

ORDINANCE NO. 9629 (NEW SERIES)

AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, SECTIONS 122, 122.1 & 124 PERTAINING TO THE CHIEF ADMINISTRATIVE OFFICER, ARTICLE V PERTAINING TO THE AUDITOR AND CONTROLLER, SECTION 114 PERTAINING TO BUDGET ESTIMATES, SECTION 470 PERTAINING TO OUT OF COUNTY BUSINESS, ARTICLE XI PERTAINING TO THE DEPARTMENT OF THE MEDICAL EXAMINER, SECTIONS 176.1, 176.3, 176.4 AND 176.9 PERTAINING TO THE COUNTY VETERINARIAN, ARTICLE XXXVII PERTAINING TO THE PUBLIC DEFENDER, ARTICLE XXXVIII-A PERTAINING TO THE ALTERNATE PUBLIC DEFENDER, AND SECTIONS 492 & 493 PERTAINING TO BAR ASSOCIATION DUES

Section 1. Section 122, 122.1 and 124 of the Administrative Code are hereby amended to read as follows:

SECTION 122. CHIEF ADMINISTRATIVE OFFICER'S IMMEDIATE OFFICE. There shall be in the office of the Chief Administrative Officer the position of Assistant Chief Administrative Officer, who shall be the principal assistant to the Chief Administrative Officer, positions of Deputy Chief Administrative Officer, a position of Chief Financial Officer/General Manager, a position of Director, Office of Internal Affairs and positions of CAO Project Manager. The Assistant Chief Administrative Officer, the Deputy Chief Administrative Officers, the Chief Financial Officer/General Manager, Director, Office of Internal Affairs and the CAO Project Managers shall be in the Unclassified Service. Said positions shall be filled by appointment by the Chief Administrative Officer in accordance with the County Charter, Rules for the Unclassified Service and County ordinances.

The Assistant Chief Administrative Officer, the Deputy Chief Administrative Officers, and the Chief Financial Officer/General Manager shall oversee, on behalf of the Chief Administrative Officer, and participate in the development and implementation of policies and programs for groupings of County departments; advise the Chief Administrative Officer 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 of Supervisors; represent the County and the Chief Administrative Officer in meetings with community agencies, commissions, committees and other public groups; appoint authorized Office or Group personnel in accordance with the County Charter, Rules for the Unclassified Service, Civil Service Rules and County ordinances; and perform related functions assigned by the Chief Administrative Officer.

The CAO Project Managers shall, under the administrative direction of the Chief Administrative Officer, be responsible for providing administrative coordination, including planning and support, for highly complex special projects of a temporary nature in the Chief Administrative Office. Additionally, the Director, Office of Internal Affairs assigned to the Office of Internal Affairs shall be responsible to receive and investigate complaints of discrimination on the basis of race, color, religion, national origin, sex or other prohibited discriminatory acts under Federal or State law or County ordinances and policies, make appropriate recommendations, establish a written procedure which shall govern such complaints and be responsible to perform such other duties as the Chief Administrative Officer may from time to time assign.

SECTION 122.1. APPOINTMENT AND EMPLOYMENT OF PERSONNEL. The Chief Administrative Officer shall appoint and employ such personnel as may be necessary to carry out the duties of the Office of Chief Administrative Officer, except the personnel allocated to the Assistant Chief Administrative Officer,

Deputy Chief Administrative Officers, the Chief Financial Officer/General Manager and the Director, Office of Internal Affairs who shall be appointed and employed by the Assistant Chief Administrative Officer, Deputy Chief Administrative Officer or Director, Office of Internal Affairs of said Office or Group. All appointments and employments made by the Chief Administrative Officer shall be in accordance with the provisions of the County Charter, Rules for the Unclassified Service, Civil Service Rules and County ordinances.

SECTION 124. C.A.O. TO BE APPOINTING AUTHORITY FOR VARIOUS COUNTY OFFICERS.

The Chief Administrative Officer shall be the appointing authority of the Auditor and Controller, Chief Financial Officer/General Manager, Chief Medical Examiner, Director of Health and Human Services Agency, Director of the Department of Agriculture – Weights and Measures, County Veterinarian, Director of Animal Services, Director, County Library, Director of Parks and Recreation, Director of Planning and Land Use, Director of Environmental Health, Director of Public Works, Director of General Services, Registrar of Voters, Director of Housing and Community Development, Director of Human Resources, Chief Information Officer, Director of the Office of Emergency Services, Public Defender, Alternate Public Defender, Public Administrator, Director of Purchasing and Contracting and Director of Media and Public Relations. The Chief Administrative Officer shall exercise general supervision of said offices.

Section 2. Article V of the Administrative Code is hereby amended to read as follows:

ARTICLE V AUDITOR AND CONTROLLER

SECTION 90. RECOGNITION OF DEPARTMENT. There is in the County a Department of Auditor and Controller, hereafter in this Article referred to as the Department, under the supervision of the Auditor and Controller.

SECTION 90.1. RECOGNITION OF AUDITOR AND CONTROLLER.

There is in the County and in the Department a position of Auditor and Controller. Such position shall be in the Unclassified Service of the County and shall be filled by appointment of the Chief Administrative Officer in accordance with the County Charter, Civil Service Rules and County Ordinance.

SECTION 90.2. DUTIES OF THE AUDITOR AND CONTROLLER.

The Auditor and Controller shall act under the supervision of the Chief Financial Officer/General Manager and shall exercise general supervision of all functions of the Department and shall enforce such rules and regulations as are prescribed and approved by the Board of Supervisors.

