

Meeting Date: 1/12/2021 (18)

ORDINANCE NO. 10712 (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO ADMINISTRATIVE CODE ARTICLES VIII, XX SECTION 362.4, XXVIe SECTION 496, AND XLI-A AND REGULATORY CODE SECTION 16.105

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

Section 1. Article VIII of the San Diego County Administrative Code is amended to read as follows

SEC. 120. RECOGNITION OF THE CAO.

There is in the County the office of Chief Administrative Officer (CAO). The CAO is appointed by and serves at the pleasure of the Board of Supervisors (Board).

SEC. 121. CAO TO BE UNDER SUPERVISION AND DIRECTION OF BOARD.

The CAO shall act under the supervision of the Board and shall be subject to its direction.

SEC. 122. CAO'S IMMEDIATE OFFICE.

(a) There shall be in the Office of the Chief Administrative Officer the following positions:

- (1) Asst. CAO, who shall be the principal assistant to the CAO;
- (2) Director, Office of Ethics and Compliance;
- (3) Director, Office of Strategy and Intergovernmental Affairs;
- (4) Director, Office of Equity and Racial Justice;
- (5) CAO Chief of Staff; and
- (6) CAO Project Manager.

These positions shall be in the Unclassified Service and shall be filled by appointment by the CAO in accordance with the County Charter, County ordinances, and of the rules and policies established thereunder.

(b) The Asst. CAO shall oversee, on behalf of the CAO, and participate in the development and implementation of policies and programs for groupings of County departments; advise the CAO on such policies and programs within such departmental groupings; direct major or complex special projects; evaluate the performance of department and program heads; serve as liaison between departmental groupings; provide direction and review of departmental budget; review departmental items of broad significance to go before the Board; represent the County and the CAO in meetings with community agencies, commissions, committees and other public groups; appoint authorized Office or Group personnel in accordance with the County Charter and of the rules and policies established thereunder, Civil Service Rules and County ordinances; and perform related functions assigned by the CAO.

(c) The CAO Chief of Staff and CAO Project Manager shall, under the administrative direction of the CAO, be responsible for providing administrative coordination, including planning and support, for highly complex special projects of a temporary nature in the Chief Administrative Office.

SEC. 122.1. APPOINTMENT AND EMPLOYMENT OF PERSONNEL.

The CAO shall appoint and employ such personnel as may be necessary to carry out the duties of the Office of Chief Administrative Officer. The authority of the CAO to appoint and employ personnel may be exercised by the Asst. CAO, Deputy Chief Administrative Officers, the Deputy Chief Administrative Officer/Chief Financial Officer, and the Deputy Chief Administrative Officer/Director of the Health and Human Services Agency with respect to the personnel allocated to each official or that official's Office or Group. All appointments and employments made pursuant to this section shall be in accordance with the

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provisions of the County Charter, Civil Service Rules, County ordinances and of the rules and policies established thereunder.

SEC. 122.2. CAO APPOINTMENTS TO UNCLASSIFIED SERVICE OF APPOINTIVE OFFICERS.

(a) Pursuant to County Charter Section 501, all appointive officers shall be appointed by the CAO, except for those offices designated as appointees of the Board in Charter Section 501.

(b) All other positions in the Unclassified Service shall be appointed as authorized by the County Charter, general law or the ordinances of the County.

(c) Pursuant to County Charter Section 909.2, all persons in the Unclassified Service shall serve at the pleasure of their respective appointing authorities and may be removed from their positions without notice or hearing.

(d) Persons shall be appointed to offices or positions in the Unclassified Service in accordance with the County Charter, County ordinances, and of the rules and policies established thereunder.

SEC. 123. APPROVAL OF REVENUE CONTRACTS AND ACCEPTANCE OF GRANTS.

