

ORDINANCE NO. 10237 (N.S.)

AN ORDINANCE AMENDING ARTICLES XII-B, XXVI AND LVII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES, THE DEPARTMENT OF PUBLIC WORKS, AND THE DEPARTMENT OF ENVIRONMENTAL HEALTH

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

Section 1. The Board of Supervisors finds and determines that sections of Article XXVI of the Administrative Code related to Department of Public Works and Article XII-B of the Administrative Code related to the Department of Agriculture, Weights and Measures require amendments to bring them into alignment with current policies and practices and that the State Department of Health Services has been renamed to the Department of Public Health. Accordingly, the appropriate sections of the Article LVII of the Administrative Code shall be amended to reflect this name change.

Section 2. Article XII-B, Section 176.1 of the Administrative Code is amended to read as follows:

ARTICLE XII-B DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES*

SEC. 176.1. RECOGNITION OF DEPARTMENT.

The Department of Agriculture and the Department of the Sealer of Weights and Measures are hereby consolidated pursuant to Section 24300 of the Government Code and Section 14 of the County Charter into a single department which shall be known as the Department of Agriculture, Weights and Measures, hereinafter in this Article referred to as the Department. The Department shall be under the supervision of the Board.

Section 3. Section 176.6 of the Administrative Code is amended to read as follows:

SEC. 176.6. FEE FOR PREPARING COPY OF ANY RECORD.

The fees for preparing a copy of any record in the Department are the fees prescribed by Section 94.1 of this Code.

Section 4. Section 176.7 of the Administrative Code is amended to read as follows:

SEC. 176.7. [RESERVED]

Section 5. Section 176.8 of the Administrative Code is amended to read as follows:

SEC. 176.8. [RESERVED]

Section 6. Section 454.1 of the Administrative Code is amended to read as follows:

SEC. 454.1. SOLID WASTE ENVIRONMENTAL TRUST FUND.

There is hereby established the Solid Waste Environmental Trust Fund ("Trust Fund") to be administered by the Director. Expenses incident to the monitoring, maintenance, repair, remediation, conversion, construction, closure, lease, or sale of County-owned or formerly County-owned or operated inactive or closed solid waste disposal facilities or other real property necessary to the management of these facilities shall be paid for from this Trust Fund. These facilities and properties exclude those assets sold to Allied Waste Industries, Inc. as specified in the Purchase and Sale Agreement executed on August 12, 1997. Also, expenses incident to carrying out the County's responsibilities related to the Otay Class I site, the Ramona (landfill) Offsite Environmental Conditions and any pre-existing environmental liabilities at the North County Resource Recycling Facility (NCRRF) or solid waste facilities leased to Allied Waste Industries, Inc., as set forth in the Purchase and Sale Agreement shall be paid for from this Trust Fund. The funds held in the Trust Fund shall not be used or budgeted other than for the purposes set forth in this section. Anticipated costs for these various activities will be budgeted annually in the Inactive Waste Site Management Special Revenue Fund. The following costs that are related or incidental to the functions and responsibilities listed above that may be paid for from the Trust Fund include:

- (a) Procurement of necessary services and supplies;
- (b) Payment for permits or other regulatory fees and fines;
- (c) Repayment of any loans;
- (d) Legal services and litigation expenses;
- (e) Acquisition or leasing of new and replacement equipment;
- (f) Payment of allocated department personnel salaries and benefits;
- (g) Payment of County and Departmental overhead and support costs;
- (h) Acquisition of real property;
- (i) Construction of major or minor facilities; and
- (j) Procurement of technological studies and site management services.

This Trust Fund shall survive for a period of no less than thirty (30) years. The adequacy of the Trust Fund with respect to the responsibilities of the County for these sites, both during and beyond the initial thirty (30) year period, shall be reassessed and the information presented to the

Board at least once every five (5) years. Monies from this fund shall be invested by the County Treasurer such that earnings are consistent with prudent investment practices and all earnings accrue to the Trust Fund. All interest earned by the Inactive Waste Site Management Special Revenue Fund shall also accrue to this Trust Fund. Monies from this Trust Fund may be loaned to any of the County family of funds for a period not to exceed 180 days with interest to accrue at the higher of the Treasurer's pool rate or the overnight investment rate.

Section 7. Section 455 of the Administrative Code is amended to read as follows:

SEC. 455. FUNCTIONS OF DEPARTMENT.