SECTION 90.3. AUDITOR AND CONTROLLER TO APPOINT PERSONNEL.

The Auditor and Controller shall appoint and employ such personnel as may be necessary to conduct the business of the Department. All appointments and employments made by the Auditor and Controller shall be in accordance with the provisions of the County Charter, Civil Service Rules and County ordinances.

SECTION 90.4. AUDITOR AND CONTROLLER TO PREPARE BUDGET AND SUPERVISE EXPENDITURES.

The Auditor and Controller shall prepare and submit to the Chief Administrative Officer the required annual itemized estimates of the expenditures and revenues for the Department. The Auditor and Controller shall supervise the expenditure of all funds allocated to the Department.

SECTION 91. AUDITING AND FINANCIAL FUNCTIONS OF THE DEPARTMENT.

The Auditor and Controller is the chief accounting officer of the County and shall perform all accounting duties assigned by the County Charter and general law. The Auditor and Controller shall perform all duties considered necessary by the Board of Supervisors, ~~or~~ the Chief Administrative Officer or the Chief Financial Officer/General Manager for the formulation of the County's annual budget and for the financial management of County operations.

SECTION 91.1. PREPARATION AND FILING OF ANNUAL INVENTORY.

Each officer or person required by Section 24051 of the Government Code to file an inventory shall file such inventory annually or at such other interval not in excess of three years as prescribed by resolution of the Board. The inventory shall be filed with the Auditor and Controller. The inventory shall be prepared in two sections: The Materials and Supplies Inventory, and a Fixed Assets Inventory. Unless otherwise prescribed by resolution of the Board, the Materials and Supplies Inventory shall show all such county property in his possession or in his charge at the close of business on June 30 and shall be filed on or before the following July 31, and the Fixed Assets Inventory shall show all such county property in his possession or in his charge at the close of business on June 30 and shall be filed on or before the following September 1.

SECTION 91.2. ACCOUNTABILITY, ACCEPTANCE AND RECEIPTING OF INVENTORIES.

Each officer or person enumerated in Section 24051 of the Government Code shall immediately upon assuming his position, either in an acting or permanent capacity, accept accountability for the inventory on hand, and shall receipt for and accept such inventory on a form prepared by and to be filed with the Auditor and Controller. If such officer or person succeeds himself, the preparation, receipting for and acceptance of the inventory on hand may be postponed until the time for the next regular annual inventory or inventories.

SECTION 91.3. NON-PAYMENT FOR FAILURE TO FILE INVENTORY OR FINANCIAL REPORTS.

The Auditor and Controller shall not draw his warrant for the final salary of any officer or person leaving County service who is required by Section 24051 of the Government Code to deliver an inventory, or under authority of Section 34 of the County Charter to file financial reports, until the officer or person has delivered or filed such inventory or financial reports in the prescribed time and manner pursuant to regulations governing their delivery or filing. These regulations shall be in writing and shall be made a part of the County's Administrative Manual.

The Auditor and Controller shall establish procedures to ensure that such officers or persons receive timely notification of the necessity to file said inventories or financial reports and of the penalty provisions of this section. If any officer or person, subject to the provisions of this section, terminates County employment without having delivered or filed required inventory or financial reports, the Auditor and Controller shall immediately notify the officer or person, the the Chief Administrative Officer of such fact. Any officer or person to whom notice of failure to deliver or file an inventory or financial report is sent may appeal the Auditor and Controller's determination to the Chief Administrative Officer within 10 days. The Chief Administrative Officer or his designee shall

investigate the matter and either require the salary to be paid or uphold the Auditor and Controller's determination not to pay the salary until said inventory or financial report is delivered or filed.

SECTION 91.4. COPY OF SPECIAL DISTRICT AUDITS PROVIDED TO GRAND JURY.

The Auditor and Controller shall make a copy of any audit report of a special district prepared by an independent public accountants and shall transmit said copy, along with his statement indicating the extent of compliance with Government Code section 26909, to the Grand Jury.

SECTION 91.5. AUDITOR AND CONTROLLER RECORDS AND REPORTS.

(a) The Auditor and Controller shall be responsible for keeping accounts showing the financial transactions of all County departments, offices and other subdivisions of the County. Such accounts and accounting procedure shall be in conformance with generally accepted accounting principles and requirements prescribed by the State Controller and shall be adequate to record:

(1) All budgeted revenue and appropriations, together with additions or transfers thereto and expenditures or transfers therefrom;

(2) All amounts or unexpended appropriations which have been legally encumbered, and the unencumbered, unexpended balances of such appropriations;

(3) All revenues accrued and liabilities incurred;

(4) All cash receipts and disbursements;

(5) All transactions affecting the custody or disposition of County assets.

(b) The Auditor and Controller shall periodically prepare a statement for each reporting period showing such information with respect to the financial conditions of each budget appropriation and the condition of estimated revenues as the Board requires. The statement shall be detailed as to assets, liabilities, revenues, expenditures, appropriations, and unencumbered fund balances in such a manner as to show the financial condition of the county and of each fund and budget unit thereof for that portion of the fiscal year to and including the end of that reporting period. The statement shall also show the cash position of the County in each fund as of the last day of that reporting period. A copy of each statement shall be filed by the Auditor and Controller with the Board, and with such other officials or persons as the Board may designate, not later than the twentieth day following the end of the reporting period. Reporting periods will be prescribed by the Auditor and Controller but shall not be longer than one month.

(c) The Auditor and Controller shall devise adequate systems of internal check of all departments and offices of the County relative to the custody, collection or disbursement of public funds.