(a) Except as otherwise provided by the County Charter and general law, the CAO shall have the power to approve the initiation and renewal of Revenue Contracts and the application for and acceptance of Grants to the County:

(1) When the anticipated income or value from the Revenue Contract for the ensuing 12 months, or the amount of the Grant, does not exceed \$250,000;

(2) When Government Code Section 29130 is not applicable to require specific authorization by the Board;

(3) When the terms of the Revenue Contract or Grant do not require the addition of positions or staff years; and

(4) When approval by the Board is not specifically required as a condition of the Revenue Contract or Grant.

(b) After approvals by the CAO as provided herein and at his/her request, the Clerk of the Board of Supervisors shall execute such Revenue Contracts or renewals thereof and the documents necessary to effect acceptance of such Grants, on behalf of the Board.

For the purposes of this section, the terms "Revenue Contract" and "Grant" are defined as follows:

(1) "Revenue Contract" means a formal agreement between the County and a contractor providing for payments or income to the County as consideration for goods or services furnished by the County, when the payments or income to be received do not represent fees, licenses, permits, or proceeds of grants.

(2) "Grant" means a formal arrangement between the County and a grantor pursuant to which the County is to receive funds, services, products, or income for the establishment and conduct of, or for the support of, a specific program or project during a stated period of time.

SEC. 125. CAO STAFF OFFICES.

(a) There shall be in the Office of the Chief Administrative Officer the following Staff Offices:

(1) Office of Strategy and Intergovernmental Affairs;

(2) Office of Ethics and Compliance;

(3) Office of Equity and Racial Justice;

The CAO shall exercise general supervision of said staff offices.

(b) The CAO shall be the appointing authority of the Directors of the Office of Strategy and Intergovernmental Affairs, the Office of Ethics and Compliance, and the Office of Equity and Racial Justice each of whom shall be in the Unclassified Service of the County. Such appointments shall be in

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accordance with the County Charter, County ordinances, and of the rules and policies established there under.

SEC. 125.1. FUNCTIONS OF THE OFFICE OF STRATEGY AND INTERGOVERNMENTAL AFFAIRS.

Office of Strategy and Intergovernmental Affairs, under the direction of its Director, shall oversee on behalf of the CAO, the County's legislative advocacy; manage the Legislative Program of the Board; monitor and evaluate federal and state legislation and policies impacting the County; manage the activities of the County representatives in Washington, DC and Sacramento; facilitate, recommend, implement and communicate legislative policy positions; serve as a liaison with offices of federal and state elected officials and stakeholders on legislative matters; and be responsible to perform such other duties as the CAO may from time to time assign.

SEC. 125.2. FUNCTIONS OF THE OFFICE OF ETHICS AND COMPLIANCE.

The Office of Ethics and Compliance, under the direction of its Director, shall be responsible for managing the ethics and compliance programs for the County with an emphasis on program oversight, education, training, monitoring, reporting and corrective action; responsibilities include facilitation and support to assure compliance with applicable federal and state laws, rules, regulations, ethical standards, statutes and County-specific policies and procedures, and the identification of alleged non-compliance for corrective action purposes. This includes receiving and investigating complaints alleging improper government activity including, but not limited to: abuse of authority, gross mismanagement, significant waste of County funds, improper billings, conflicts of interest, patient and client privacy, patient and client safety, alleged violations of federal and state funding requirements and potential danger to public safety or health; and, shall be responsible for receiving and investigating complaints of discrimination on the basis of race, color, religion, national origin, sex, sexual orientation or other prohibited discriminatory acts under federal or state law, County Charter or County ordinances and policies and shall make appropriate recommendations, establish written procedures to address such complaints; and, perform other duties as assigned by the CAO.

SEC 125.3. FUNCTIONS OF THE OFFICE OF EQUITY AND RACIAL JUSTICE

The Office of Equity and Racial Justice, under the direction of its Director, shall endeavor to collaborate with trusted community organizations and establish more equitable and accessible services, programs, and resources and connect with all the various communities in the County to ensure we are responding to each community appropriately and addressing their specific and diverse needs while advancing the County's commitment to an equitable and inclusive region; and, perform other duties as assigned by the CAO.