The Department shall perform such functions or duties as are imposed by statute upon either the County Surveyor, County Engineer or the County Road Commissioner and such other functions as may be assigned to it by the Board including the following:

(a) Field Operations:

- (1) Examine and inspect all County roads, highways, bridges and culverts and endeavor to keep same clear of obstructions and in good condition.
- (2) Compile and maintain a County road register in accordance with the requirements of the Streets and Highways Code of the State of California.
- (3) Control and manage all County owned or leased real property acquired with funds from the Road Fund or other funds the use of which is restricted to highway purposes, including necessary borrow pits, quarries and material storage areas.
- (4) Inspect and maintain flood control and storm drainage channels, conduits and structures.

(b) Engineering:

- (1) Prepare or cause to be prepared all surveys, plans and specifications and estimates of cost of all work on wastewater and flood control facilities, inactive landfill sites, County airports, roads, highways, bridges, whether performed under contract or with County forces and equipment.
- (2) Examine and inspect all work performed under public contract on all County airports, roads, highways, wastewater and flood control facilities, bridges, culverts, and require the same to be done in accordance with the plans and specifications filed with the Board and make such reports to the Board, from time to time as said Board may direct, respecting the progress and cost of all such work.
- (3) Examine plans and specifications for and inspect all work done by subdivision developers on County roads, highways, bridges, culverts, wastewater and flood control facilities, and require the same to be done in conformance with County specifications and requirements.
- (4) Examine plans and specifications for and inspect all work done on any road which the Board has approved for acceptance by the County upon its improvement to County standards

and requirements, provided application for such examination and inspection is made and the costs thereof are first paid to the Department.

(5) Inspect work done within road rights of way, utility installations, and road uses resulting from permits for encroachment, and subject to the provisions of law and County ordinances.

(6) Develop standards for the construction of County roads, highways, bridges, culverts, local drainage systems and other similar improvements.

(c) Surveyor

(1) Prepare and maintain such County maps as may be prescribed by law or directed by the Board, including all election precinct and school district maps and legal description of boundaries thereof.

(2) Check all Subdivision Maps, Parcel Maps and Record of Survey Maps as required by law or County ordinance.

(3) Review and approve all subdivision and private improvement plans.

(4) Maintain a record of all drawings and plans for all construction and alteration of roads, highways, bridges, culverts, traffic devices and related facilities in the County's maintained road system.

(5) Perform or authorize to be performed retracement or remonument surveys of major historical land division lines upon which later surveys are based, such as, but not limited to, government section lines, rancho lines, grant lines, rancho section lines, acreage subdivision lot lines, and subdivision boundary lines within such county.

(6) Establish monuments and vertical control bench marks in accordance with the County-wide California Coordinate System and prepare and maintain lists and supplemental maps of graphic indexes of California Coordinate Monuments and bench marks.

(7) Prepare and maintain topographic, photographic and other maps of the County of San Diego for use by the County and the general public.

(d) Traffic Engineering:

(1) Provide administrative support and traffic engineering services to the County Traffic Advisory Committee.

(e) Wastewater Management:

(1) Operate those County sanitation districts for which the County has contracted to furnish such service and all sewer maintenance districts and sanitation districts under the control of the Board.

(2) Establish, subject to the approval of the Board, plans and standards for the development and rules and regulations for the operation of such districts and the projects and activities assigned to the Department.

(3) Supervise the conduct of such improvement act proceedings as may be assigned by the Board.

(4) Control and manage property under the jurisdiction of the County used for the production and distribution of water through a County service area, County maintenance district, or similar area or district.

(f) Watershed Protection and Flood Control

(1) Carry on such activities in the field of flood control as may be assigned by the Board and the State of California through the San Diego County Flood Control District Act.

(2) Provide professional engineering and administrative support to the County of San Diego Flood Control Advisory Commission.

(3) Foster water quality improvement through collaborative planning with partner agencies

(4) Carry on activities as may be assigned by the Board of Supervisors to promote a sustainable watershed and comply with federal and state law

(5) Promote water quality through outreach and public education

(g) Solid Waste Management

(1) Control and manage all County owned or leased real property necessary to the management of the County's closed and inactive solid waste disposal facilities.

(a) Protect human health and the environment.

(b) Comply with Federal, State, and local regulations.

(c) Maintain sites using best management practices.

(d) Maximize the rate of return on all assets.

(2) Provide countywide solid waste planning and management functions.

(a) Manage AB 939 and AB 32 related waste reduction and recycling components of the County's Integrated Waste Management Plan.

(b) Manage 29 County Non-exclusive Solid Waste Management Agreements (Franchise Agreements)

(c) Prepare appropriate sections of the San Diego County Waste Management Plan as required.

(h) Land Development:

(1) Reviewing and conditioning maps and plans.

(2) Review permits for encroachment into road rights of way, utility installations, and road uses subject to the provisions of law and County ordinances.