SECTION 91.7. FILING OF CASH STATEMENTS.

(a) Each officer of the County or of a judicial district in the County authorized to collect money shall deposit daily into the County treasury all money collected by or under control of that officer that is payable into the County treasury. Each item deposited shall be properly classified as to funds and accounts affected. Deposits into the County treasury may be made through one or more bank accounts in accordance with rules prescribed by the Auditor and Controller.

(b) Each such officer shall file with the County Auditor and Controller not later than 14 calendar days after the end of the accounting period, a cash statement, in such form as the Auditor and Controller requires, of all money handled by or in the official capacity of the officer during the preceding accounting period. The cash statement shall show cash on hand at the beginning of the accounting period; collections and deposits during the accounting period; and cash on hand at the end of the accounting period.

(c) The daily deposit required in (a) above may be waived in writing by the Auditor and Controller upon application of a County officer, if either of the following conditions exist:

(1) The aggregate of moneys collected is less than \$100, or

(2) The headquarters of the officer or employee making collections is so located as to make daily deposit infeasible.

Officers or employees exempted from the daily deposit requirements will deposit accumulated collections on the last working day of each week.

(d) Unless otherwise specified, the taking and subscribing of the affidavit in connection with any fee or cash statement required by the California Government Code will correspond to the reporting period prescribed in Section 94.1(b) of this Code.

SECTION 91.8. ESTABLISHMENT, INCREASE, REDUCTION OR DISCONTINUANCE OF REVOLVING FUNDS.

The County Auditor and Controller shall perform the function of the Board of Supervisors to establish, increase, reduce or discontinue any of the revolving funds of County officers provided for in Title 3, Division 3, Chapter 2, Article 2 of the Government Code commencing with Section 29320. In doing so, the Auditor and Controller shall be subject to the same requirements and limitations otherwise prescribed for the Board of Supervisors; shall, in lieu of acting by resolution, act by signed statement having the same content otherwise prescribed for resolution of the Board of Supervisors; and shall render a written report to the Board of Supervisors at the end of each fiscal year identifying the revolving funds in existence during the fiscal year, the amount of such funds, and the officer using the fund.

SECTION 92. REVENUE AND RECOVERY FUNCTIONS OF THE DEPARTMENT.

The Department will provide professional collections and revenue recovery services which will serve all levels of County Government to maximize the recovery of moneys due and owing. The Auditor and Controller shall review and make recommendations upon all budget requests for collection of accounts receivable which may be assigned to the Department. In carrying out these functions, the Department shall perform such functions as may be assigned to it including the following:

(a) The billing and collections of moneys for health care provided by the Department of Health Services. This includes recovery from State and Federal subsidized programs.

(b) The billing and collection of costs for the support and maintenance of minors placed by order of the Juvenile Court in any of the County Juvenile Probation Facilities or out of home placements.

(c) The billing and collection on welfare frauds and overpayments.

(d) The billing and collection of General Relief repayments. Further, the Auditor and Controller is authorized to defer billing, or compromise and settle a General Relief account when investigation reveals that such action is in the best interest of the County.

(e) The processing, maintenance and recovery on Grants of Liens in favor of the County.

(f) Act on behalf of the Chief Probation Officer to collect fines, restitution, costs of probation supervision, costs of pre-sentence investigation, and other associated fees and costs.

(g) Screen felony and misdemeanor defendants who request court-appointed attorneys to determine whether they can afford to pay for their own legal defense in lieu of County paid services.

(h) Enforce recovery on accounts receivable for all County departments when directed to do so by the Chief Administrative Officer and the Board.

Section 3. Section 114 of the Administrative Code is hereby amended to read as follows:

SECTION 114. CHIEF FINANCIAL OFFICER/GENERAL MANAGER TO FILE BUDGET ESTIMATES WITH CHIEF ADMINISTRATIVE OFFICER.

On or about the fourth week of May of each year the Chief Financial Officer/General Manager shall file with the Chief Administrative Officer who in turn shall file with the Board, a copy of the tabulation of the budget estimates of proposed expenditures and anticipated revenue for each office, department, institution, district, board and commission for the next ensuing fiscal year, as required by the provisions of Section 29062 of the Government Code.

Section 4. Section 470 of the Administrative Code is hereby amended to read as follows:

SECTION 470. AUTHORITY TO CONDUCT OFFICIAL BUSINESS OUTSIDE THE GEOGRAPHIC BOUNDARIES OF SAN DIEGO COUNTY (OUT-OF-COUNTY BUSINESS) AND WITHIN SAN DIEGO COUNTY (IN-COUNTY BUSINESS).

(a) At the beginning of each fiscal year, the Chief Administrative Officer shall present to the Board of Supervisors an annual out-of-County business program that summarizes expenditures and revenues for each department's activities that will be attended outside the County by persons in the service of the County.

(1) Such summary will include:

- All business trips within or outside the State of California regardless of duration,

(2) Such summary will not include:

- business trips within the State involving no expense other than salary regardless of anticipated duration;

- business trips expressly required by Federal or State law or court order.

(b) Unanticipated out-of-County business of the type normally included in the program that subsequently becomes known and which requires an increase in appropriations shall be presented to the Board through the Chief Administrative Officer in advance of such out-of-County business. The Chief Administrative Officer may delegate to the Chief Financial Officer/General Manager, Assistant Chief Administrative Officer, Deputy Chief Administrative Officer, Agency Director, or Department Head, the authority to approve out-of-County business, requiring salary-only, which begins and ends during business hours of the same day, wherein the only County expense is a County vehicle or private mileage reimbursement.

