

ORDINANCE NO. 9872 (NEW SERIES)

AN ORDINANCE AMENDING ARTICLES XII-F, XXVI^d AND
SECTION 123 OF THE SAN DIEGO COUNTY
ADMINISTRATIVE CODE RELATING TO SUNSET REVIEW
CLEAN-UP AND CLARIFICATION CHANGES

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

Section 1. Article XII-F of the San Diego County Administrative Code is hereby amended to read as follows:

ARTICLE XII-F DEPARTMENT OF MEDIA AND PUBLIC RELATIONS

SEC. 206.1. RECOGNITION OF DEPARTMENT.

There is in the County a Department of Media and Public Relations, hereinafter in this Article referred to as the Department, under the supervision of the Chief Administrative Officer.

SEC. 206.2. RECOGNITION OF DIRECTOR OF MEDIA AND PUBLIC RELATIONS.

There is in the County and in the Department a position of Director, hereafter in the 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, applicable rules and regulations relating to the Unclassified Service, and County ordinances.

SEC. 206.3. DUTIES OF DIRECTOR.

The Director shall act under the supervision of the Chief Administrative Officer and 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.

SEC. 206.4. DIRECTOR TO APPOINT PERSONNEL.

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

SEC. 206.5. DIRECTOR TO PREPARE BUDGET AND SUPERVISE EXPENDITURES.

The Director shall prepare and submit to the Chief Administrative Officer the required

annual itemized estimates of expenditures and revenues for the Department. The Director shall review and make recommendations upon all services and resources which may be incorporated within any other office, department or agency. The Director shall supervise the expenditures of all funds allocated to the Department and review and make recommendations on the expenditures of those funds allocated to other County offices, departments and agencies for information systems services and resources.

SEC. 206.6. FUNCTIONS OF THE DEPARTMENT.

and The Department shall perform such functions as may be assigned to it, and shall manage the County's media activities, the communication of county-wide issues to the public, shall be responsible for County newspapers and newsletters, news and photo releases, press conferences, and other related functions assigned by the Chief Administrative Officer. The Department shall also be responsible for Video Services, including the following:

- (a) Provision of staff assistance to the Cable Television Review Commission as necessary to conduct the day-to-day business of the Commission, act as liaison between the Board of Supervisors and the Review Commission, and keep the Commission informed as to the status of said Board's recommendations.
- (b) Management of the County Television Network (CTN), including videotaping and transmission of all Board of Supervisors meetings, cost recovery based coverage of joint meetings with other jurisdictions, and production of informational programming educating the public on the various services and programs offered by County departments.

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

ARTICLE XXVI LIMITATIONS ON MAKING GIFTS AND PROVIDING MEALS OR BEVERAGES

SEC. 491.1. DEFINITIONS.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this section shall govern the interpretation of Section 491.2 of this Code:

- (a) "Administrative action" means the proposal, drafting, development, consideration, amendment, enactment or defeat by any state agency of any rule, regulation or other action in any rate-making proceeding or any quasi-legislative proceeding, which shall include any proceeding governed by Chapter 4.5 of Division 3 of Title 2 of the Government Code (beginning with Section 11371).
- (b) "Agency official" means any member, officer, employee or consultant of any state

agency who as part of his official responsibilities participates in any administrative action in other than a purely clerical, secretarial or ministerial capacity.

(c) “Elected state officer” means any person who holds an elective state office or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elected state officer.

(d) “Elected state office” means the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, member of the Legislature and a member of the State Board of Equalization.

(e) “Gift” means any payment to the extent that consideration of equal or greater value is not received. Any person who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value. The term “gift” does not include informational material such as books, reports, pamphlets, calendars or periodicals. No payment for travel or reimbursement for any expenses shall be deemed “informational material.” Nothing contained in this Article should be interpreted as attempting to circumvent the provisions of Article XIII, Section 25 of the Constitution of California which prohibits making gifts of public funds.

(f) “Legislative official” means any employee or consultant of the California Legislature whose duties are not solely secretarial, clerical, or manual.

(g) “Payment” means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

(h) “State” means the State of California.

(i) “State agency” means every state office, department, division, bureau, board and commission, and the Legislature, but does not include the courts or any agency in the judicial branch of government.

(j) “State candidate” means a candidate who seeks nomination or election to any elective state office.

SEC. 491.2. MAKING GIFTS TO STATE OFFICIALS.

(a) Notwithstanding any other provisions of this Code, unless the prior approval of or subsequent ratification by the Board has been received, no officer or employee of the County shall make gifts, either directly or indirectly, including the provision of meals or beverages, aggregating in value more than thirty-five dollars (\$35) in a calendar month to any one state candidate, elected state officer, legislative official, or agency official, or act as an agent or intermediary in the making of any such gift, or arrange for the making

of any such gift by any other person.

(b) The provisions of this section are not applicable to any Supervisor or other elected County officer acting in his official capacity.

SEC. 491.3. LIMIT ON PROVIDING MEALS AND BEVERAGES IN CALENDAR MONTH.

(a) Notwithstanding any other provisions of this Code, unless the prior approval of or the subsequent ratification by the Board has been received, no officer or employee of the County who has authority to charge expenses to the County shall charge to the County or receive as reimbursement from the County the cost of providing to any one person other than himself meals or beverages aggregating more than thirty-five dollars (\$35) in a calendar month.

(b) The provisions of this section are not applicable to:

(1) Any Supervisor or other elected County officer acting in their official capacity;

(2) Expenditures made outside the State of California which are related to County activities on the Federal government level;

(3) Expenses charged to the County or reimbursements claimed from the County on account of educational, management development and other similar programs and seminars for the benefit of County personnel, on account of interviews of prospective County employees or consultants, for witnesses, dependent children or wards of the Court or other persons who are being transported at County expense in the conduct of official County business.

(4) The provision of meals or beverages to persons residing or incarcerated in County institutions, or otherwise in the custody of County officers or the Courts, or other persons for whom the County is required by law to provide sustenance.

SEC. 491.4. LIMIT ON PROVIDING MEALS AND BEVERAGES TO ANY PERSON.

Notwithstanding any other provisions of this Code, unless the prior approval of or the subsequent ratification by the Board has been received, no Supervisor who has authority to charge expenses to the County shall charge to the County or receive as reimbursement from the County the cost of providing to any one person other than himself meals or beverages aggregating more than thirty-five dollars (\$35) on any one occasion. For the purposes of this section, the furnishing of each breakfast, lunch or dinner shall be considered a separate occasion.

SEC. 491.5 WASHINGTON, D.C. REPRESENTATIVE.

The provisions of Sections 491.3 and 491.4 shall not be applicable to any person employed by the County, or engaged by the County under independent contract, to represent the Board in Washington, D.C.

Section 3. Section 123 of the San Diego County Administrative Code is hereby amended to read as follows:

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

(a) Except as otherwise provided by this Charter and general law, the Chief Administrative Officer shall have the power to approve the initiation and renewal of revenue contracts and the application for and acceptance of grants for the County:

(1) When the anticipated income or value from such a contract for the ensuing 12 months, or the amount of such a grant, does not exceed \$250,000;

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

(3) When the terms of the contract or grant do not require the addition of positions or staff years; and

(4) When approval by the Board of Supervisors is not specifically required as a condition of the contract or grant.

(b) After approvals by the Chief Administrative Officer as provided herein and at his 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.

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

PASSED, APPROVED, AND ADOPTED this 19th of June, 2007.