

ORDINANCE NO 10107 (NEW SERIES)
01/11/11 (8)

AN ORDINANCE AMENDING
COUNTY OF SAN DIEGO ADMINISTRATIVE CODE
ARTICLE VIII RELATING TO THE
CHIEF ADMINISTRATIVE OFFICER

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

Section 1: ARTICLE VIII of the County of San Diego Administrative Code is hereby amended to read as follows:

ARTICLE VIII CHIEF ADMINISTRATIVE OFFICER

SEC. 120. RECOGNITION OF THE C.A.O.

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

SEC. 121. C.A.O. TO BE UNDER SUPERVISION AND DIRECTION OF BOARD.

The Chief Administrative Officer shall act under the supervision of the Board and shall be subject to its direction.

SEC. 122. CHIEF ADMINISTRATIVE OFFICER'S IMMEDIATE OFFICE.

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

- (1) Assistant Chief Administrative Officer, who shall be the principal assistant to the Chief Administrative Officer;
- (2) Deputy Chief Administrative Officer;
- (3) Chief Financial Officer/General Manager;
- (4) Director, Office of Internal Affairs;
- (5) Director, Office of Strategy and Intergovernmental Affairs;
- (6) CAO Chief of Staff; and
- (7) CAO Project Manager.

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

(b) 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.

(c) The Director, Office of Internal Affairs assigned to the Office of Internal Affairs, shall be responsible for managing the ethics program for the County of San Diego; shall be responsible for receiving and investigating complaints alleging improper government activity including: abuse of authority, gross mismanagement, significant waste of County funds, and potential danger to public safety or health; and, shall be responsible for receiving and investigating complaints of discrimination on the basis of race, color, religion, national origin, sex or other prohibited discriminatory acts under Federal or State law or County ordinances and policies and shall make appropriate recommendations, establish written procedures to address such complaints; and, perform other duties as assigned by the Chief Administrative Officer.

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

(e) The CAO Chief of Staff and 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.

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. The authority of the CAO to appoint and employ personnel may be exercised by the Assistant Chief Administrative Officer, Deputy Chief Administrative Officers, and the Chief Financial Officer/General Manager with respect to the personnel allocated to each official or that official's Office or Group. All appointments and employments made pursuant to this section shall be in accordance with the provisions of the County Charter, Civil Service Rules, County ordinances and of the rules and policies established thereunder.

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

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

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

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

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

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

(a) Except as otherwise provided by 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 to 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/her request, the Clerk of the Board of Supervisors shall execute such revenue contracts or renewals thereof and the documents necessary to effect acceptance of such grants, on behalf of the Board.

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

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

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

SEC. 124. [RESERVED.]

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

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

The Office of Strategy and Intergovernmental Affairs, under the direction of the Director of said Office, shall carry on advocacy activities on behalf of the County; provide bill regulation, and guideline analysis; provide coordination of responses to bills, regulations and guidelines; prepare the County legislative program and County position on legislation; conduct liaison activities on behalf of the County with other governmental entities; and perform other related functions assigned by the Chief Administrative Officer.

SEC. 125.2. FUNCTIONS OF THE OFFICE OF INTERNAL AFFAIRS.

County of San Diego shall be responsible for receiving and investigating complaints alleging improper government activity including: abuse of authority, gross mismanagement, significant waste of County funds, and potential danger to public safety or health; and, shall be responsible for receiving and investigating complaints of discrimination on the basis of race, color, religion, national origin, sex or other prohibited discriminatory acts under Federal or State law or County ordinances and policies and shall make appropriate recommendations, establish written procedures to address such complaints; and, perform other duties as assigned by the Chief Administrative Officer.

SEC. 126. [RESERVED.]

SEC. 127. [RESERVED.]

SEC. 128. [RESERVED.]

SEC. 129. C.A.O. TO RECOMMEND TRANSFER OF ITEMS IN BUDGET.

The Chief Administrative Officer shall recommend to the Board the cancellation or transfer of any items in the final budget adopted by the Board which the Chief Administrative Officer may deem advisable, expedient or advantageous to the best interests of the County or district as the case may be.

SEC. 129.1. THE COUNTY'S CAPITAL OUTLAY FUND.

The Chief Administrative Officer shall oversee the Capital Outlay Fund and shall be responsible for monitoring expenditures. The Chief Administrative Officer shall prepare the County's annual Capital Improvements Budget and Capital Improvements Plan.

SEC. 130. C.A.O. TO SUPERVISE EXPENDITURES OF DEPARTMENTS UNDER HIS SUPERVISION.

The Chief Administrative Officer shall supervise the expenditures of all agencies, offices, departments, institutions, districts, boards and commissions of the County placed under the supervision of the Chief Administrative Officer by this Article. The Chief Administrative Officer shall report to the Board on whether such expenditures are necessary for the current needs of such agencies, offices, departments, institutions, districts, boards or commissions of the County and shall report to the Board on whether any proposed purchase by any such agency, office, department, institution, district, board or commission of the County from funds appropriated thereto for fixed assets should not be made.

SEC. 131. C.A.O. TO COORDINATE ADMINISTRATION OF DEPARTMENTS AND TO MAKE TRANSFERS OF EQUIPMENT.

The Chief Administrative Officer shall coordinate the administration of all offices, departments, institutions, districts, boards and commissions of the County under the CAO's supervision, and to accomplish such purpose the Chief Administrative Officer is hereby delegated the power and authority to transfer equipment, machinery, furnishings, or supplies from one such office, department, institution, district, board or commission of the County to another.

SEC. 132. C.A.O. MAY MAKE RECOMMENDATIONS FOR TRANSFER OF PERSONNEL.

The Chief Administrative Officer may make recommendations to the Board for the temporary transfer of such personnel as is necessary from time to time to enable the offices, departments, institutions, districts, boards or commissions of the County under the Chief Administrative Officer's supervision to perform their functions or accomplish their work with the greatest efficiency, and the Chief Administrative Officer may make recommendations to the Board for the creation or abolition of positions in any such office, department, institution, district, board or commission of the County under the Chief Administrative Officer's supervision.

SEC. 133. BOARD TO RECEIVE RECOMMENDATION OF C.A.O. BEFORE CREATING NEW POSITION.

It is hereby declared to be the policy of the Board that no new positions of employment be created or filled in any fiscal year after the adoption of a final budget, except such as may be made necessary by unforeseen or unanticipated emergencies; and the offices, departments, institutions, districts, boards or commissions of the County before receiving the recommendation of the Chief Administrative Officer thereon.

SEC. 134. C.A.O. MAY CALL UPON OFFICERS AND EMPLOYEES FOR ASSISTANCE.

The Chief Administrative Officer may call upon any officer or employee in any office, department, institution, district, board or commission of the County under the Chief Administrative Officer's supervision to perform any service in County programs or other programs serving public purposes which such officer or employee is legally authorized or required to perform to assist in carrying out any of the powers and duties of the Chief Administrative Officer.

SEC. 135. APPEAL FROM DECISION OF C.A.O.

The head of any office, department, institution or district or any board or commission that is dissatisfied with any decision of the Chief Administrative Officer that affects such office, department, institution, district, board or commission may appeal to the Board whose decision in the matter shall be final.

Section 2: 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 by the Board of Supervisors of the County of San Diego this 11th day of January, 2011.