

ORDINANCE NO.: 10411 (N.S.)

AN ORDINANCE REPEALING ARTICLE XII-E AND AMENDING
ARTICLES XV-A, XV-AA, LIV, AND LVII OF THE COUNTY
ADMINISTRATIVE CODE PERTAINING TO THE DEPARTMENT OF
AGRICULTURE, WEIGHTS AND MEASURES, AND THE DEPARTMENT
OF ENVIRONMENTAL HEALTH

Section 1. Purpose

This ordinance repeals Article XII-E and amends Articles XV-A, XV-AA, LIV and LVII of the Administrative Code to remove obsolete material, to clarify requirements, and to conform to changes in County program implementation and changes in State law. These amendments are pursuant to Board of Supervisors Policy A-76, Sunset Review Process.

Section 2. Article XII-E of the San Diego County Administrative Code is hereby repealed.

Section 3. By ordinance section number, amendments affect these programs:

2. Solid Waste Hearing Panel (notice of meetings)
3. Functions of DEH (responding to releases of hazardous substances)
4. Eye gnat abatement appeal board (provision for temporary or alternate member)
5. The due date for submission of the annual report of the Environmental Health Advisory Board

2. Section 860.5 of the Administrative Code is amended to read as follows:

SEC. 860.5. ORGANIZATION.

(a) Officers. The Panel shall select from its membership a Chairperson and a Vice-Chairperson in July of each year, or if no meeting is held in July at the next meeting of the Panel following each July. The officers shall serve until the next meeting at which officers are selected.

(b) Rules. The Panel may prepare and adopt any necessary rules and regulations for the conduct of its business.

(c) Quorum. Three members currently appointed to the Panel or two members and an alternate shall constitute a quorum. A majority of three members or two members and alternate in attendance shall be required to take action.

(d) Minutes. The Panel 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 Panel shall meet as often as may be necessary for the transaction of business 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 Panel shall be open and public and all persons shall be permitted to attend any meetings of the Panel.

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

3. Section 898 of the Administrative Code is amended to read as follows:

SEC. 898. FUNCTIONS OF THE DEPARTMENT.

The Director shall administer programs to provide proper planning, coordination and direction for activities and services to protect the public health through environmental health and sanitation management.

Such activities may be authorized by Federal, State or local laws, and shall be governed by those laws as well as applicable rules, regulations, guidelines, agreements and policies made pursuant to said laws. These activities shall include but not be limited to regulating establishments involved in food production, public housing, public pools, drinking water systems, mobilehome parks, sewage, solid waste disposal, hazardous materials, vector problems, and occupational health issues for County employees, and radiation control laws. Specific activities shall include but not be limited to the following:

(a) Regulating various establishments to ensure they meet local, state, and federal health standards; including inspecting and issuing permits to operate.

(b) Investigating citizen complaints regarding Health Code violations where a serious public health or safety issue is involved.

(c) Preventing and controlling mosquito, rodent, fly, and other vector problems.

(d) Educating the public regarding environmental health and safety issues.

(e) Monitoring groundwater and surface water to detect and prevent releases of contaminants and pollutants.

(f) Enforce all provisions of the Mobilehome Parks Act and Special Occupancy Parks Act (Parts 2.1 and 2.3 of Division 13 of the California Health and Safety Code) and related state regulations

pertaining to the issuance of operating permits; and the operation, maintenance, use, continued occupancy and sanitation of mobilehome parks and special occupancy parks.

(g) Where feasible and appropriate, responding to releases of hazardous substances within the County to protect public health, safety and the environment.

4. Section 235.1 of the Administrative Code is amended to read as follows:

SEC. 235.1. MEMBERSHIP AND SELECTION.

The EGAAB shall be composed of two persons who are owners or operators of a commercial organic farm, one person who is a California licensed pest control advisor and not associated with the County of San Diego, Department of Environmental Health or Agriculture, Weights and Measures, or any commercial organic farm, and two persons who are representatives of the community at large, not associated with any commercial organic farm, one of whom is a business owner. Appointees to the EGAAB may concurrently serve on the Fly Abatement Appeals Board if appointed to do so.

When necessary due to a vacancy or recusal with business pending, the EGAAB may be composed of two of the persons described above plus one alternate member. The alternate shall be an available County Hearing Officer appointed pursuant to Section 650 et seq. of the County Administrative Code, selected for the pending EGAAB matter by the Clerk of Board.

Members shall be nominated by the following for appointment by the Board of Supervisors:

- (1) First community at large member (for an initial two year term), by the Supervisor, District 2. For subsequent vacancies, any Supervisor from a district that has recently generated a substantial number of eye gnat complaints may also make a nomination for this position.
- (2) Second community at large member (for an initial three year term) by the Supervisor, District 3. For subsequent vacancies, any Supervisor from a district that has recently generated a substantial number of eye gnat complaints may also make a nomination for this position.
- (3) First owner or operator of an organic farm (for an initial four year term), by the Supervisor, District 5.
- (4) Second owner or operator of an organic farm (for an initial three year term) by the Supervisor, District 4.
- (5) California licensed pest control advisor (for an initial two year term) by the Supervisor, District 1.

5. Section 249.8 of the Administrative Code is amended to read as follows:

SEC. 249.8. REPORTS.

The Board shall make available to the Board of Supervisors, the Chief Administrative Officer, and the Director of the Department of Environmental Health its findings and recommendations, and submit an annual report of its findings and recommendations to the Board of Supervisors no later than January 31 of the following year.

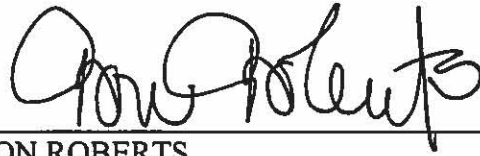
Section 4. Effective Date. This ordinance shall take effect and be in force thirty days after the date of its passage, and before the expiration of fifteen days after its passage, a summary shall be published once with the names of the members voting for an against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

Approved as to form and legality

County Counsel

By: Paul Mehnert, Senior Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 27th day of January, 2016.




RON ROBERTS
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 27th day of January, 2016.

DAVID HALL
Clerk of the Board of Supervisors

By 
Elizabeth Miller, Deputy



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