

ORDINANCE NO. 9695 (New Series)

AN ORDINANCE TO AMEND SECTION 142 OF THE ADMINISTRATIVE CODE TO ALLOW THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS TO AUTHORIZE COUNTY COUNSEL TO INITIATE ACTION TO ENFORCE SUBDIVISION IMPROVEMENT SECURITY.

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

Section 1. The Board of Supervisors finds and determines that it is necessary to revise Section 142 of The San Diego County Administrative Code pertaining to County Counsel litigation authorization. The amendments pertaining to County Counsel litigation authorization will add the Director of Public Works to officials that can request County Counsel initiate legal proceedings to enforce payment of a surety bond or instrument of credit securing the performance of work or the installation of public improvements required as a condition of approving a subdivision map or issuing a permit or other entitlement for the use of land.

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Section 2. Section 142 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 142. LITIGATION AUTHORIZATION.

The County Counsel is authorized to file suit or institute other proceedings in a court of competent jurisdiction to recover money or damages or seek other relief as appropriate as follows:

- (a) To collect unsecured delinquent property taxes from the assessee shown on the unsecured tax roll, when requested by the County Tax Collector.
- (b) To enforce payment of a surety bond for the payment of taxes when requested by the County Tax Collector.
- (c) To enforce payment of a debt for general relief from the person who received the aid when requested by the Director of the Department of Revenue and Recovery after he has determined that the debtor has acquired property.
- (d) To enforce payment of a debt for hospital care from any or all of those persons made liable by Section 238 of this Code when requested by the Director of the Department of Revenue and Recovery after he/she has determined that the person or persons to be sued have acquired property.
- (e) To enforce the County's right to recover welfare moneys received by recipient of public welfare to which the recipient was not entitled when requested by the Director of the Department of Revenue and Recovery.
- (f) To collect costs for the detention or placement of minors by order of the Juvenile Court in any of the County Juvenile Probation facilities when requested by the Director of the Department of Revenue and Recovery.
- (g) To enforce the County's right to recover pursuant to Chapter 5, Part 1, Division 4 of the Labor Code (Sec. 3850, et seq.) when requested by the Human Resources Services Manager, Risk Management Division.
- (h) To enforce the County's right to recover from a person for damage to County property upon request of the County Auditor and Controller or the Director of the Department of Revenue and Recovery.
- (i) To enforce payment of a surety bond or instrument of credit securing the performance of work or the installation of public improvements required as a condition of approving a subdivision map or issuing a permit or other entitlement for the use of land, when requested by the Director of Planning and Land Use or the Director of Public Works.
- (j) To enforce the County's right to recover under Government Code Sections 23004.1 and 23004.2 when required by the Director of the Health and Human Services Agency or the Director of the Department of Revenue and Recovery.

(k) To initiate eviction proceedings and foreclosure proceedings upon the request of the Chief Administrative Officer.

(l) To enforce repair and maintenance obligations of a landlord for premises occupied by the County when requested by the Director of the Department of General Services.

(m) To enforce the provisions of Chapter 4 (commencing with Sec. 22.400) of Division 2 of Title 2, the San Diego County Code relating to Business Certificate Taxes when requested by the Treasurer-Tax Collector.

(n) To enforce any local, state or federal regulatory ordinance, permit, rule, regulation, statute or other law, when requested by the County official authorized to enforce it.

(o) To recover civil penalties or seek injunctive or other relief on behalf of the Air Pollution Control District, when requested by the Air Pollution Control Officer.

(p) To enforce, pursue, or protect the County's rights by filing: (i) appeals or writs with respect to juvenile dependency matters, (ii) actions for indemnity, (iii) cross-complaints, and (iv) amicus briefs in matters that support or advance the interests of the County.

(q) To adjust, settle, or compromise claims or actions which the County may have against third parties for damages accruing to the County for damages to its officers, employees or agents or property. Any compromise or settlement exceeding \$25,000 shall be approved by the Board of Supervisors.

Section 3. Effective Date. This Ordinance shall take effect thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

Section 4. Operative Date. This Ordinance shall be operative on February 14, 2005.

PASSED, APPROVED AND ADOPTED this 15th day of December, 2004.