

Meeting Date: 01/28/14 (3)

ORDINANCE NO. 10319 (NEW SERIES)

AN ORDINANCE AMENDING ARTICLES XV AND XXIIa OF THE COUNTY OF SAN DIEGO ADMINISTRATIVE CODE RELATING TO THE OFFICE OF THE PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN AND THE OFFICE OF THE PUBLIC CONSERVATOR

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

Section 1. The Board of Supervisors finds and determines that amendments to the County of San Diego Administrative Code, Article XV and XXIIa, are needed to reflect the consolidation of the Offices of the Public Administrator and Public Guardian and the Office of the Public Conservator.

Section 2. In the County of San Diego Administrative Code, Article XXIIa is hereby amended, to read as follows:

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 and of the rules and policies established thereunder, 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 § 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 shall act as the Public Conservator and provide conservatorship services to all conservatees who are gravely disabled and for whom the Public Conservator has been appointed conservator of the person by court order pursuant to the Lanterman-Petris-Short Act (Welfare and Institutions Code section 5000, et seq.). The Public Administrator/Public Guardian is the person designated by the County pursuant to Welfare and Institutions Code section 5355 to serve as the Public Conservator. The Public Administrator/Public Guardian, acting as the Public Conservator, shall perform any and all other duties as prescribed by the Director or Deputy Director of the principal subdivision assigned to oversee the Office of the Public Conservator.

(g) 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. In the County of San Diego Administrative Code, Section 234 of Article XV is hereby deleted.

Section 4. Effective Date and Publication. This ordinance shall take effect thirty (30) days after its adoption. Fifteen days after the date of adoption of this ordinance, a summary shall be published once with the names of the members of the Board voting for and against it in a newspaper of general circulation published in County of San Diego.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 28th day of January, 2014.



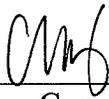
DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 28th day of January, 2014.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Christina Gomez, Deputy



Ordinance No. 10319 (N.S.)

01-28-14 (3)