

ORDINANCE 9737 (NEW SERIES)

AN ORDINANCE AMENDING SECTIONS OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE REGIONAL SECURITY COMMISSION, DEPARTMENT OF THE MEDICAL EXAMINER, JUVENILE DELINQUENCY PREVENTION COMMISSION, CITIZENS LAW ENFORCEMENT REVIEW BOARD, ADULT INSTITUTIONS, JUVENILE FACILITIES, DEPARTMENT OF THE PUBLIC DEFENDER AND DEPARTMENT OF THE ALTERNATE PUBLIC DEFENDER

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

Section 1. The Board of Supervisors finds and determines that there is a need to delete, amend or create new sunset dates for the County Administrative Code Articles and Sections as described below. This ordinance will allow the County to continue to ensure that obsolete provisions are deleted and the remaining code provisions reflect current Board standards and directives.

Section 2. San Diego County Administrative Code Article IIIr Section 84.300 et seq. are repealed.

Section 3. San Diego County Administrative Code Article XI needs no amendments and only requires a new sunset date of December 31, 2011.

Section 4. San Diego County Administrative Code Article XIV Section 220 et seq. are repealed.

Section 5. Section 340.9 of the San Diego County Administrative Code Article XVIII requires a new sunset date of December 31, 2011 and is hereby amended to read as follows:

**SEC. 340.9. DUTIES AND RESPONSIBILITIES.**

The Review Board shall have the authority to:

- (a) through (e) [No change]
- (f) Establish necessary rules and regulations for the conduct of its business, subject to approval of the Board of Supervisors.

Section 6. San Diego County Administrative Code Article XIX Section 350 et seq. are repealed.

Section 7. San Diego County Administrative Code Article XXA Section 365 et seq. requires a new sunset date of December 31, 2011 and is hereby amended to read as follows:

**SEC. 365. ESTABLISHMENT OF FACILITIES.**

There is hereby created and established pursuant to the provision of Sections 880 to 891, inclusive, of the Welfare and Institutions Code the following facilities:

1. Juvenile homes in and for the County of San Diego. Said juvenile homes shall be known as San Diego County Juvenile Hall, Kearny Mesa Juvenile Detention Facility (KMJDF) and East Mesa Juvenile Detention Facility (EMJDF) and may be designated in court orders and other official documents as "Juvenile Hall".

2. Juvenile probation camps in and for the County of San Diego as boys rehabilitation facilities. Said facilities shall be known as the Juvenile Ranch Facility at Campo, California, and the Youth Correctional Center at Camp Barrett, and may be designated in court orders and other official documents as “Juvenile Ranch Facility” and “Camp Barrett”.

3. A juvenile home in and for the County of San Diego as a girls rehabilitation facility. Said girls rehabilitation facility shall be known as the Girls Rehabilitation Facility and may be designated in court orders and other official documents as “Girls Rehabilitation Facility” (GRF).

4. A juvenile home in and for the County of San Diego as a children’s receiving home. Said children’s receiving home shall be known as Polinsky Center and may be designated in court orders and other official documents as “Polinsky Center”.

(Amended by Ord. No. 2481 (N.S.), adopted 12-26-62; amended by Ord. No. 3522 (N.S.), adopted 5-26-70, effective 1-5-70; amended by Ord. No. 4377 (N.S.), effective 10-3-74; amended by Ord. No. 6019 (N.S.), effective 5-7-81, operative 6-1-81; amended by Ord. No. 7308 (N.S.), effective 7-2-87)

### **SEC. 366. MANAGEMENT OF FACILITIES.**

The internal controls of said facilities, with the exception of the Polinsky Center, shall be under the management and control of the Probation Department. The Polinsky Center shall be operated under the management and control of the Health and Human Services Agency.. The remaining facilities shall be in the charge of a Probation superintendent or supervisor who shall be selected and appointed by the Probation Officer. All chiefs, superintendents or supervisors shall be selected and appointed in accordance with the provisions of the County Charter, the Rules of the Civil Service Commission, and County ordinances.

(Added by Ord. No. 1444 (N.S.), adopted 1-18-55; amended by Ord. No. 3522 (N.S.), adopted 5-26-70, effective 1-5-70; amended by Ord. No. 7427 (N.S.), effective 2-4-88)

**Cross reference(s)** -- Health and Human Services Agency, § 230 et seq.

### **SEC. 367. TELEPHONE COMMISSION.**

Revenues earned from the pay telephones shall be deposited in the Probation Inmate Welfare Fund, to be kept in the treasury of the County, to be expended solely for the benefit, education and welfare of the wards confined within the camps.