(c) In extraordinary circumstances, out-of-County business that requires prior Board approval as defined in this section, may be taken prior to receiving such approval upon obtaining prior approval of

the Chief Administrative Officer. Such out-of-County business must be presented for Board ratification at the next appropriate meeting.

(d) Out-of-County business must be authorized as described above in order to qualify for reimbursement of related actual and necessary expenses. Prior to being taken, any request for out-of-County business activity must be submitted to the Chief Administrative Officer for approval on a form prescribed by the Auditor and Controller. Upon return, a claim containing actual and necessary expenditures will be submitted to the Chief Administrative Officer for approval prior to processing by the Auditor and Controller, provided, however, that elected County officials may approve claims relating to their own approved out-of-County business.

(e) The Chief Administrative Officer may delegate authority to approve:

- Out-of-County business requests.
- Resultant claims.
- County business advances per Section 473.1.
- Unusual actual County business expenses per Section 472.1.
- Mode of transportation, including most appropriate available public carrier, per Section 474.
- Authorized County activities per Section 471.

This delegation may be to, but no further than, the levels of:

- Assistant Chief Administrative Officer.
- Chief Financial Officer/General Manager.
- Deputy Chief Administrative Officer.
- Agency Director.
- Department Head.

The Chief Administrative Officer may delegate out-of-County business signatory authority to the Chief Financial Officer/General Manager, Assistant Chief Administrative Officer or Deputy Chief Administrative Officer level for approval of out-of-County business requests and resultant claims for appointed Department Heads themselves. Department Heads may delegate their out-of-County business signatory authority to only Executive Management level staff within their Department of Agency.

(f) County business that is required by Federal or State law or court order shall be subject to the provisions of this Article unless otherwise specified.

(g) County officers and employees in the performance of official duties may conduct out-of-County business without specific authorization outside of the County of San Diego and into the Counties of Orange, Riverside, or Imperial when incidental to the conduct of business in San Diego County.

(h) When on official County business, employees will not conduct County business at the expense of

persons doing or seeking to do business with the County, without prior approval of the Chief Administrative Officer.

Section 5. Article XI of the Administrative Code is hereby amended to read as follows:

ARTICLE XI DEPARTMENT OF THE CHIEF MEDICAL EXAMINER

SECTION 161. RECOGNITION OF DEPARTMENT.

There is in the County a Department of the Chief Medical Examiner hereinafter in this Article referred to as the Department.

SECTION 161.1. RECOGNITION OF DIRECTOR.

There is in the County and in the Department the position of Chief Medical Examiner. Such position shall be in the Unclassified Service of the County and shall be filled by appointment by the Chief Administrative Officer in accordance with the County Charter, the Rules of the Unclassified Service and County ordinances.

SECTION 161.2. DUTIES OF CHIEF MEDICAL EXAMINER.

The Chief Medical Examiner shall act under the supervision of the Chief Administrative Officer. The Chief Medical Examiner shall exercise general supervision over all functions of the Department and shall enforce such rules and regulations as are prescribed and approved by the board of Supervisors.

SECTION 161.3. CHIEF MEDICAL EXAMINER TO COORDINATE THE DEPARTMENT.

The Chief Medical Examiner shall coordinate the various activities of the Department and, within the scope of the policy declared by the Board, may issue administrative regulations designed to accomplish this end.

SECTION 161.4. CHIEF MEDICAL EXAMINER TO APPOINT PERSONNEL.

The Chief Medical Examiner shall appoint and employ such personnel as may be necessary to properly conduct the business of the Department. All appointments and employments made by said Chief Medical Examiner shall be made in accordance with the provisions of the County Charter, the Civil Service Rules and County ordinances.

SECTION 161.5. CHIEF MEDICAL EXAMINER TO PREPARE BUDGET AND SUPERVISE EXPENDITURES.

The Chief Medical Examiner shall prepare and file the required annual itemized estimate of expenditures and revenues for the Department in accordance with State law and this Code. The Chief Medical Examiner shall supervise the expenditure of all funds allotted to the Department.

SECTION 161.6. FUNCTIONS OF THE DEPARTMENT.

The Chief Medical Examiner shall exercise the powers and perform the duties of the Coroner as authorized pursuant to California Government Code, Section 27460, et. seq.

SECTION 161.7. CERTIFICATION OF COPIES OF DOCUMENTS AND FEES.

The Chief Medical Examiner may prepare copies of those public writings and photographs in the office which are open to public inspection, and may certify the accuracy of copies thereof. For all copies so prepared, the Chief Medical Examiner shall collect a fee which shall be not less than the actual cost of labor and materials used in preparing and furnishing such copies. For certifying the accuracy of a copy of a public writing or photograph, the fee shall be set forth in a schedule of fees approved by resolution of the Board of Supervisors.

SECTION 161.8. EXEMPTION FROM FEES.

No fees shall be charged by the Chief Medical Examiner under Section 161 where exemption is provided by Chapter 2 of Division 7, Title 1 of the Government Code. No fees shall be charged to doctors, hospitals or other medical institutions for such documents as are necessary to assist the Chief Medical Examiner in the completion of the determination of the cause of death.

SECTION 161.9. FEES FOR TECHNICAL LABORATORY SERVICES.

The Chief Medical Examiner's office is hereby authorized to perform technical laboratory services and to charge the full cost of such services, when performed for a private individual or corporation or public agency other than the County, according to the schedule of fees approved by resolution of the Board of Supervisors. When an autopsy is performed at the request of a decedent's surviving spouse, the decedent's surviving child or parent, or by the next of kin of the deceased, the cost of the autopsy shall be borne by the person requesting it to be performed in accordance with the fee schedule approved by resolution of the Board of Supervisors.

