

ORDINANCE NO. 9894 (NEW SERIES)

AN ORDINANCE AMENDING SECTIONS OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO HEALTH AND HUMAN SERVICES AGENCY ADVISORY BOARDS

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

Section 1. Section 861.1 of the San Diego County Administrative Code – Article LV is hereby amended to read as follows:

SEC. 861.1. MEMBERSHIP AND SELECTION.

The Board shall consist of eighteen (18) members. All members shall represent the entire area and population of the County in the performance of duties. Persons appointed to the Board shall have demonstrated interest and experience in the needs of the Health and Human Services Agency. The members shall serve during their terms at the pleasure of the Board of Supervisors and any member may be removed at any time by a majority vote of the Board of Supervisors or by the member's failure to meet the regularly scheduled meeting attendance requirements. All members shall be voting members of the Board; provided, however, that each member may designate an alternate in writing, and the alternate shall be entitled to vote on Board matters in the absence of the member.

Each member of the Board of Supervisors shall nominate and recommend for appointment by the Board of Supervisors two (2) members to the Board from the following categories:

Physicians representing traditional health care providers serving low income and indigent populations, each physician to be affiliated with one or more minority health care provider organizations in San Diego County;

Representatives of academic institutions active in the training and education of health professionals in San Diego County;

Representatives of business, recommended by the Greater San Diego Chamber of Commerce and other Chambers of Commerce located in San Diego County or by the San Diego County Taxpayers Association;

Representative of organized-labor groups active in the health care industry of San Diego County;

Representatives of either rural or minority health organizations recommended by the Director of the Health and Human Services Agency and the Chief Administrative Officer to achieve geographic and ethnic balance; and

Representatives of legal services organizations representing indigent populations;

In addition, the following eight (8) persons shall be members of the Board or shall designate representatives from their organizations who shall be members: The President and Chief Executive Officer of the San Diego County Medical Society, the President and Chief Executive Officer of the Hospital Association of San Diego and Imperial Counties, the Chief Executive Officer of the San Diego Council of Community Clinics, the Chief Executive Officer of the Consumer Center for Health Education and Advocacy, the Chair of the San Diego County Mental Health Advisory Board, the Chair of the San Diego County Alcohol & Drug Abuse Advisory Board, the Chair of the Healthy San Diego Professional Advisory Board, and the Chair of the Healthy San Diego Consumer Advisory Board.

Section 2. Section 861.2 of the San Diego County Administrative Code – Article LV is hereby amended to read as follows:

SEC. 861.2. EXCLUSIONS.

- (1) An employee of the County shall not serve as a voting member on the Board.
- (2) No person shall be appointed to the Board if by reason of such employment a conflict of interest could arise. Appointment by the court of an attorney to represent an individual shall not be considered a conflict of interest.
- (3) Members of County citizen advisory committees shall disclose to the Clerk of the Board of Supervisors in writing any outside employment or activity engaged in for compensation which relates to their County duties or to the functions and responsibilities of the County department or agency which they serve or which may be subject to approval by any County officer or employee.

No member of an advisory committee shall make, participate in making or in any way attempt to use his position as a member of an advisory committee to influence a decision in which he knows or has reason to know that he has a financial interest, except in those cases where the member is appointed to represent an entity or group having a financial interest in a matter coming within the citizen committee's area of responsibility.

No person shall be appointed to or serve on, an advisory committee which participates in the making of County contracts in which such person is financially interested within the terms of Government Code section 1090 et seq. This prohibition is not applicable to persons with "remote interests" as defined in subdivision (b) of Government Code section 1091, provided that the person discloses the interest in accordance with subdivision (a) of Government Code section 1091 and the person does not influence or attempt to influence other advisory committee members to act favorably in respect to the contract in which the person has a remote interest.

Section 3. Section 861.3 of the San Diego County Administrative Code – Article LV is hereby amended to read as follows:

SEC. 861.3. TERM OF OFFICE.

Members nominated by a Supervisor shall serve a term of office concurrent with the term of office of their nominating Supervisor. The terms shall expire on the date of expiration of the term of the nominating member of the Board of Supervisors or at such time as said member of the Board of Supervisors ceases to hold office, whichever first occurs. The reelection of a member of the Board of Supervisors for a succeeding term shall not automatically extend the term of any board member.