Section 2. Article XX, Section 362.4 of the San Diego County Administrative Code is amended to read as follows.

SEC. 362.4. MISCELLANEOUS DEPOSITS FOR THE DEPARTMENT OF GENERAL SERVICES.

(a) DEPOSITS

1. **PRE-INTAKE DEPOSITS.** An applicant may request review of a project to identify any significant issues or concerns that the applicant may want to consider before filing a formal application. The deposit collected is intended to cover County costs to conduct the initial project analysis and application processing. Application consultation shall be mandatory for all privately initiated projects unless waived by the Department of General Services. The Pre-Intake Deposit shall be the deposit amount set by the

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Board for the type of application. Upon the filing of an application, the applicant shall deposit the funds necessary to replenish the account to the amount set by the Board for the type of application filed.

2. DEPOSITS DUE WITH APPLICATION. Deposits shall be calculated and paid to the Department of General Services in accordance with the following schedule:

| CASE TYPE | AUTHORITY | AMOUNT | F/D |
|------------------------------|-----------|-----------------------|-----|
| VACATION REQUEST | 398.5 CAC | \$2,085 | D |
| MANDATORY DEDICATION | 398.5 CAC | \$685/ First Document | D |
| BOARD POLICY J-33 PROCESSING | 398.5 CAC | \$14,935 | D |

CAC = County Administrative Code D = Deposit F = Fee

3. POST-APPLICATION DEPOSIT ADJUSTMENTS. Upon completion of initial project analysis, the applicant and project manager will discuss the scope of the project and calculate an estimated deposit(s). The estimated deposit(s) shall be calculated based on factors identified during the initial project analysis, established processing time standards, standard hourly rates and key milestones.

Estimated deposits shall be paid in advance of services performed. Estimated deposits are collected to recover actual project processing costs by key milestones and shall be paid prior to the completion of said milestones. The County may discontinue processing the requested project and/or recommend denial of the project based on the applicant's refusal to pay the estimated deposit and all actual processing costs that may not have been included in the estimate.

(b) MISCELLANEOUS PROVISIONS GENERALLY APPLICABLE TO DEPOSITS.

1. STANDARD HOURLY RATES. Any County employee may bill against an account at the hourly rates specified in subsection (c), Schedule of Standard Hourly Rates.

2. SUBSEQUENT DEPOSITS. Unanticipated factors arising during project processing, such as, but not limited to, complexity, controversy or environmental issues which require additional project review will be conveyed to the applicant as soon as they are known. If it is determined that the deposit is insufficient to recover actual costs, the project manager will scope the work remaining on the project and calculate an additional subsequent deposit. The County may discontinue processing the requested project and/or recommend denial of the project based on the applicant's refusal to pay the estimated deposit and all actual processing costs that may not have been included in the estimate. Final documents and approvals shall not be issued until all deposits are paid in full.

3. REFUNDS. At the completion of all tasks associated with an application for which a deposit is required and after all final documents and review are completed, the difference between the deposited amount and the actual cost shall be refunded within 180 days. A refund shall not be authorized if the total refundable amount after deduction of County administrative cost is less than \$10. An applicant who has paid the applicable deposit(s) may withdraw the application by submitting a written request to the County. The County shall discontinue work on such application within one working day from the receipt of said request. Any unused deposit(s) remaining upon the withdrawal of the application shall be refunded in accordance with this section.

4. Notwithstanding any other provision of this section, when an applicant is owed a refund but is in deficit on a separate deposit account(s) at any County department, the refund may be applied by the County to the deposit account(s) in deficit as an offset, unless a different disposition of the refund is required by law.

