

Meeting Date: 12/05/17 (27)

ORDINANCE NO. 10507 (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES ARTICLE VIII RELATING TO THE CHIEF ADMINISTRATIVE OFFICER AND ARTICLE XII-D RELATING TO DEPARTMENT OF HUMAN RESOURCES

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

Section 1. Section 120 of the San Diego County Administrative Code is amended to read as follows:

SEC. 120. RECOGNITION OF THE CAO

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 (Board).

Section 2. Section 121 of the San Diego County Administrative Code is amended to read as follows:

SEC. 121. CAO TO BE UNDER SUPERVISION AND DIRECTION OF BOARD.

The CAO shall act under the supervision of the Board and shall be subject to its direction.

Section 3. Section 122 of the San Diego County Administrative Code is amended to read as follows:

SEC. 122. CAO's IMMEDIATE OFFICE.

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

- (1) Asst. CAO/Chief Operating Officer, who shall be the principal assistant to the CAO;
- (2) Director, Office of Ethics and Compliance;
- (3) Director, Office of Strategy and Intergovernmental Affairs;
- (4) CAO Chief of Staff; and
- (5) CAO Project Manager.

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

(b) The Asst. CAO/Chief Operating Officer shall oversee, on behalf of the CAO, and participate in the development and implementation of policies and programs for groupings of County departments; advise the CAO 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; represent the County and the CAO 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 CAO.

(c) The CAO Chief of Staff and CAO Project Managers shall, under the administrative direction of the CAO, 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 CAO 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 Asst. CAO/Chief Operating Officer, Deputy Chief Administrative Officers, the Deputy Chief Administrative Officer/Auditor & Controller, and the Deputy Chief Administrative Officer/Director of the Health and Human Services Agency with respect to the personnel allocated to

Meeting Date: 12/05/17 (27)

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 County Charter Section 501, all appointive officers shall be appointed by the CAO, except for those offices designated as appointees of the Board in Charter Section 501.

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

(c) Pursuant to 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.

Section 4. Section 123 of the San Diego County Administrative Code is amended to read as follows:

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

(a) Except as otherwise provided by the County Charter and general law, the CAO 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 the Revenue Contract for the ensuing 12 months, or the amount of the Grant, does not exceed \$250,000;

(2) When Government Code Section 29130 is not applicable to require specific authorization by the Board;

(3) When the terms of the Revenue Contract or Grant do not require the addition of positions or staff years; and

(4) When approval by the Board is not specifically required as a condition of the Revenue Contract or Grant.

(b) After approvals by the CAO 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.

(Section 123, Recognition of Office of Management and Budget, repealed by Ord. No. 6436 (N.S.), effective 10-14-82; new Section 123, Approval of Revenue Contracts and Acceptance of Grants, added by Ord. No. 6780 (N.S.), effective 6-14-84; amended by Ord. No. 9258 (N.S.), effective 11-9-00; amended by Ord. No. 9872 (N.S.), effective 7-19-07; amended by Ord. No. 10107 (N.S.), effective 2-10-11)

Section 5. Section 125 of the San Diego County Administrative Code is amended to read as follows:

SEC. 125. CAO 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 Ethics and Compliance.

The CAO shall exercise general supervision of said staff offices.

(b) The CAO shall be the appointing authority of the Directors of the Office of Strategy and Intergovernmental Affairs and the Office of Ethics and Compliance, 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 there under.

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

Office of Strategy and Intergovernmental Affairs, under the direction of its Director, shall oversee on behalf of the CAO, the County's legislative advocacy; manage the Legislative Program of the Board; monitor and evaluate federal and state legislation and policies impacting the County; 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 CAO may from time to time assign.

SEC. 125.2. FUNCTIONS OF THE OFFICE OF ETHICS AND COMPLIANCE.

The Office of Ethics and Compliance, under the direction of its Director, shall be responsible for managing the ethics and compliance programs for the County with an emphasis on program oversight, education, training, monitoring, reporting and corrective action; responsibilities include facilitation and support to assure compliance with applicable federal and state laws, rules, regulations, ethical standards, statutes and County -specific policies and procedures, and the identification of alleged non-compliance for corrective action purposes. This includes receiving and investigating complaints alleging improper government activity including, but not limited to: abuse of authority, gross mismanagement, significant waste of County funds, improper billings, conflicts of interest, patient and client privacy, patient and client safety, alleged violations of federal and state funding requirements 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, sexual orientation or other prohibited discriminatory acts under federal or state law, County Charter 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 CAO.

Section 6. Section 126 of the San Diego County Administrative Code is amended to read as follows:

SEC. 126. CAO TO ADOPT AND IMPLEMENT RULES AND REGULATIONS FOR COUNTY FACILITIES AND PROPERTY.

(a) The CAO shall adopt and implement rules and regulations regarding the operation, use of, and access to County facilities and property.

Section 7. Section 129 of the San Diego County Administrative Code is amended to read as follows:

SEC. 129. CAO TO RECOMMEND TRANSFER OF ITEMS IN BUDGET.

The CAO shall recommend to the Board the cancellation or transfer of any items in the final budget adopted by the Board which the CAO 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 CAO shall oversee the Capital Outlay Fund and shall be responsible for monitoring expenditures. The CAO shall prepare the County's annual Capital Improvements Budget and Capital Improvements Plan.

Meeting Date: 12/05/17 (27)

Section 8. Section 130 of the San Diego County Administrative Code is amended to read as follows:

SEC. 130. CAO TO SUPERVISE EXPENDITURES OF DEPARTMENTS UNDER SUPERVISION OF THE CAO.

The CAO shall supervise the expenditures of all agencies, offices, departments, institutions, districts, boards and commissions of the County placed under the supervision of the CAO by this Article. The CAO 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.