The persons, if any, who are members of the Health Services Advisory Board because they hold one of the following positions or are designated by such person to represent their organization shall serve on the Board until a successor has been chosen for the position, at which time the successor shall become a member of the Board:

President and Chief Executive Officer of the San Diego County Medical Society;

President and Chief Executive Officer of the Hospital Association of San Diego and Imperial Counties;

Chief Executive Officer of the San Diego Council of Community Clinics;

Chief Executive Officer of the Consumer Center for Health Education and Advocacy;

Chair of the San Diego County Mental Health Advisory Board;

Chair of the San Diego County Alcohol and Drug Advisory Board;

Chair of the Healthy San Diego Professional Advisory Board; and,

Chair of the Healthy San Diego Consumer Advisory Board

Any member whose term has expired hereunder shall continue to discharge the duties as a member until a qualified successor has been appointed.

Section 4. Section 861.4 of the San Diego County Administrative Code – Article LV is hereby amended to read as follows:

SEC. 861.4. VACANCIES.

A vacancy shall occur as a result of any of the following events before the expiration of the term:

- (1) The death of the incumbent.

- (2) The resignation of the incumbent.
- (3) Unexcused absences from more than one-third of the regularly scheduled meetings in any 12-month period or three consecutive regularly scheduled meetings.
- (4) Or for any reason specified in Government Code Section 1770.

When a vacancy occurs as the result of missing one-third of the regularly scheduled meetings in one 12-month period or three consecutive regularly scheduled meetings, both the member, the nominating Supervisor, if any, the Chief Administrative Officer and the Director of the Health and Human Services Agency shall be notified by the Board Chair. Vacancies shall be filled by nomination as set forth in Section 861.1. (Exception: Board of Supervisors' appointees may not be removed without the approval of the appointing authority.)

If a vacancy occurs, a new appointee shall serve for the unexpired term of the member being replaced.

Section 5. Section 861.5 of the San Diego County Administrative Code – Article LV is hereby amended to read as follows:

SEC. 861.5. ORGANIZATION.

- (a) Officers. The Board shall select from its membership a Chair and a Chair-Elect to serve for a two-year term. The maximum length of a given office shall be two consecutive terms.
- (b) Rules. The Board shall prepare and adopt the necessary rules and regulations for the conduct of its business.
- (c) Quorum. A majority of members currently appointed to the Board shall constitute a quorum. A majority of members in attendance shall be required to take action.
- (d) Minutes. The Board shall keep written minutes of its meetings, a copy of which shall be filed with the Clerk of the Board of Supervisors.
- (e) Meetings. The Board shall establish a regular meeting schedule and shall give public notice of the time and place of meetings in compliance with the requirements of the Brown Act. All meetings of the Board shall be open and public and all persons shall be permitted to attend any meetings of the Board.
- (f) Staff Requests. County citizen committees are charged with advising the Board of Supervisors on the policies the Board establishes to guide the various functions of the County, and on the established procedures by which such functions are performed. Unless specifically designated in their establishing authority, the advisory committees are

not charged with advising the Chief Administrative Officer regarding his function and responsibility to carry out the Board's policy decisions. Recognizing that this delineation of administrative authority has been established in County Charter section 501.9-Non-interference, Board Policy A-98, and Board Policy A-72, requests from advisory committees which will involve response from County management staff should informally be in writing and signed by the Chair of the advisory committee. Staff response requiring less than four (4) hours to research, prepare and submit an answer to specific requests readily obtainable should be responded to in an expeditious manner by the office or department to which addressed or assigned. More involved requests shall be discussed by the Chief Administrative Officer with the Chair of the Board of Supervisors and if necessary the requestor, and docketed with the Board for its direction. If the Board directs the Chief Administrative Officer to respond to the request, the Chief Administrative Officer will assign the matter to the appropriate staff within the County organization and monitor its progress to assure complete, coordinated and timely response.

(g) Government Code section 1098: County Citizen Committees shall be subject to the provisions of Government Code section 1098-Confidential information; use or disclosure for pecuniary gain.

