

ORDINANCE 9083 (NEW SERIES)

AN ORDINANCE AMENDING SECTIONS OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE HEALTH AND HUMAN SERVICES AGENCY ADVISORY BOARDS AND COMMISSION ON CHILDREN, YOUTH AND FAMILIES

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

Section 1. ARTICLE IIIa of the San Diego County Administrative Code is amended to read:

ARTICLE IIIa

SEC. 82. ADVISORY COUNCIL FOR AGING AND INDEPENDENCE SERVICES.

There is hereby created and established in the County of San Diego an Advisory Council for the Board of Supervisors in its capacity as the Area Agency on Aging. This Advisory Council will be known as the Advisory Council for Aging and Independence Services, hereafter in this Article referred to as “Advisory Council.”

SEC. 82.1. PURPOSE AND FUNCTIONS.

The Advisory Council is established to:

- (a) Advise and assist Aging and Independence Services, the Health and Human Services Agency, the Chief Administrative Officer and the Board of Supervisors in the preparation, development, and evaluation of County programs, procedures, budget and policies in accordance with the duties and responsibilities defined in the Older Americans Act. This Council is not empowered by establishing authority, ordinance or policy to render decisions of any kind on behalf of the County of San Diego or its appointed or elected officials. The Advisory Council will not endorse or support any political activity or candidate for elective office.
- (b) Encourage and facilitate public participation in Aging and Independence Services and participate in the development of Aging and Independence Services policy in order to insure inclusion of citizens’ perspectives. The Advisory Council shall carry out advisory functions which further Aging and Independence Services’ mission of developing and coordinating community-based systems of services for all older persons in the planning

SEC. 82.2. NUMBER OF MEMBERS.

The Advisory Council shall consist of no more than thirty (30) members. All members of the Advisory Council shall be residents of the County. The composition of the Council shall be in conformance with all requirements pertaining to age, race, sex, income, and geographical balance. More than one-half of the Council members shall be at least 60 years old, including minority individuals, who are participants or who are eligible to participate in programs assisted under the Older Americans Act.

SEC. 82.3. NOMINATION AND APPOINTMENT.

- (a) Each member of the Board of Supervisors shall nominate and recommend to the Board of Supervisors individuals for appointment to two (2) positions on the Council. The County-wide Nutrition Council shall appoint one (1) member to the Council. The Council on Minority Aging shall appoint one (1) member. The Adult Day Health Care Planning Council shall appoint one (1) member to the Council. The Retired and Senior Volunteer Program (RSVP) Advisory Council shall appoint one (1) member to the Council. The Advisory Council shall appoint up to seventeen (17) members to the Council, including six (6) members to represent service providers serving elderly from each of the six (6) regions established by the Health and Human Services Agency. Other appointments shall include representatives of health care provider organizations, including providers of veterans' health care; persons with leadership experience in the private and voluntary sectors; local elected officials; and the general public.
- (b) Appointments of the ten (10) Council members appointed by the Board of Supervisors shall be made by a majority vote of the Board at an open public meeting. The Advisory Council shall participate in the appointment process by recommending qualified persons for appointment by the Board.
- (c) Appointments to the Council shall be made in such a manner so as to assure that all prevailing Federal, State and local laws, regulations and policies are met relative to Council composition. In forwarding recommendations to the Board for appointment to vacancies, and in making appointments the Council shall insure that all such composition recommendations and appointments are used to balance the Council's composition grid.
- (d) As laws, regulations and policies relative to Council composition are changed, the Council's by-laws shall be revised to incorporate said changes.

SEC. 82.4. TERM – VACANCIES.

- (2) The term of every other member of the Advisory Council shall be four (4) years, except that each member may be removed from the Advisory Council by the organizations which appointed such member prior to the expiration of the term.
 - (3) No member of the Advisory Council may serve for more than two (2) consecutive terms, regardless of appointing authority. After a continuous two (2) year non-membership period, a person can again be appointed to serve on the Advisory Council. For purposes of this limitation, a term shall include any appointment to fill a vacancy for one-half or more of a term.
 - (4) Any member whose term has expired hereunder shall continue to discharge the duties as a member until a successor has been appointed and qualified.
- (b) Vacancies in any position created by resignation or removal shall be filled in the same manner as that position was originally filled. Vacancies shall be filled within thirty (30) days and, subject to the provisions of this Article, shall be filled for the balance of the unexpired term.

