

ORDINANCE NO. 9839 (N.S.)

**AN ORDINANCE AMENDING SECTIONS
122, 122.1, 122.2, 125, 140.1, 161.1, 200.1, 200.3, 231, 397.1,
451, 504, 691 AND 711 OF THE SAN DIEGO COUNTY
ADMINISTRATIVE CODE RELATING TO RULES
OF THE UNCLASSIFIED SERVICE, SECTION 472,
RELATING TO NORMAL MAXIMUM EXPENSES
AND DELETING SECTION 497 OF THE ADMINISTRATIVE CODE
RELATING TO THE OFFICE OF THE MARSHAL**

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

Section 1. The Board of Supervisors finds and determines that the Administrative Code needs to be updated to reflect the repeal of the Rules for Unclassified Service, updates the privately owned vehicle mileage rate language to use the IRS Standard Mileage Rate to address approved mileage rate changes and the abolition of the Office of the Marshal.

Section 2. Sections 122, 122.1, 122.2, 125, 140.1, 161.1, 200.1, 200.3, 231, 397.1, 451, 504, 691, and 711 of the San Diego County Administrative Code are amended to read as follows:

SEC. 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 and of the rules and policies established thereunder, 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 and of the rules and policies established thereunder, 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.

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

SEC. 122.2. APPOINTMENTS TO UNCLASSIFIED SERVICE.

(a) Except for the appointive officers specifically designated in Section 501 of the Charter of the County of San Diego, all appointive officers shall be appointed by the Chief Administrative Officer.

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

(c) 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 and of the rules and policies established thereunder, and ordinances of the County of San Diego.

SEC. 125. C.A.O. 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 Internal Affairs.

The Chief Administrative Officer shall exercise general supervision of said staff offices.

(b) The Chief Administrative Officer shall be the appointing authority of the Directors of the Office of Strategy and Intergovernmental Affairs and the Office of Internal Affairs, each of whom shall be in the Unclassified Service of the County. Such appointments shall be in accordance with the County Charter and of the rules and policies established thereunder, and County ordinances.

SEC. 140.1. RECOGNITION OF THE COUNTY COUNSEL.

There is in the County and in the Office the position of County Counsel. The position shall be in the Unclassified Service of the County and shall be filled by appointment by the Board of Supervisors in accordance with the County Charter and of the rules and policies established thereunder, and County ordinances. The County Counsel shall serve at the pleasure of the Board of Supervisors. The County Counsel shall exercise general supervision of the Department.

SEC. 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 and of the rules and policies established thereunder, and County ordinances.

SEC. 200.1. RECOGNITION OF DIRECTOR, HUMAN RESOURCES.

There is in the County and in the Department a position of Director, Human Resources, hereafter in this Article referred to as the Director. 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 and of the rules and policies established thereunder, and County ordinances. The Director shall be ex officio Director of Personnel and the Risk Administrator.

SEC. 200.3. APPOINTMENT OF PERSONNEL.

The Director shall appoint and employ such personnel as may be necessary to properly conduct the business of the Department. All appointments shall be in accordance with provisions of the County Charter and of the rules and policies established thereunder, Civil Service Rules, and County ordinances.

SEC. 231. RECOGNITION OF THE DIRECTOR OF THE HEALTH AND HUMAN SERVICES AGENCY.

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

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

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

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 within the County master bond will be deemed as compliance with the requirement of this section.

The Public Administrator/Public Guardian 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 and of the rules and policies established thereunder, and County ordinances. The Public Administrator/Public Guardian shall serve at the pleasure of the Chief Administrative Officer. For administrative purposes pursuant to Administrative Code § 122, the Chief Administrative Officer may assign supervision of the Office of the Public Administrator/Public Guardian to a Deputy Chief Administrative Officer or the Health and Human Services Agency Director for supervision on behalf of the Chief Administrative Officer.

The Public Administrator/Public Guardian shall exercise general supervision over the Office of Public Administrator/Public Guardian.

SEC. 451. RECOGNITION OF DIRECTOR OF PUBLIC WORKS.

(a) There is in the County and in the Department the position of Director of Public Works, hereinafter in the Article referred to as Director. The Director shall ex officio be the County Engineer and Road Commissioner, the County Surveyor, the Director of Transportation, and the Director of Wastewater Management and Flood Control. The Director shall be a registered Civil Engineer of the State. Such position shall be in the Executive Management of the County and shall be filled by appointment by the Chief Administrative Officer in accordance with the County Charter and of the rules and policies established thereunder, and County ordinances.

(b) Notwithstanding subdivision (a) of this section, the Director shall be a registered Civil Engineer of the State, unless the Chief Administrative Officer determines that the Director is qualified and competent to perform the duties of the position without such registration. Pursuant to such determination, any civil engineering functions which are required to be performed by the Director shall be performed by a registered Civil Engineer acting under the authority of the Director.

SEC. 504. DUTIES.

Each member of the Board of Supervisors is required as a part of his or her official duties to:

(1) Attend the State Legislature and Congress and any committees thereof, meet with legislators or legislators-elect to present the County's legislative programs and to meet with representatives of executive or administrative agencies of State, Federal or local government, including cities, counties, school districts and special districts, concerning County business and affairs.

