorized by and pursuant to the Probate Code.

(d) The Public Administrator/Public Guardian shall charge fees and commissions as authorized by the Probate Code, and where required by law or where the Public Administrator/Public Guardian otherwise deem as appropriate, as approved by the court. Additionally, whenever the Public Administrator/Public Guardian shall have taken charge of assets of a decedent pursuant to Probate Code Section 2900, and no probate proceedings are required and the property is subject to release to heirs or next of kin pursuant to the provisions of Probate Code Section 13100, the Public Administrator/Public Guardian may, at the request and direction of the person or persons executing the affidavit required by Probate Code Section 13101, sell such property on behalf of and forward the net proceeds of said sale to the persons entitled thereto. The Public Administrator/Public Guardian shall charge and deduct from the gross proceeds of such sale necessary expenses of sale to effect full cost recovery.

(e) The Public Administrator/Public Guardian may at the request of any executor, administrator, fiduciary or public agency sell personal property on behalf of such executor, administrator, fiduciary or public agency at public sale and forward the net proceeds of said sale to the appropriate executor, administrator, fiduciary or public agency. The Public Administrator/Public Guardian shall charge and deduct from the gross proceeds of such sale necessary expenses of sale to effect full cost recovery.

(f) The Public Administrator/Public Guardian shall also act as the Public Conservator and provide conservatorship services to all conservatees who are gravely disabled and for whom the Public Conservator has been appointed conservator of the person by court order pursuant to the Lanterman-Petris-Short Act (Welfare and Institutions Code section 5000, et seq.). The Public Administrator/Public Guardian/Public Conservator is the person designated by the County pursuant to Welfare and Institutions Code section 5355 to serve as the Public Conservator. The Public Administrator/Public Guardian/Public Conservator, acting as the Public Conservator, shall perform any and all other duties as prescribed by the Director or Deputy Director of the principal subdivision assigned to oversee the Office of the Public Conservator.

(g) The Public Administrator/Public Guardian may also be assigned such other duties as may be required or permitted by law.

Section 6. Section 397.5 of Article XXIIa of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 397.5. COUNTY COUNSEL TO ACT AS ATTORNEY FOR PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN IN GUARDIANSHIPS, CONSERVATORSHIPS,

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TRUSTEE APPOINTMENTS, COLLECT ATTORNEY'S FEE AND APPROVE THE USE OF OUTSIDE COUNSEL.

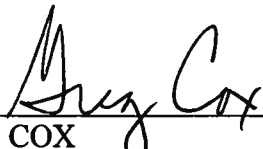
The County Counsel shall act as attorney for the Public Administrator/Public Guardian in the matter of all estates in which he or she is appointed as guardian, conservator, or trustee, or shall approve the use of outside counsel in such matters. In every proceeding for which County Counsel acts as attorney for the Public Administrator/Public Guardian, County Counsel shall collect the attorney's fee allowed therein by law or by the court and forthwith pay the same into the County treasury.

Section 7. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
THOMAS E. MONTGOMERY, COUNTY COUNSEL

By: Katherine Hart, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 17th day of November 2020.



GREG COX
Chairman, Board of Supervisors
County of San Diego, State of California

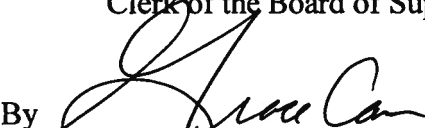
The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 17th day of November 2020.

ANDREW POTTER
Clerk of the Board of Supervisors

By



Grace Care, Deputy



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