Section 8. Section 691 of the San Diego County Administrative Code Article XXXVII requires a new sunset date of December 31, 2011 and is hereby amended to read as follows:

### **SEC. 691 RECOGNITION OF THE PUBLIC DEFENDER**

There is in the County and in the Department the position of Public Defender. The position shall be in the Unclassified Service of the County and shall be filled by appointment by the Chief Administrative Officer in accordance with the County Charter, Rules of the Unclassified Service and County ordinances. The Public Defender shall serve at the pleasure of the Chief Administrative Officer. A person is not eligible to the office of Public Defender unless the person has been a practicing attorney in all of the courts of the State of California for at least the year preceding the date of his or her appointment in accordance with Section 27701 of the Government Code. The Public Defender shall exercise general supervision of the Department.

(Amended by Ord. No. 9629 (N.S.), effective 4-15-04)

**Cross Reference(s)** – Appointments to Unclassified Service, §[122.2](#); CAO to be Appointing Authority for Various County Officers, § [124](#).  
State Law Reference(s)- Eligibility, Gov. Code, §27701

Section 9. Section 695 of the San Diego County Administrative Code Article XXXVII requires a new sunset date of December 31, 2011 and is hereby amended to read as follows:

**SEC. 695 DUTIES OF THE PUBLIC DEFENDER**

The Public Defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, the Public Defender shall defend or cause to be defended, without expense to the defendant, except as provided by Section 987.8 of the Penal Code, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior courts of the County of San Diego at all stages of the proceedings, including the preliminary examination. The Public Defender shall, upon request, give or cause to be given counsel and advice to such person about any charge against him or her or upon which the Public Defender is conducting the defense, and shall prosecute all appeals to the superior court and may file notice of appeals to a higher court for any person who has been convicted, where in the opinion of the Public Defender, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) through (h) [No change]

Section 10. Section 711 of the San Diego County Administrative Code Article XXXVIII-A requires a new sunset date of December 31, 2011 and is hereby amended to read as follows:

**SEC. 711. RECOGNITION OF THE ALTERNATE PUBLIC DEFENDER.**

There is in the County and in the Department the position of Alternate Public Defender. The position shall be in the Unclassified Service of the County and shall be filled by appointment by the Chief Administrative Officer in accordance with the County Charter, Rules of the Unclassified Service and County ordinances. The Alternate Public Defender shall serve at the pleasure of the Chief Administrative Officer. A person is not eligible to be appointed Alternate Public Defender unless the person has been a practicing attorney in all of the Courts of the State of California for at least the calendar year preceding the date of his or her appointment. The Alternate Public Defender shall exercise general supervision over the Department.

(Amended by Ord. No. 7857 (N.S.), effective 3-14-91; amended by Ord. No. 9629 (N.S.), effective 4-15-04)

**Cross reference(s)** -- Appointments to Unclassified Service, § [122.2](#); § 124.; CAO to be Appointing Authority for Various County Officers, §124

Section 11. Section 714 of the San Diego County Administrative Code Article XXXVIII-A requires a new sunset date of December 31, 2011 and is hereby amended to read as follows:

**SEC. 714. DUTIES OF THE ALTERNATE PUBLIC DEFENDER.**

The Alternate Public Defender shall perform the following duties:

(a) Upon order of the court in cases where the Public Defender is otherwise unavailable, the Alternate Public Defender shall defend or cause to be defended, without expense to the defendant, except as provided by Section 987.8 of the Penal Code, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior courts of the County of San Diego at all stages of the proceedings, including the preliminary examination. The Alternate Public Defender shall, upon request, give or cause to be given counsel and advice to such person about any charge against him or her or upon which the Alternate Public Defender is conducting the defense, and shall prosecute all appeals to the superior court and may file notice of appeals to a higher court for any person who has been convicted, where in the opinion of the Alternate Public Defender, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) through (f) [No change]

Section 12. The effective date of this ordinance is October 27, 2005.

PASSED AND ADOPTED THIS 18<sup>th</sup> DAY OF OCTOBER, 2005