(2) Consult with private persons and corporations and with officials and employees of Federal, State and local governments, including cities, counties, school districts and special districts, for the purpose of obtaining information relating to legislative or administrative matters pending before the Board of Supervisors or which reasonably may be anticipated to come before the Board of Supervisors within the near future or for the purpose of carrying out County programs.

(3) Attend lectures, seminars and other educational meetings pertaining directly to County business or affairs.

(4) To appoint and employ such personnel as may be authorized by the Compensation Ordinance of the County of San Diego for the specific supervisorial district. All appointments and employments shall be in accordance with the provisions of the County Charter and of the rules and policies established thereunder, and County ordinances.

SEC. 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 Chief Administrative Officer in accordance with the County Charter and of the rules and policies established thereunder, and County ordinances. The Public Defender shall serve at the pleasure of the 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.

SEC. 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 and of the rules and policies established thereunder, 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 3. Section 472 of the Administrative Code is hereby amended to read as follows:

SEC. 472. NORMAL MAXIMUM EXPENSES.

Pursuant to Sections 913 and 913.1 of the County Charter, the maximum amounts to be paid as reimbursement for actual and necessary expenditures related to authorized County business are established in this Section and Section 472.1. The maximum amounts authorized for reimbursement for necessary and actual expenses incurred while engaged in authorized County activities are also herein established. The following amounts (hereinafter referred to as “normal maximums”) shall be the maximum amounts payable as such reimbursement except as provided in Section 472.1. The Auditor and Controller shall periodically review said maximum amounts and file any resulting recommendations for adjustments with the Board.

Transportation

Carrier services, including taxi-cabs, Actual Cost vehicle rental and storage of vehicle Privately owned aircraft, in or Equivalent of the fare via the most out-of-County appropriate available public carrier as determined by the Auditor and Controller Privately owned vehicle, out-of-County Equivalent of the fare via the most appropriate available public carrier as determined by the Auditor and Controller, or actual mileage at the IRS Standard Mileage Rate, whichever is less.

Privately owned vehicle, in County Mileage shall be reimbursed at \$.365 per mile or the IRS Standard Mileage Rate, whichever is greater. In the event the IRS increases the reimbursement rate for mileage, the County will adjust its rate of reimbursement to equal the IRS Standard Mileage rate within sixty (60) days of the effective date of the IRS increase.

Privately owned vehicle, in County Mileage shall be reimbursed at \$.365 per mile or the IRS Standard Mileage Rate, whichever is greater. In the event the IRS increases the reimbursement rate for mileage, the County will adjust its rate of reimbursement to equal the IRS Standard Mileage rate within sixty (60) days of the effective date of the IRS increase. When out-of-County travel using a privately owned vehicle or aircraft is authorized, the cost of actual and necessary transportation, including parking fees at the destination shall also be eligible for reimbursement; the number of meals, nights of lodging, and days in a duty out-of-County business status shall be limited to the number which would have been required if transportation were furnished by the most appropriate available public carrier.

Lodging

\$99.00 per night, plus taxes, for hotel, motel and similar lodging (includes any message service or similar separate lodging charges). Actual room tax may be reimbursed even if it is computed on room costs which exceed the \$99.00 maximum.

A reasonable amount determined by the Chief Administrative Officer, based upon the type of equipment used and the nature of the out-of-County business, not to exceed \$99.00 per night, for lodging involving the use of field camping equipment, including tents, campers, trailers, mobile homes, and similar portable or vehicular lodging equipment provided by the person in the service of the County.

Meals and Incidentals

Breakfast . . .	\$9.00
Lunch . . .	11.00
Dinner . . .	24.00
Meals and incidentals for one day . . .	46.00

These rates include any applicable tax and gratuity. Where the cost of a meal or meals is included as part of a registration charge or fee, there shall be no per diem meal reimbursement for the applicable meal period covered by such registration. Incidentals are to include tips, transfers, and phone calls necessary to reserve lodging accommodations.

No reimbursement shall be made for alcoholic beverages of any kind.

No reimbursement shall be made for breakfast unless such out-of-County travel commences from office or place of residence prior to 7:00 a.m. or such travel is completed by return to office or place of residence after 8:00 a.m.; no reimbursement shall be made for lunch unless such travel commences prior to 11:30 a.m. or is completed after 1:00 p.m.; and no reimbursement shall be made for dinner unless such travel commences prior to, or is completed after, 7:00 p.m.

Telephone - Fax - Registration

Telephone, fax and registration charges or fees . . . Actual Cost

Rental of Work or Conference Facilities

A reasonable amount determined by the Chief Administrative Officer based upon the type of meeting, course, or session, and the number of participants.

Miscellaneous Expenses

Depending on duration of the out-of-County business, for miscellaneous items such as laundry and dry cleaning, an amount determined by the Chief Administrative Officer to be reasonable and necessary for the conduct of County business. In addition to any reimbursement for use of a privately owned vehicle, \$.25 shall be paid for each mile an authorized privately or publicly owned trailer is towed on business for the County by that vehicle.

Section 4. Section 497 of the San Diego County Administrative Code is deleted:

Section 5. Effective Date. Section 1 of this ordinance affects compensation and shall take effect upon adoption. Within fifteen days after the date of adoption of the ordinance, a summary shall be published once with the name of these members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

Section 6. Operative Date. This ordinance shall be operative March 30, 2007.

| PASSED, APPROVED AND ADOPTED this 20th day of March, 2007