SEC. 82.5. OFFICERS.

- (a) The Advisory Council in an open public meeting shall annually elect a chair and a vice chair from among its members. The chair provides general supervisory guidance to the advisory committee and presides over its meetings. The chair assigns coordinating duties to the vice chair, as necessary. The chair is the sole official spokesperson for the Advisory Council.
- (b) The officers shall serve a term of one (1) year beginning on February 1 and ending on January 31. No member shall hold more than one office at a time, and no member shall be eligible to serve more than two consecutive terms in the same office. Any exception to these rules requires a month advance written notice before the vote and a two-thirds vote.

SEC. 82.6. STAFF ASSISTANCE.

The Director of the Health and Human Services Agency shall be responsible for providing necessary staff support to the Advisory Council.

SEC. 82.7. RULES.

SEC. 82.9. QUORUM.

One-half of the persons who are members at any given time shall constitute a quorum.

SEC. 82.10. MINUTES.

The Advisory Council shall keep written minutes of its meetings, copies of which shall be filed with the Clerk of the Board of Supervisors.

SEC. 82.11. COMPENSATION.

Members of the Advisory Council shall be compensated as provided by ordinance.

SEC. 82.12. EXPENSE.

Members may be reimbursed for expenses incurred in the performance of their duties, other than mileage, where prior approval of the Chief Administrative Officer has been obtained and the Board of Supervisors has ratified such approval. Mileage reimbursement may be made upon approval of the Chief Administrative Officer.

SEC. 82.13. REMOVAL.

The members of the Advisory Council shall serve during their terms at the pleasure of their appointing body and any member may be removed at any time by a majority vote of that body or by the member's failure to meet the regularly scheduled meeting attendance requirements.

SEC.82.14. EXCLUSIONS; CONFLICT OF INTEREST.

- (a) An employee of the County shall not serve on the Advisory Council, unless such employee is also a local elected official, or unless specifically permitted by statute.
- (b) No person shall be appointed to the Advisory Council who is an employee of an agency or organization that contracts with the County through Aging and Independence Services.
- (c) Any member of the Advisory Council shall act in conformity with the requirements of section 1090 et seq of the Government Code.

SEC. 82.15. ESTABLISHMENT OF COMMITTEES.

- (2) Ad Hoc Committees: The Advisory Council may appoint ad hoc advisory committees as well as committees of its own members. Any such ad hoc advisory committee shall be assigned to investigate and report with respect to a specific project and shall cease to exist on completion of its assignment.
- (3) Compensation: The members of such committees shall serve without compensation and shall not be entitled to any reimbursement for travel or other expenses unless requested by the Advisory Board and authorized by the Chief Administrative Officer.
- (4) A subcommittee chair shall not act as spokesperson for the Advisory Council.
- (5) Records: The Advisory Council shall keep the Clerk of the Board of Supervisors informed of the names, addresses and terms of office of committee members.

SEC. 82.16. ANNUAL REPORT.

The Advisory Council shall submit a written annual report of its activities or minutes of its meetings to the Board of Supervisors by December 31 of each year.

SEC. 82.17. OTHER POLICIES AND REGULATIONS.

The Advisory Council will follow any other County policy that directly or indirectly relates to its responsibilities and operations, including Board of Supervisors Policy A-74. Policy A-74 is included for reference in the Advisory Council Manual Book.

Section 2. ARTICLE IIIo, SEC.84.97. of the San Diego County Administrative Code is amended to read:

SEC. 84.97. COMPENSATION AND EXPENSES.

Members of the Commission shall serve without compensation and shall not be reimbursed for expenses other than mileage. Members of the Commission are hereby designated as eligible to receive mileage reimbursement for travel expenses incurred in performing the duties assigned to them under this Code.

Section 3. ARTICLE XVI-A of the San Diego County Administrative Code is hereby repealed.