Section 6. Section 861.7 of the San Diego County Administrative Code – Article LV is hereby amended to read as follows:

SEC. 861.7. COMPENSATION AND EXPENSES.

Members of the Board shall serve without compensation. Board members shall be reimbursed for expenses incurred in performing their duties under this article, including mileage reimbursement in accordance with applicable County Administrative Code provisions.

Section 7. Section 861.8 of the San Diego County Administrative Code – Article LV is hereby amended to read as follows:

SEC. 861.8. DUTIES AND RESPONSIBILITIES.

The Board shall have the following duties and responsibilities:

- 1) To review and make recommendations on new policies and programs within the Health and Human Services Agency. Any policy or program advice by the Committee which impacts the administration of the County will be referred to the Chief Administrative Officer for his review and comment.
- 2) To review the Health and Human Services Agency's annual budget and provide written comments and recommendations to the Board of Supervisors and the Director of the Health and Human Services Agency.

- 3) To examine the variables which impact access to health care and to develop an integrated set of recommendations aimed at an improved health-care delivery system. Develop recommendations which bring discipline and coordination to a fragmented health care system.
- 4) To review current and proposed health related legislation and recommend support, opposition or propose change to the Board of Supervisors, and the Director of the Health and Human Services Agency to pursue further action through appropriate legislative channels.
- 5) To solicit and provide a forum for public input, advice, and proposed solutions and alternatives on critical health issues and problems in the community and faced by the County government.
- 6) To serve as the designated nominating authority for membership on designated advisory committees and forward these nominations to the Board of Supervisors for appointment.
- 7) To assist the Director of the Health and Human Services Agency in assessing those community issues which could result in a fiscal impact on the County government, and making recommendations regarding such impacts.
- 8) To perform such other duties as may be assigned by the Board of Supervisors.

Section 8. Section 861.9 of the San Diego County Administrative Code – Article LV is hereby amended to read as follows:

SEC. 861.9. REPORTS.

The Board shall make available to the Board of Supervisors, the Chief Administrative Officer and the Health and Human Services Agency its findings and recommendations on issues presented to them, and submit an annual written report of its activities to the Board of Supervisors and the Director of the Health and Human Services Agency.

Section 9. Section 881 of the San Diego County Administrative Code – Article LVI is hereby amended to read as follows:

SEC. 881. SAN DIEGO COUNTY ALCOHOL AND DRUG ADVISORY BOARD.

There is hereby created and established the San Diego County Alcohol and Drug Advisory Board, hereafter referred to as “Advisory Board”, pursuant to the State of California Health and Safety Code Section 11805. This Advisory Board is established to encourage public participation in the policies and programs relating to the County’s Alcohol and Drug Services program and to advise the Board of Supervisors, the Chief

Administrative Officer and the Health and Human Services Agency on programs and issues pertaining to Alcohol and Drug Services as defined in Section 881.10.

Section 10. Section 881.1 of the San Diego County Administrative Code – Article LVI is hereby amended to read as follows:

SEC. 881.1. MEMBERSHIP AND SELECTION.

(a) The Advisory Board shall consist of fifteen (15) voting members and five (5) ex officio members. Each Supervisor shall nominate three (3) members, who shall be appointed by the Board of Supervisors. The members shall serve during their terms at the pleasure of the Board of Supervisors and any member may be removed at any time by a majority vote of the Board of Supervisors or by the member's failure to meet the regularly scheduled meeting attendance requirements.

Three (3) ex officio members shall be assigned to serve on the Advisory Board by each director of the County Sheriff's Department, the Probation Department and the County Office of Education. One (1) ex officio member shall be assigned by the presiding judge of the Superior Court. One (1) ex officio member shall be assigned by the Director of the County Health and Human Services Agency; however, the HHSA Director shall not appoint an ex officio member who works within or for the County's Alcohol and Drug Services Program. Ex officio members shall serve their terms at the pleasure of their appointing authorities. Ex officio members shall not have a vote on matters considered by the Advisory Board.