(c) SCHEDULE OF STANDARD HOURLY RATES

Unless otherwise specified, all deposits and time and material charges shall be calculated and will be charged using the following standard hourly billing rates:

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| POSITION | HOURLY RATE |
|---|---|
| Asset Management Land Surveyor/Senior Land Surveyor | Charged at hourly rate approved by the Board of Supervisors |
| Asset Management Associate/Senior Real Property Agent/Project Manager | Charged at hourly rate approved by the Board of Supervisors |
| OTHER COUNTY DEPARTMENTS | |
| County Counsel - Attorney | Charged at hourly rate approved by the Board of Supervisors |
| County Counsel - Paralegal | Charged at hourly rate approved by the Board of Supervisors |
| Department of Planning and Development Services Personnel | Charged at hourly rate approved by the Board of Supervisors |
| Department of Public Works Personnel | Charged at hourly rate approved by the Board of Supervisors |

Section 3. Article XXVIe Section 496 of the San Diego County Administrative Code is amended to read as follows.

SEC. 496. AUTOMOBILE ALLOWANCE.

Each of the Elected Officials and Executive Management Staff ("EMS") hereinafter designated, as such designation may be hereafter modified from time to time, are entitled to be paid a monthly allowance as hereinafter set forth for the use of a non-County- owned vehicle in the performance of their duties subject to the following conditions:

(a) The Elected Official or EMS possesses a valid California driver's license appropriate to the class of vehicle being operated.

(b) Each such Elected Official or EMS shall at his or her own expense for the period covered by such allowance provide insurance protecting such Elected Official or EMS in the use of such vehicle against liability for bodily injury and property damage in not less than the following amounts: bodily injury, each person, \$100,000; each accident \$300,000; property damage \$25,000.

(c) In accordance with Board of Supervisors Policy H-10, Elected Officials and EMS may be provided a County-owned vehicle in lieu of the authorized automobile allowance if justified by their duties. Such request must be approved by the Chief Administrative Officer.

(d) Elected Officials and EMS who receive an automobile allowance shall not be entitled to be reimbursed for public transit within the County.

(e) Elected Officials or EMS covered by Board of Supervisors Policy H-10 shall not drive (except for a County-owned vehicle provided to the Elected Official or EMS in lieu of an automobile allowance) nor be transported in a County-owned vehicle, except on the rare occasion when such transport is unavoidable or would otherwise be extremely impracticable to avoid and in any event should not occur more than three times in any calendar month.

(f) Elected Officials and EMS who receive an automobile allowance or who have been provided a County-owned vehicle in lieu of an automobile allowance shall not be transported in a private vehicle owned by County staff while on County business except on the rare occasion when such transport is

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unavoidable or would otherwise be extremely impracticable to avoid and in any event should not occur more than three times in any calendar month.

(g) Elected Officials and EMS who receive an automobile allowance or who have been provided a County-owned vehicle in lieu of an automobile allowance shall not be entitled to mileage reimbursement for miles driven within the limits of San Diego County.

The following table of rates of automobile allowances is established for Elected Officials and EMS who are authorized to receive such allowances and who satisfy the conditions above. Such persons shall be paid that monthly amount set forth in the allowance rate appearing after the title of that Elected Official or EMS:

| Rate Allowance | Monthly Allowance |
|----------------|-------------------|
| A | \$1,000 |
| B | 750 |
| C | 675 |
| D | 600 |

and the following County officers be paid a monthly allowance at the rate herein specified:

| Elected Official | Rate Allowance |
|--------------------------------|----------------|
| Member, Board of Supervisors: | |
| First District | A |
| Second District | A |
| Third District | A |
| Fourth District | A |
| Fifth District | A |
| Assessor/Recorder/County Clerk | A |
| District Attorney | A |
| Sheriff | A |
| Treasurer-Tax Collector | A |

| Executive Management Staff | Rate Allowance |
|---|----------------|
| Chief Administrative Officer | A |
| Assistant Chief Administrative Officer | B |
| Chief Information Officer | C |
| County Counsel | C |
| Deputy Chief Administrative Officer | C |
| Deputy Chief Administrative Officer/Chief Financial Officer | C |
| Deputy Chief Administrative Officer/ Director, Health and Human Services Agency | C |
| Director, Human Resources | C |
| Agricultural Commissioner/Sealer of Weights and Measures | D |
| Air Pollution Control Officer | D |
| Auditor & Controller | D |