SECTION 161.10. FEES FOR SERVICE AS WITNESS.

The Chief Medical Examiner's office is hereby authorized, when subpoenaed as witnesses or when requested to give expert opinion in writing, to demand and receive on behalf of the County a fee which shall be not less than the actual cost of such service. This shall apply when such service is performed at the request or subpoena of a private individual or corporation or a public agency other than the County.

SECTION 161.11. FEE FOR EMBALMING.

Whenever the Chief Medical Examiner takes custody of a dead body pursuant to law, he shall make a reasonable attempt to locate the family within 24 hours. At the end of 24 hours, he may embalm the body or authorize the embalming by a mortician. A fee for embalming shall be charged to the family of the deceased or the person authorized to take charge of the body in the amount set forth in a schedule of fees approved by resolution of the Board of Supervisors.

SECTION 161.12. CHARGE FOR REMOVING AND KEEPING DEAD BODIES.

(a) Pursuant to Section 27472 of the Government Code, the Chief Medical Examiner, whenever he or she takes custody of a dead body pursuant to law, may charge and collect from the person entitled to control the disposition of the remains, as specified in Section 7100 of the Health and Safety Code, the actual expense incurred by the Chief Medical Examiner in removing the body from the place of death and keeping the body until its release to the person responsible for its interment. The charge shall not be imposed upon a person who claims and proves to be indigent, and shall not include expenses of keeping the body during the time necessary for the Chief Medical Examiner to perform his or her duties in connection with it. The charge, if not paid, may be considered a part of the funeral expenses and paid as a preferred charge against the estate of the decedent.

(b) The Chief Medical Examiner shall determine when the charge authorized hereby will be imposed and the amount thereof. The charge shall not exceed the maximum charge set forth in the schedule of fees approved by resolution of the Board of Supervisors. No charge shall be imposed if private funds available to pay funeral costs would thereby be reduced so as to preclude payment of the costs from such funds. No charge shall be imposed on persons who are receiving public financial assistance.

SECTION 161.13. REPORTS OF DEATH.

Immediately upon receiving notification of a death which was allegedly caused by a peace officer or which allegedly occurred while the decedent was in the custody of a peace officer, the Chief Medical Examiner shall report such death by telephone to the District Attorney's Office. The Chief Medical Examiner shall forward to the District Attorney's Office the autopsy investigation, and toxicology reports regarding such death within a reasonable time of the completion of such report or reports. As used herein, the term "peace officer" means any sheriff, undersheriff, or deputy sheriff, regularly employed and paid as such by the County, any policeman of a city, any policeman of a district authorized by statute to maintain a police department, any reserve deputy sheriff or reserve policeman while on active duty, or any marshal or deputy marshal of a municipal court.

Section 6. Sections 176.1, 176.3, 176.4 & 176.9 of the Administrative Code are hereby amended to read as follows:

SECTION 176.1. RECOGNITION OF DEPARTMENT.

The Department of Agriculture and the Department of the Sealer of Weights and Measures are hereby consolidated pursuant to Section 24300 of the Government Code and Section 14 of the County Charter into a single department which shall be known as the Department of Agriculture - Weights and Measures, hereinafter in this Article referred to as the Department. The Department shall be under the supervision of the Chief Administrative Officer.

SECTION 176.3. DUTIES OF THE COMMISSIONER.

The Commissioner shall act under the supervision of the Chief Administrative Officer and shall supervise all functions of the Department. The Commissioner shall administer and carry out any programs conducted by the County and to perform any duties which are imposed upon or made the obligation of the Agricultural Commissioner or Sealer of Weights and Measures by any ordinance or resolution of the County of San Diego, or any statute of the State of California, or any rule or regulation adopted pursuant thereto.

SECTION 176.4. APPOINTMENT OF PERSONNEL.

Except for the County Veterinarian, the Commissioner shall appoint and employ such personnel as may be necessary to properly conduct the business of the Department. All appointments and employments made by the Commissioner shall be in accordance with the provisions of the County Charter, the Civil Service Rules and County ordinances.

The County Veterinarian shall be appointed by the Chief Administrative Officer in accordance with the County Charter, Civil Service Rules and County ordinances.

SECTION 176.9. RECOGNITION OF COUNTY VETERINARIAN.

There is in the Department of Agriculture – Weights and Measures the position of County Veterinarian who is ex officio Livestock Inspector. The County Veterinarian shall enforce County, State and Federal laws and regulations relating to the health of livestock, inspect and regulate livestock premises, operate the County Veterinary Diagnostics Laboratory to diagnose diseases hazardous to animals or transmissible to man including rabies, and maintain liaison with groups interested in livestock, health, sanitation, disease control, and enforcement.

Section 7. Article XXXVII of the Administrative Code is hereby amended to read as follows:

ARTICLE XXXVII DEPARTMENT OF PUBLIC DEFENDER

SECTION 690. RECOGNITION OF THE DEPARTMENT OF PUBLIC DEFENDER.

It is the intent of the Board of Supervisors to fully implement the provisions of Section 27700 et seq. of the Government Code for purposes of providing indigent defense services. The Public Defender established hereby shall be the County's public defender for all purposes specified in Section 987.2 of the Penal Code. There is established in the County of San Diego a Department of Public Defender, hereinafter in this Article referred to as Department.

SECTION 691. RECOGNITION OF THE PUBLIC DEFENDER.

