

ORDINANCE NO. 9754

AN ORDINANCE AMENDING
THE SAN DIEGO COUNTY ADMINISTRATIVE CODE
RELATING TO THE DUTIES OF
THE PUBLIC ADMINISTRATOR/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 Section 233.5 of the San Diego County Administrative Code is hereby repealed.

Section 2. A new Article XXIIa is hereby added to the San Diego County Administrative Code to read as follows:

ARTICLE XXIIA
OFFICE OF THE PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN

SEC. 397. RECOGNITION OF THE OFFICE OF PUBLIC
ADMINISTRATOR AND PUBLIC GUARDIAN.

There is established in the County of San Diego the Office of the Public Administrator and Public Guardian.

SEC. 397.1 RECOGNITION OF PUBLIC ADMINISTRATOR/
PUBLIC GUARDIAN

There is in the County and in the Office of Public Administrator and Public Guardian the position of Public Administrator/Public Guardian. The office of the Public Administrator is created for the purpose of performing the functions of a public administrator as specified in the California Probate Code and general law. 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. The Public Administrator of the County of San Diego shall be and is hereby made Public Guardian, effective upon his or her 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 Administrator/Public Guardian within the County master bond will be deemed as compliance with the requirement of this section.

The Public Administrator/Public Guardian shall be in the Unclassified Service of the County and shall be filled by appointment of the

Chief Administrative Officer in accordance with the County Charter, Rules of the Unclassified Service and County ordinances. The Public Administrator/Public Guardian shall serve at the pleasure of the Chief Administrative Officer. For administrative purposes pursuant to Administrative Code section 122, the Chief Administrative Officer may assign supervision of the Office of the Public Administrator/Public Guardian to a Deputy Chief Administrative Officer or the Health and Human Services Agency Director for supervision on behalf of the Chief Administrative Officer.

The Public Administrator/Public Guardian shall exercise general supervision over the Office of Public Administrator/Public Guardian.

SEC. 397.2 PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN TO APPOINT PERSONNEL

The Public Administrator/Public Guardian shall appoint and deploy such personnel as may be necessary to conduct the business of the Office and as authorized by the Compensation Ordinance of the County of San Diego. All appointments and employments made by the Public Administrator/Public Guardian shall be in accordance with the provisions of the County Charter, Civil Service Rules and County ordinances.

SEC. 397.3 DUTIES OF THE OFFICE OF PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN

(a) The Public Administrator/Public Guardian is authorized to perform the duties of a Public Administrator pursuant to the California Probate Code and general law, and to perform the duties of a Public Guardian pursuant to the Government Code.

(b) Upon the request of the court or of any County officer or department head, the Public Administrator/Public Guardian 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.

(c) The Public Administrator/Public Guardian is hereby authorized to be appointed trustee of any trust as authorized by and pursuant to the Probate Code.

(d) The Public Administrator/Public Guardian shall charge fees and commissions as authorized by the Probate Code, and where required by law or where the Public Administrator/Public Guardian otherwise deem as appropriate, as approved by the court. Additionally, whenever the Public Administrator/Public Guardian 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/Public Guardian 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 of and forward the net proceeds of said sale to the persons entitled thereto. The Public Administrator/Public Guardian shall charge and deduct from the gross proceeds of such sale necessary expenses of sale to effect full cost recovery.

(e) The Public Administrator/Public Guardian 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/Public Guardian shall charge and deduct from the gross proceeds of such sale necessary expenses of sale to effect full cost recovery.

(f) The Public Administrator/Public Guardian may also be assigned such other duties as may be required or permitted by law.

SEC. 397.4 PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN TO COLLECT GUARDIAN'S, CONSERVATOR'S AND TRUSTEE'S FEE.

The Public Administrator/Public Guardian 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.

SEC. 397.5 COUNTY COUNSEL TO ACT AS ATTORNEY FOR PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN IN GUARDIANSHIPS, CONSERVATORSHIPS, TRUSTEE APPOINTMENTS AND COLLECT ATTORNEY'S FEE.

The County Counsel shall act as attorney for the Public Administrator/Public Guardian in the matter of all estates in which he or she 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.

SEC. 397.6 COPIES OF DOCUMENTS AND FEES.

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

Section 3. 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 AND ADOPTED THIS 31st DAY OF JANUARY, 2006