

ORDINANCE NO.10399 (N.S.)
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE
OF ADMINISTRATIVE ORDINANCES ARTICLE IX
RELATING TO THE OFFICE OF COUNTY COUNSEL

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

Section 1. Section 140 of the San Diego County Code of Administrative Ordinances is amended to read as follows:

SEC. 140. RECOGNITION OF THE OFFICE OF COUNTY COUNSEL.

Pursuant to San Diego County Charter Sections 704 through 704.5, the Office of County Counsel is recognized as the chief civil law advisor of the County for purposes of providing legal services and representation to the County, through the Board of Supervisors, Chief Administrative Officer, County Officers (elected or appointed), and other official County boards, commissions, bodies, and committees in their capacity of speaking for and performing services for the County. In addition, the County Counsel may also provide legal services and representation upon request to school districts, special districts, the Superior Court, and certain other public agency bodies as authorized by law. Hereinafter, reference to "County" shall include the aforementioned County bodies and officials, and reference to "County Counsel clients" shall include all of the aforementioned bodies and officials, unless otherwise specifically indicated. There is established in the County of San Diego an Office of County Counsel, hereinafter in this Article referred to as Office.

Section 2. Section 141 of the San Diego County Code of Administrative Ordinances is amended to read as follows:

SEC. 141. DUTIES OF THE COUNTY COUNSEL.

(a) The County Counsel shall act under the supervision of the Board of Supervisors and shall exercise general supervision over all functions of the Office and shall enforce such rules and regulations as are prescribed and approved by the Board of Supervisors.

(b) The County Counsel shall perform the following duties:

(1) Plans, directs, organizes, and evaluates the overall activities of the Office of County Counsel with respect to the provision of legal services and representation to County Counsel clients.

(2) Represents and provides legal services to the County in Juvenile Court with respect to juvenile dependency matters.

(3) Prepares ordinances, briefs, opinions, and other legal documents.

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(4) Represents the County Counsel clients in litigation proceedings and participates in the preparation and litigation of cases in Federal and State Courts, and of administrative cases before Administrative Agencies.

(5) Reviews and approves contracts and other legal documents.

(6) Provides legal advice and risk analysis on issues of importance to the County Counsel clients.

(7) Plans, directs, organizes, and evaluates the overall activities of the Claims Division in the Office of County Counsel in connection with the processing and administration of public liability claims filed against the County in accordance with the provisions under Article X of this Code.

(8) Directs the development of the Office's annual budget and monitors the revenues and expenditures of the Office.

(9) Performs such other duties as may be requested by the Board of Supervisors, the Chief Administrative Officer, and other County Counsel clients in accordance with or as may be required or permitted by Federal law, State law, the San Diego County Charter, or County Ordinance.

Section 3. Section 142 of the San Diego County Code of Administrative Ordinances is 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 Office 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 Office 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 Office 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 Office of Revenue and Recovery.

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(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 Office 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 Development Services 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 Office 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, (iv) amicus briefs in matters that support or advance the interests of the County, and (v) actions in small claims court.

(q) To waive the County's right to a jury trial after consulting with and obtaining the concurrence of the Chief Administrative Officer.

(r) 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.

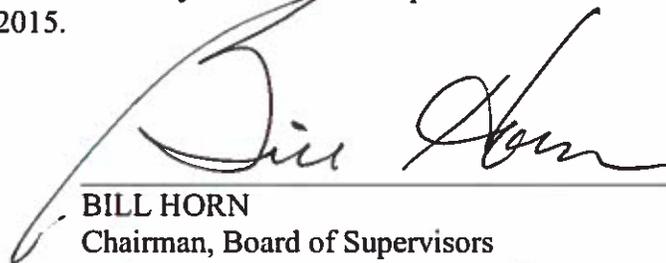
Section 4. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

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APPROVED AS TO FORM AND LEGALITY
THOMAS E. MONTGOMERY, COUNTY COUNSEL

BY: Rachel H. Witt, Senior Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 15th day of December, 2015.



BILL HORN
Chairman, 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 15th day of December, 2015.

DAVID HALL
Clerk of the Board of Supervisors

By Diana Lopez
Diana Lopez, Deputy



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