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| Chief Medical Examiner | D |
| Chief Operations Officer, HHSA | D |
| Clerk of the Board of Supervisors | D |
| Director, Animal Services | D |
| Director, County Library | D |
| Director, Child Support Services | D |
| Director, County Communications Office | D |
| Director, Department of Public Works | D |
| Director, Environmental Health | D |
| Director, General Services | D |
| Director, Housing and Community Development Services | D |
| Director, Office of Emergency Services | D |
| Director, Office of Equity and Racial Justice | D |
| Director, Office of Ethics and Compliance | D |
| Director, Office of Strategy and Intergovernmental Affairs | D |
| Director, Parks and Recreation | D |
| Director, Planning and Development Services | D |
| Director, Purchasing and Contracting | D |
| Director, Regional Operations | D |
| Executive Officer, Citizens Law Enforcement Review Board | D |
| Executive Officer, Civil Service Commission | D |
| Public Defender | D |
| Registrar of Voters | D |
| Retirement, Chief Executive Officer | D |
| Director, Child Welfare Services | D |

(h) Elected Officials may prospectively waive the auto allowance using established procedures. Effective waivers must be made in the time and in the manner established by the Auditor and Controller. The waiver of the auto allowance is irrevocable. Under no circumstances will the Elected Official be entitled to the auto allowance or the County of San Diego be liable for making payment of the auto allowance that would have otherwise been payable during the designated waiver period once the waiver occurs.

Section 4. Article XLI-A of the San Diego County Administrative Code is deleted.

Section 5. Title 1, Division 6, Chapter 1, Section 16.105 of the San Diego County Regulatory Code is amended to read as follows

SEC. 16.105. CONDUCT OF THE HEARING.

(a) Every witness before testifying shall take an oath or make an affirmation.

(b) The County department whose decision is being appealed shall present evidence that explains why the license or permit appellant applied was denied or why appellant's existing license or permit should be suspended or revoked.

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(c) The appellant shall present evidence that supports his contention that the County department's determination to deny the license or permit or to suspend or revoke the license or permit is erroneous.

(d) Each party shall have the right to: call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues, impeach any witness regardless of which party first called the witness to testify and rebut the evidence against the party. The County department may call and examine the appellant or any employee or agent of the appellant as a witness during the department's case in chief or during the department's rebuttal case. The hearing officer may examine the appellant or any of the appellant's employees or agents as if under cross-examination.

(e) Strict rules of evidence shall not apply. Evidence that might otherwise be excluded under the Evidence Code may be admissible if the hearing officer determines that it is relevant and of the kind that reasonably prudent persons rely on in making decisions. All rules of privilege recognized by the Evidence Code, however, apply to the hearing. The hearing officer shall also exclude irrelevant and cumulative evidence.

(f) The hearing shall be conducted in English. If the appellant or any of appellant's witnesses require an interpreter, one will be provided by the County as provided by Board Policy A-139. The appellant shall be responsible to provide a State certified interpreter at appellant's expense for any language not covered by Board Policy A-139.

Section 6. 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 a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: Rachel H. Witt, Chief Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 12th day of January 2021.



NATHAN FLETCHER
Chair, Board of Supervisors
County of San Diego, State of California

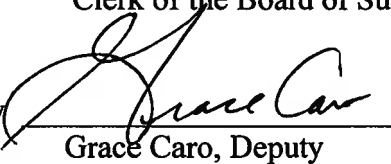
The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 12th day of January 2021.

ANDREW POTTER
Clerk of the Board of Supervisors

By



Grace Caro, Deputy



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