(i) Special Districts:

(1) Form and administer special districts such as County Service Areas, County-wide Lighting and Landscape Improvement and Maintenance Districts, Underground Utility Districts, Improvement Act Assessment Districts, Permanent Road Divisions and other districts under the jurisdiction of the Department.

Section 8. Section 459.1 of the Administrative Code is amended to read as follows:

SEC. 459.1. APPEALS TO PLANNING COMMISSION AND BOARD OF SUPERVISORS.

Upon the filing of any appeal by a project applicant to the San Diego County Planning Commission or Board of Supervisors relating to a decision or permit on a private development project, where processing of the appeal requires review, research, opinion, recommendation, or other involvement from the Department of Public Works, the actual costs of the department shall be paid by the applicant. At the time of filing, the applicant shall deposit with the Director of Public Works, a sum estimated by the Director of Public Works, to be sufficient to cover the actual costs of performing the required work. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 9. Section 459.2 of the Administrative Code is amended to read as follows:

SEC. 459.2. APPEAL OF AN ADMINISTRATIVE DECISION.

Upon the filing of any appeal by a project applicant of an Administrative Decision (as described in section 7201 County of San Diego Zoning Ordinance) relating to a decision or permit on a private development project, where processing of the appeal requires review, research, opinion, recommendation, or other involvement from the Department of Public Works, the actual costs of the department shall be paid by the applicant. At the time of filing, the applicant shall deposit with the Director of Public Works, a sum estimated by the Director of Public Works, to be sufficient to cover the actual costs of performing the required work. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 10. Section 460.30 of the Administrative Code is repealed.

Section 11. Section 460.31 of the Administrative Code is amended to read as follows:

SEC. 460.31. MONUMENTATION.

Monumentation activities include lot staking. At the time of application, the applicant for the permit shall deposit with the Director of Public Works, a sum estimated by the Director of Public

Works, to be sufficient to cover the actual costs. The amount of said deposit shall be prescribed by the Board of Supervisors.

Section 12. Section 461 of the Administrative Code is repealed.

Section 13. Section 468 of the Administrative Code is repealed.

Section 14. Section 896 of the Administrative Code is amended to read as follows:

SEC. 896. DIRECTOR TO PREPARE BUDGET AND SUPERVISE EXPENDITURES.

The Director shall prepare and file with the Auditor and Controller and Chief Administrative Officer the required annual itemized estimates of expenditures and revenues for the Department, and the Director shall supervise the expenditure of all funds allotted to the Department

Section 15. Section 898 of the Administrative Code is amended to read as follows:

SEC. 898. FUNCTIONS OF THE DEPARTMENT.

The Director shall administer programs to provide proper planning, coordination and direction for activities and services to protect the public health through environmental health and sanitation management.

Such activities may be authorized by Federal, State or local laws, and shall be governed by those laws as well as applicable rules, regulations, guidelines, agreements and policies made pursuant to said laws. These activities shall include but not be limited to regulating establishments involved in food production, public housing, public pools, drinking water systems, mobilehome parks, sewage, solid waste disposal, hazardous materials, vector problems, and occupational health issues for County employees, and radiation control laws. Specific activities shall include but not be limited to the following:

- (a) Regulating various establishments to insure they meet local, state, and federal health standards; including inspecting and issuing permits to operate.
- (b) Investigating citizen complaints regarding Health Code violations where a serious public health or safety issue is involved.
- (c) Preventing and controlling mosquito, rodent, fly, and other vector problems.
- (d) Educating the public regarding environmental health and safety issues.
- (e) Monitoring groundwater and surface water to detect and prevent releases of contaminants and pollutants.
- (f) Enforce all provisions of the Mobilehome Parks Act and Special Occupancy Parks Act (Parts 2.1 and 2.3 of Division 13 of the California Health and Safety Code) and related state regulations pertaining to the issuance of operating permits; and the operation, maintenance, use, continued occupancy and sanitation of mobilehome parks and special occupancy parks.

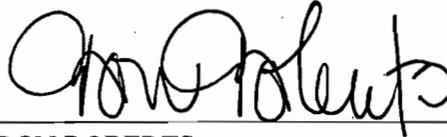
Section 16. Section 899 of the Administrative Code is amended to read as follows:

SEC. 899. DEPARTMENT TO ENFORCE ENVIRONMENTAL HEALTH LAWS.

The Department shall enforce all County ordinances and State laws pertaining to environmental health and sanitary matters, and all orders, regulations, rules and statues pertaining to environmental health issued by the Department of Public Health.

Section 17. This ordinance shall take effect 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.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 5th day of December, 2012.



RON ROBERTS
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater-Price, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 5th day of December, 2012.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

BY 
Elizabeth Miller, Deputy