There is in the County and in the Department the position of Public Defender. The position shall be in the Unclassified Service of the County and shall be filled by appointment by the ~~Board of Supervisors~~ Chief Administrative Officer in accordance with the County Charter, Rules of the Unclassified Service and County ordinances. The Public Defender shall serve at the pleasure of the ~~Board of Supervisors~~ Board of Supervisors ~~Chief Administrative Officer~~. A person is not eligible to the office of Public Defender unless the person has been a practicing attorney in all of the courts of the State of California for at least the year preceding the date of his or her appointment in accordance with Section 27701 of the Government Code. The Public Defender shall exercise general supervision of the Department.

~~There is in the County and in the Department the position of Assistant Public Defender. The position shall be in the Unclassified Service of the County and shall be filled by appointment by the Public Defender in accordance with the County Charter, Rules of the Unclassified Service, and County ordinances. The Assistant Public Defender shall serve at the pleasure of the Public Defender. The Assistant Public Defender shall be the principal assistant to the Public Defender and the Assistant shall carry out the duties of the Public Defender when requested by the Public Defender, or in the absence of the Public Defender.~~

SECTION 693. PUBLIC DEFENDER TO APPOINT PERSONNEL.

The Public Defender shall appoint and employ such personnel as may be necessary to conduct the business of the Department. All appointments and employments made by the Public Defender, other than the unclassified service positions authorized by the San Diego County Compensation Ordinance ~~Assistant Public Defender~~, shall be in accordance with the provisions of the County Charter, ~~Rules of the Civil Service Commission~~ Civil Service Rules, and County ordinances.

SECTION 694. PUBLIC DEFENDER TO PREPARE BUDGET.

The Public Defender shall prepare and submit to the Chief Administrative Officer the required annual itemized estimates of the expenditures and revenues of the Department. The Public Defender shall

supervise the expenditure of all funds allocated to the Department and review expenditures of those funds.

SECTION 695. DUTIES OF THE PUBLIC DEFENDER.

The Public Defender shall perform the following duties:

- (a) Upon request of the defendant or upon order of the court, the Public Defender shall defend or cause to be defended, without expense to the defendant, except as provided by Section 987.8 of the Penal Code, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior or municipal courts of the County of San Diego at all stages of the proceedings, including the preliminary examination. The Public Defender shall, upon request, give or cause to be given counsel and advice to such person about any charge against him or her or upon which the Public Defender is conducting the defense, and shall prosecute all appeals to the superior court and may file notice of appeals to a higher court for any person who has been convicted, where in the opinion of the Public Defender, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.
- (b) Upon request the Public Defender shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel where the sum involved does not exceed one hundred dollars (\$100), and where, in the judgment of the Public Defender, the claim urged is valid and enforceable in the courts.
- (c) Upon request, the Public Defender shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the Public Defender, the person is being persecuted or unjustly harassed.
- (d) Upon request, or upon order of the court, the Public Defender shall represent any person who is not financially able to employ counsel in proceedings under Division 4 (commencing with Section 1400) of the Probate Code and Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.
- (e) Upon order of the court, the Public Defender shall represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code.
- (f) Upon order of the court, the Public Defender shall represent any person who is required to have counsel pursuant to Section 686.1 of the Penal Code.
- (g) Upon order of the court or upon request of the person involved, the Public Defender may represent any person who is not financially able to employ counsel in a proceeding of any nature relating to the nature or conditions of detention, of other restrictions prior to adjudication, of treatment, or punishment resulting from criminal or juvenile proceedings.
- (h) Such other duties as may be required or permitted by law.

SECTION 697. COST OF LEGAL SERVICES RENDERED TO A MINOR.

Pursuant to Section 904 of the Welfare and Institutions Code the Board of Supervisors has determined

that the cost of legal services rendered to a minor by the Public Defender pursuant to an order of the juvenile court, or by an attorney in private practice appointed pursuant to an order of the juvenile court, shall be established at an amount equal to the full cost paid by the County for such services. These costs shall include, but are not limited to, costs for legal counsel and supportive services, medical and psychiatric examinations, investigative services, expert testimony or any other form of service provided to assist in preparation, and presentation of the case. This definition of cost of legal services shall be used to determine the liability of a person or his or her estate under Section 903.1 of the Welfare and Institutions Code.

SECTION 698. PROHIBITED ACTIVITIES.

Pursuant to Government Code Sections 1126 and 27705 the Public Defender, ~~the Assistant Public Defender~~, and all attorneys appointed by the Public Defender shall not engage in private practice of law and shall devote their full time to the duties of their position.

Section 8. Article XXXVIII-A of the Administrative Code is hereby amended to read as follows:

~~SEC. 699. — MULTIPLE CONFLICTS DIVISION.~~

~~The Public Defender shall establish within the Department a Multiple Conflicts Division (“Conflicts Division”) which shall provide legal representation to indigent defendants in those cases where other divisions of the Department, because of conflict of interest or other reasons, are unable to provide such representation. The legal representation shall be provided by attorneys assigned to the Conflicts Division. The Conflicts Division shall be organized and managed in accordance with the following requirements:~~

~~(a) — the Conflicts Division shall keep client files, both open and closed, separate from the client files of other divisions of the Department;~~

~~(b) — the Conflicts Division shall deny access to its confidential client information to the other divisions, and the employees of the Conflicts Division shall not have access to the confidential client information of other divisions;~~

~~(c) — the Conflicts Division shall have separate support staff and separate investigators;~~

~~(d) — the Conflicts Division shall arrange appropriate security for such support hardware as copying machines, computers and facsimile machines;~~