(b) Members appointed by the Board of Supervisors shall include representatives from various economic, social and occupational groups and shall be broadly representative of the demographic characteristics of the county.

(c) All members of the Advisory Board shall have a professional interest in, or personal commitment to, alleviating problems related to inappropriate alcohol use and drug abuse in San Diego County.

Section 11. Section 881.2 of the San Diego County Administrative Code – Article LVI is hereby amended to read as follows:

SEC. 881.2. EXCLUSIONS.

(a) No member of the Advisory Board shall be an employee, or member of a board of directors or advisory body of any county operated alcohol or drug program or provider of alcohol or drug services operating under a contract with the county.

(b) No member of the Advisory Board shall be a member of any advisory body to, or a person who holds any similar position or title on a compensated or non-compensated

basis in, a program which seeks to or possesses a license pursuant to Chapter 9 (commencing with Section 11836).

(c) No member of the Advisory Board shall be a direct recipient of any state funds allocated under this part pursuant to a contract with the California Department of Alcohol and Drug Programs, which shall include compensation for contracted services from, or membership on an advisory body or board of directors of, the entity which receives funds.

Section 12. Section 881.4 of the San Diego County Administrative Code – Article LVI is hereby amended to read as follows:

SEC. 881.4. TERM OF OFFICE.

(a) Members nominated by each Supervisor shall serve a term of office concurrent with the term of office of their nominating Supervisor. The terms shall expire on the date of expiration of the term of the nominating member of the Board of Supervisors or at such time as said member of the Board of Supervisors ceases to hold office, whichever first occurs. The reelection of a member of the Board of Supervisors for a succeeding term shall not automatically extend the term of any Advisory Board member.

(b) Ex officio members representing County departments and the County Office of Education shall be assigned for a term of three years and may serve no more than two (2) full consecutive terms. The initial terms of the ex officio members shall be staggered as follows: one (1) year for the representative of the Health and Human Services Agency, two (2) years for the representative from the County Office of Education, and three (3) years for representatives of the Probation Department and Sheriff's Department. The ex officio member representing the Superior Court shall serve for only one term of three years.

(c) Any member whose term has expired hereunder shall continue to discharge the duties as a member until a successor has been appointed and qualified.

Vacancies shall be filled in accordance with Section 881.1. Vacancies shall be filled for the unexpired term of the member being replaced.

Section 13. Section 881.8 of the San Diego County Administrative Code – Article LVI is hereby amended to read as follows:

SEC. 881.8. COMPENSATION AND EXPENSES.

Members of the Advisory Board shall serve without compensation. Advisory Board members shall be reimbursed for expenses incurred in performing their duties under this article, including mileage reimbursement in accordance with Administrative Code Section 471.

Section 14. Section 881.9 of the San Diego County Administrative Code – Article LVI is hereby amended to read as follows:

SEC. 881.9. DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of the Advisory Board shall include:

- a) To review and approve the procedures used to insure citizen and professional involvement in all stages of the planning process leading to the formulation and adoption of any State-mandated County Alcohol and Drug Services Plan.
- b) To participate in the planning process for the County's Alcohol and Drug Services program. This participation includes:
 - (1) To review and comment on the County Alcohol and Drug Services budget.
 - (2) After adoption of a program, to continue to act in an evaluative and advisory capacity with the Director of the Health and Human Services Agency, and the Board of Supervisors.
 - (3) To review and generally evaluate alcohol and drug abuse program needs, services, facilities, and special programs.
- c) To advise the Director of the Health and Human Services Agency on policies and goals and any other related matters the Director of the Health and Human Services Agency or the Board of Supervisors refers to the Advisory Board, or which are raised by the Advisory Board. Any proposed policy or program advice by the Advisory Board which impacts the administration of the County will be referred to the Chief Administrative Officer for his review and comment.
- d) To encourage and educate the public to understand the nature of alcohol problems and drug problems and to encourage support throughout the county for development and implementation of effective alcohol and drug abuse programs.
- e) To review and make recommendations on policies and programs proposed by the Health and Human Services Agency or the Chief Administrative Officer.
- f) To perform such other duties as may be assigned to them by the Board of Supervisors.

Section 14. 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 6th day of November, 2007.