Section 9. Section 131 of the San Diego County Administrative Code is amended to read as follows:

SEC. 131. CAO TO COORDINATE ADMINISTRATION OF DEPARTMENTS AND TO MAKE TRANSFERS OF EQUIPMENT.

The CAO 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 CAO 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.

Section 10. Section 132 of the San Diego County Administrative Code is amended to read as follows:

SEC. 132. CAO MAY MAKE RECOMMENDATIONS FOR TRANSFER OF PERSONNEL.

The CAO 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 CAO's supervision to perform their functions or accomplish their work with the greatest efficiency, and the CAO 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 CAO's supervision.

Section 11. Section 133 of the San Diego County Administrative Code is amended to read as follows:

SEC. 133. BOARD TO RECEIVE RECOMMENDATION OF CAO 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 CAO thereon.

Section 12. Section 134 of the San Diego County Administrative Code is amended to read as follows:

SEC. 134. CAO MAY CALL UPON OFFICERS AND EMPLOYEES FOR ASSISTANCE.

The CAO may call upon any officer or employee in any office, department, institution, district, board or commission of the County under the CAO'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 CAO.

Section 13. Section 135 of the San Diego County Administrative Code is amended to read as follows:

Meeting Date: 12/05/17 (27)

SEC. 135. APPEAL FROM DECISION OF CAO.

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

Section 14. Sections 136 through 139 are to be deleted from Article VIII and moved to Administrative Code XII-D.

Section 15. Sections 201 through 204 are added to Administrative Code XII-D.

SEC. 201. ACCIDENT PREVENTION AND SAFETY.

The Board determines and declares that it is in the public interest for all County personnel to strive to eliminate accidents and injuries in all County activities. It shall be the responsibility of heads of all County agencies, departments, institutions and offices to insure safe working conditions and safety of personnel therein. In order to help accomplish these objectives a Risk Manager, Loss Prevention Committee and departmental safety officers are hereinafter provided.

SEC. 202. RISK MANAGER.

The Risk Manager, appointed by and under the supervision and control of the Director, Human Resources, shall prepare and coordinate a loss prevention program for all County departments, institutions and offices to reduce and eliminate losses as they affect the County's workers' compensation, public liability, claims recovery, employee assistance and wellness, and employment medical standards and unemployment insurance; and as part of the loss prevention program, shall have the following powers and duties:

(1) To prepare and conduct an educational and training program in loss prevention and first aid for all County departments, institutions and offices, and to advise and assist them in the development of safe operating practices and in the elimination of unsafe conditions.

(2) To review and analyze all reports required by Section 60 and to investigate or assist in investigation all accidents reported therein to determine causes and responsibilities; and at regular intervals to prepare and distribute reports and summaries of the results of such investigation and review.

(3) To act as a member and secretary of the Loss Prevention Committee, to advise said Committee on accident prevention and safety matters, call meetings of said Committee when its assistance is needed, or for the purpose of conducting hearings as hereinafter provided.

(4) To call upon any County officer or employee and to call upon the Loss Prevention Committee for assistance in investigating accidents reported pursuant to Section 60.

(5) To inspect County property and make recommendations to County officers and departments for the use of proper safety equipment, for the correction of unsafe operating practices and procedures, unsafe physical or mechanical condition of County property and facilities, and to require such officers and departments to report back in writing as to the action taken to correct such unsafe conditions.

(6) To establish and conduct a safety incentive program throughout the County.

SEC. 203. LOSS PREVENTION COMMITTEE.

There is in the County a Loss Prevention Committee. The Committee shall consist of the Risk Manager and various department heads by invitation as necessary. The Committee may prepare and adopt rules of procedure for its own government and shall elect a chair from among its members at the beginning of each calendar year. Such rules may provide for committee members to be represented by alternates.

SEC. 203.1. POWERS AND DUTIES OF LOSS PREVENTION COMMITTEE.

The Loss Prevention Committee shall be an advisory body which shall hold meetings at such times and places as it shall determine. It shall review the findings and reports of the Risk Manager and other County officers and make such recommendations thereon to those officers and the CAO, as it shall determine, to

Meeting Date: 12/05/17 (27)

promote safety, prevent accidents and reduce the County's exposure to risk.

SEC. 204. DEPARTMENT SAFETY OFFICERS.

The head of each County department or office shall designate one or more officers or employees within the department or office to act as a Departmental Safety Officer (DSO) and shall immediately notify the Risk Manager of such appointments. These designations shall be made based upon criteria provided by the Risk Manager. Reasonable amounts of work time will be allocated by the department head to facilitate adequate participation in DSO related activities.

SEC. 204.1. DUTIES OF DEPARTMENTAL SAFETY OFFICERS.

It shall be the duty of each DSO to:

- (1) Assist the appointing authority in promoting safety and in the development of an effective accident prevention program within the department or office.
- (2) Observe conditions within the department or office that might cause accidents and bring them to the attention of the Risk Manager through the head of the department or office.
- (3) Review and analyze Section 60 for all accidents involving County property and personnel within the department or office.
- (4) Assist the Risk Manager and other County officers in their investigation.
- (5) Attend meetings at the call of the Risk Manager.

Section 16. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
THOMAS E. MONTGOMERY, COUNTY COUNSEL

BY: Timothy Barry, Chief Deputy County Counsel

Meeting Date: 12/05/17 (27)

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 5th day of December, 2017.



DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 5th day of December, 2017.

DAVID HALL
Clerk of the Board of Supervisors

By D. Lopez
Diana Lopez, Deputy



Ordinance No.10507 (N.S.)

12/05/17 (27)