~~(e) — attorneys in the Conflicts Division shall be precluded from consulting with attorneys from other divisions on general litigation strategy or on the handling of individual cases, and vice-versa;~~

~~(f) — the Conflicts Division shall be physically located in a separate office space so as to insure client confidentiality, with a separate reception area for its clients;~~

~~(g) — the Conflicts Division shall use letterhead, pleading paper and business cards different from the other divisions;~~

~~(h) — the Conflicts Division shall have separate phone numbers;~~

~~(i) — attorneys from the Conflicts Division shall inform their clients and the public that they are separate from attorneys from other divisions, and vice-versa;~~

~~(j) — managers and supervisors of divisions other than the Conflicts Division shall be precluded from being involved in management or supervision of cases assigned to the Conflicts Division;~~

~~(k) — the Conflicts Division shall have separate managers and supervisors with authority to make all case related decisions for all cases handled by the Conflicts Division;~~

~~(l) — the Chief of the Conflicts Division and the Public Defender shall make all decisions regarding salary, working conditions, promotions, performance evaluation, and discipline of employees assigned to the Conflicts Division without input from employees not assigned to the Conflicts Division;~~

~~(m) — any proposed transfer of employees into and out of the Conflicts Division shall be reviewed by the Chief of the Conflicts Division and shall be implemented so as to avoid conflicts of interest;~~

~~(n) — decisions on funding for experts, investigation, travel or other ancillary expenses relating to a case assigned to the Conflicts Division shall be made by the Chief of the Conflicts Division.~~

~~SEC. 699.5. — CONTRACT SUPERVISION DIVISION.~~

~~The Public Defender shall establish within the Department a Contract Supervision Division (“Contract Division”) which shall administer the San Diego County Court Appointed Attorneys Program. The Contract Division shall establish and maintain a fee schedule for the San Diego County Court Appointed Attorneys Program. The Contract Division will be organized and managed in accordance with the same requirements as are set forth for the Multiple Conflicts Division in subdivisions (a) through (n) of Section 699.~~

ARTICLE XXXVIII-A DEPARTMENT OF ALTERNATE PUBLIC DEFENDER

SECTION 710. RECOGNITION OF DEPARTMENT OF ALTERNATE PUBLIC DEFENDER.

There is established in the County of San Diego a Department of Alternate Public Defender, hereinafter in this Article referred to as Department.

SECTION 711. RECOGNITION OF THE ALTERNATE PUBLIC DEFENDER.

There is in the County and in the Department the position of Alternate Public Defender. The position shall be in the Unclassified Service of the County and shall be filled by appointment by the Chief Administrative Officer in accordance with the County Charter, Rules of the Unclassified Service and County ordinances. The Alternate Public Defender shall serve at the pleasure of the Chief Administrative Officer. A person is not eligible to be appointed Alternate Public Defender unless the person has been a practicing attorney in all of the Courts of the State of California for at least the calendar year preceding the date of his or her appointment. The Alternate Public Defender shall exercise general supervision over the Department.

SECTION 712. ALTERNATE PUBLIC DEFENDER TO APPOINT PERSONNEL.

The Alternate Public Defender shall appoint and deploy such personnel as may be necessary to conduct the business of the Department and as authorized by the Compensation Ordinance of the County of San Diego ~~Compensation Ordinance of the County of San Diego~~. All appointments and employments made by the Alternate Public Defender shall be in accordance with the provisions of the County Charter, ~~Rules of the Civil Service Commission~~ Civil Service Rules and County ordinances.

SECTION 713. ALTERNATE PUBLIC DEFENDER TO PREPARE BUDGET.

The Alternate Public Defender shall prepare and submit to the Chief Administrative Officer the required annual itemized estimates of the expenditures and revenues of the Department. The Alternate Public Defender shall supervise the expenditure of all funds allocated to the Department and review expenditures of those funds.

SECTION 714. DUTIES OF THE ALTERNATE PUBLIC DEFENDER.

The Alternate Public Defender shall perform the following duties:

- (a) Upon order of the court in cases where the Public Defender is otherwise unavailable, the Alternate Public Defender shall defend or cause to be defended, without expense to the defendant, except as provided by Section 987.8 of the Penal Code, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior or municipal courts of the County of San Diego at all stages of the proceedings, including the preliminary examination. The Alternate Public Defender shall, upon request, give or cause to be given counsel and advice to such person about any charge against him or her or upon which the Alternate Public Defender is conducting the defense, and shall prosecute all appeals to the superior court and may file notice of appeals to a higher court for any person who has been convicted, where in the opinion of the Alternate Public Defender, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.
- (b) Upon order of the court in cases where the Public Defender is otherwise unavailable, the Alternate Public Defender shall represent any person who is not financially able to employ counsel in proceedings under Division 4 (commencing with Section 1400) of the Probate Code and Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institution Code.
- (c) Upon order of the court, the Alternate Public Defender shall represent any parent or guardian who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institution Code.
- (d) Upon order of the court in cases where the Public Defender is otherwise unavailable, the Alternate Public Defender shall represent any person who is required to have counsel pursuant to Section 686.1 of the Penal Code.
- (e) Upon order of the court in cases where the Public Defender is otherwise unavailable, the Alternate Public Defender may represent any person who is not financially able to employ counsel in a proceeding of any nature relating to the nature or conditions of detention, of other restrictions prior to adjudication, of treatment, or punishment resulting from criminal or juvenile proceedings.
- (f) Such other duties as may be required or permitted by law.

