

ORDINANCE NO. 9283 (NEW SERIES)

AN ORDINANCE AMENDING
THE SAN DIEGO COUNTY ADMINISTRATIVE CODE
RELATING TO THE DUTIES OF THE PUBLIC GUARDIAN

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

Section 1. Article XV, Section 233.5 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 233.5. OFFICE OF PUBLIC GUARDIAN CREATED.

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.

(1) PUBLIC ADMINISTRATOR IS PUBLIC GUARDIAN.

The Public Administrator of the County of San Diego shall be and is hereby made Public Guardian, effective upon his 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 Guardian within the Count master bond will be deemed as compliance with the requirement of this section. The Public Administrator shall be appointed by the Director of the Health and Human Services Agency.

(2) PUBLIC ADMINISTRATOR MAY BE GUARDIAN.

(a) Upon the request of the court or of any County officer or department head, the Public Administrator is hereby authorized to petition for appointment as guardian of the person or estate or person and estate of any incompetent or minor person applying for, receiving or having received, charity, relief, hospitalization, medical, surgical or institutional care under the laws of this State.

(b) Upon the Request of the court, the Public Administrator/Public Guardian is hereby authorized to be appointed trustee of any trust as authorized and pursuant to the Probate Code when no other qualified person is willing to act as trustee.

(3) FEES AND COMMISSION.

The Public Administrator shall charge fees and commissions as authorized by the Probate Code and as approved by the court. Additionally, (a) whenever the Public Administrator shall have taken charge of assets of a decedent pursuant to Probate Code Section 2900, and no probate proceedings are required and the property is subject to release to heirs or next of kin pursuant to the provisions of Probate Code Section 13100, the Public Administrator may, at the request and direction of the person or persons executing the affidavit required by Probate Code Section 13101, sell such property on behalf and forward the net proceeds of said sale to the persons entitled thereto. The Public Administrator shall charge and deduct from the gross proceeds of such sale necessary expenses of sale to effect full cost recovery.

(b) The Public Administrator may at the request of any executor, administrator, fiduciary or public agency sell personal property on behalf of such executor, administrator, fiduciary or public agency at public sale and forward the net proceeds of said sale to the appropriate executor, administrator, fiduciary or public agency. The Public Administrator shall charge and deduct from the gross proceeds of such sale necessary expenses of sale to effect full cost recovery.

(4) COUNTY COUNSEL TO ACT AS ATTORNEY FOR PUBLIC ADMINISTRATOR IN GUARDIANSHIPS, CONSERVATORSHIPS, TRUSTEE APPOINTMENTS AND COLLECT ATTORNEY'S FEE. PUBLIC ADMINISTRATOR TO COLLECT GUARDIAN'S, CONSERVATOR'S AND TRUSTEE'S FEE.

The County Counsel shall act as attorney for the Public Administrator in the matter of all estates in which he is appointed as guardian, conservator, or trustee and shall in every such proceeding collect the attorney's fee allowed therein by law or by the court and forthwith pay the same into the County treasury. The Public Administrator shall in every such proceeding collect the guardian's, conservator's, or trustee's fee allowed by the court and forthwith pay the same into the County treasury.

(5) COPIES OF DOCUMENTS AND FEES.

Within the limitations of his personnel, the Public Administrator may prepare copies of those public documents in his office which are open to public inspection. For all copies so prepared, the Public Administrator may collect a fee of fifty cents per copy to cover direct costs.

Section 2. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption. Within fifteen (15) 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 5th day of December, 2000.