~~SEC. 715. — OTHER DUTIES.~~

~~In addition to the duties prescribed by Section 714, the Alternate Public Defender shall:~~

- ~~(a) — Develop and prepare annual plans for providing indigent defense services in the various~~

~~courts in San Diego County. Such plans shall reflect the needs of the individual courts and shall be reviewed by the Board of Supervisors.~~

~~(b) Monitor the indigent defense system to exercise quality control and fiscal accountability.~~

~~(c) Negotiate any contracts as may be necessary to provide indigent defense services. Except for any contracts which the Director of Purchasing and Contracting is authorized to enter into on behalf of the County, all contracts shall become effective only upon approval by the Board of Supervisors.~~

SECTION 716. COST OF LEGAL SERVICES RENDERED TO A MINOR.

Pursuant to Section 904 of the Welfare and Institutions Code the Board of Supervisors has determined that the cost of legal services rendered to a minor by the Alternate Public Defender pursuant to an order of the juvenile court, or by an attorney in private practice appointed pursuant to an order of the juvenile court, shall be established at an amount equal to the full cost paid by the County for such services. These costs shall include, but are not limited to, costs for legal counsel and supportive services, medical and psychiatric examinations, investigative services, expert testimony or any other form of service provided to assist in preparation, or presentation of the case. This definition of cost of legal services shall be used to determine the liability of a person or his or her estate under Section 903.1 of the Welfare and Institutions Code.

SECTION 717. PROHIBITED ACTIVITIES.

Pursuant to Government Code Section 1126 and 27705 the Alternate Public Defender and all attorneys appointed by the Alternate Public Defender shall not engage in private practice of law and shall devote their full time to the duties of their position.

Section 9. Sections 492 & 493 of the Administrative Code are hereby amended to read as follows:

SECTION 492. CALIFORNIA STATE BAR FEE.

Any officer or employee appointed to a permanent position in a class designated below who is required by his or her office or employment and the State Bar Act to be an active member of the California Bar in order to practice law on behalf of the County or to perform the duties of his or her office and employment, and is prohibited by the Charter or other regulation from private practice while so employed, shall be reimbursed by the County for such required annual active California Bar membership fee. An officer or employee employed after January 1 shall not be entitled to any reimbursement for the membership fee for the calendar year in which employed, nor shall there be any refund due the County upon an employee's termination after January 1.

Designated Classes: CLASS NUMBER TITLE

0140	District Attorney
0240	Assistant District Attorney
0245	Chief Deputy District Attorney
0370	Chief Deputy, Public Defender
2124	Public Defender
2127	Alternate Public Defender
2128	County Counsel
2217	Assistant County Counsel

2218	Chief Deputy County Counsel
3901	Chief Deputy County Counsel (T)
3903	Deputy County Counsel
3904	Senior Deputy County Counsel
3910	Deputy Public Defender I
3911	Deputy Public Defender II
3912	Deputy Public Defender III
3913	Deputy Public Defender IV
3914	Deputy Public Defender V
3915	Child Support Program Attorney I
3916	Child Support Program Attorney II
3917	Child Support Program Attorney III
3918	Deputy Alternate Public Defender I
3919	Deputy Alternate Public Defender II
3920	Deputy Alternate Public Defender III
3921	Deputy Alternate Public Defender IV
3922	Deputy Alternate Public Defender V
3923	Child Support Program Attorney IV
3924	Child Support Program Attorney V
3925	Deputy District Attorney V
3926	Deputy District Attorney IV
3927	Deputy District Attorney III
3928	Deputy District Attorney II
3929	Deputy District Attorney I

SECTION 493. SAN DIEGO COUNTY BAR FEE.

For classes numbered 0370, 2124, 2127, 2201, 3910, 3911, 3912, 3913, 3914, 3918, 3919, 3920, 3921 and 3922, an employee eligible for such reimbursement shall be reimbursed membership dues of the San Diego County Bar Association or the North County Bar Association. However, in no case shall reimbursement be made at a higher level than the dues for the San Diego County Bar Association or reimbursement be made for both organizations. An eligible employee shall also be reimbursed for the basic dues for annual membership in the California Public Defender Association.

Designated Classes: CLASS NUMBER TITLE

0140	District Attorney
0240	Assistant District Attorney
0245	Chief Deputy District Attorney
0370	Chief Deputy, Public Defender
2124	Public Defender
2127	Alternate Public Defender
2128	County Counsel
2217	Assistant County Counsel
2218	Chief Deputy County Counsel
3901	Chief Deputy County Counsel (T)
3903	Deputy County Counsel
3904	Senior Deputy County Counsel
3910	Deputy Public Defender I
3911	Deputy Public Defender II

3912 Deputy Public Defender III
3913 Deputy Public Defender IV
3914 Deputy Public Defender V
3915 Child Support Program Attorney I
3916 Child Support Program Attorney II
3917 Child Support Program Attorney III
3918 Deputy Alternate Public Defender I
3919 Deputy Alternate Public Defender II
3920 Deputy Alternate Public Defender III
3921 Deputy Alternate Public Defender IV
3922 Deputy Alternate Public Defender V
3923 Child Support Program Attorney IV
3924 Child Support Program Attorney V
3925 Deputy District Attorney V
3926 Deputy District Attorney IV
3927 Deputy District Attorney III
3928 Deputy District Attorney II
3929 Deputy District Attorney I

Section 10. Effective Date. With the exception of Section 9, this ordinance shall take effect 30 days following adoption. Section 9 of this ordinance affects compensation and shall take effect immediately upon 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.

Section 11. Operative Date. This ordinance shall be operative March 16, 2004.

PASSED, APPROVED AND ADOPTED this 16th day of March, 2004.