



# COUNTY OF SAN DIEGO

## LAND USE AGENDA ITEM

### BOARD OF SUPERVISORS

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First District

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Fifth District

**DATE:** October 28, 2020 and November 18, 2020

**02**

**TO:** Board of Supervisors

### **SUBJECT**

**ADMINISTRATIVE ACTIONS AND ORDINANCES TO RETITLE THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY AND IMPLEMENT ASSOCIATED ORGANIZATIONAL CHANGES (DISTRICTS: ALL)**

### **OVERVIEW**

Departments within the Land Use and Environment Group (LUEG) continue to examine their operations to identify ways to reinvent and reimagine service delivery to achieve what the community needs from its programs. Several LUEG departments have reviewed their structure, operations, and service delivery to the community. In September 2012, through Board of Supervisors (Board) action, the Department of Planning & Development Services was established by incorporating staff and functions from the former Department of Planning and Land Use and the land development review functions and staff from Department of Public Works. In 2016, the Department of Parks and Recreation reorganized their Park Planning and Development division to match park operating regions. In 2019, Department of Public Works began reorganizing their multiple financial and budget staff and functions in the programs into a departmental centralized unit for resource efficiencies. This year, the Department of Agriculture, Weights and Measures has reviewed all programs, structure and state licensure requirements for staff working in these programs. Overall, LUEG will continue to explore potential areas of unconscious bias, including working with the Department of Human Resources to review job classifications within the LUEG departments to analyze minimum qualification requirements, such as technical certifications, to determine what is necessary and where requirements could be modified to allow for greater employment opportunity. As part of this effort, the Department of Environmental Health (DEH) conducted a review of the department's structure, operations, and services to the community. This effort resulted in DEH proposing to retitle to the Department of Environmental Health and Quality (DEHQ) and implement organizational changes that are reflective of the broad spectrum of programs within the department, and help with implementation of programs, leadership recruitment, retention, and succession planning.

The proposed organizational changes would retitle the current department head to Director of Environmental Health and Quality and retitle the Assistant Director of Environmental Health to division Director of Environmental Health. As the department head, the Director of DEHQ would continue to provide overall leadership and oversight of department operations, including budget

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and administration, and implement strategic and innovative operational planning to maintain the department at the forefront of environmental health. The division Director of Environmental Health would retain immediate supervision over the Health Officer Programs as required under State law and focus on the implementation of programs, legislation, emerging trends, and support stakeholder engagement. State law requires that specific environmental health programs such as water quality, food safety, body art, public pools, beach and bay monitoring, and sewage spills (collectively, Health Officer Programs) are under the immediate supervision of a Director of Environmental Health who is a Registered Environmental Health Specialist.

In order to ensure that County's Administrative Code, Regulatory Code and Compensation Ordinance provisions reflect the retitling and organizational changes of the department, today's action requests Board of Supervisors consideration to: 1) amend Articles XV-A, XV-AA, and LVII of the Administrative Code, relating to DEH; 2) amend Titles 2, 5, 6 and 8 of the Regulatory Code, relating to DEH; 3) amend the Compensation Ordinance by: retitling three (3) unclassified job codes/classifications; and 4) take other actions necessary for the successful retitling and organizational changes of the department.

If approved, today's action would begin the process to amend the applicable Administrative Code, Regulatory Code, and Compensation Ordinance sections by introducing ordinances for their first reading. The ordinances would subsequently return to the Board for a second reading and adoption on November 18, 2020.

The request to retitle and implement organizational changes to the department would result in no change to levels of service, no increase to annual cost and no additional staff years. The proposed changes would continue to support the day to day operations of the department, regulatory program operations, and maintain services provided to the community.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

On October 28, 2020:

1. Find that the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and (3) because it does not have a direct or indirect effect on the environment and the action is not a project as defined in Section 15378(b)(5) of the State CEQA Guidelines.
2. Approve the introduction of the Ordinances, (first reading), read title and waive further reading of Ordinances entitled:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO THE RETITLING OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, ESTABLISHING THE POSITION OF DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY, DEFINING THE DUTIES AND AUTHORITIES OF THE DIRECTOR OF ENVIRONMENTAL

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HEALTH, RETITLING THE ENVIRONMENTAL HEALTH ADVISORY BOARD, THE APPOINTMENT AUTHORITY FOR THE COUNTY VETERINARIAN, AND RELATED ACTIONS

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO THE RETITLING OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, DEFINING THE DUTIES AND AUTHORITIES OF THE POSITIONS OF DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY AND DIRECTOR OF ENVIRONMENTAL HEALTH, AND RELATED ACTIONS

AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE AND ESTABLISHING COMPENSATION

3. Set a hearing for November 18, 2020 for consideration and adoption of Ordinances amending the San Diego County Administrative Code, the San Diego County Code of Regulatory Ordinances, and the Compensation Ordinance.

If on October 28, 2020, the Board takes the actions recommended in items 1 through 3 above then on November 18, 2020:

1. Consider and adopt Ordinances amending the San Diego County Administrative Code, San Diego County Code of Regulatory Ordinances and Compensation Ordinance (second reading).

#### **FISCAL IMPACT**

There is no fiscal impact associated with the approval of today's actions amending the San Diego County Administrative Code, San Diego County Code of Regulatory Ordinances, and Compensation Ordinance. There will be no change in net General Fund cost and no additional staff years.

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ADVISORY BOARD STATEMENT**

The Environmental Health Advisory Board voted unanimously during their meeting on September 23, 2020 to support the proposed retitling and organizational changes of the department.

#### **BACKGROUND**

Departments within the Land Use and Environment Group (LUEG) continue to examine their operations to identify ways to reinvent service delivery to achieve what the community needs from its programs. Several LUEG departments have reviewed their structure, operations, and service delivery to the community. In September 2012, through Board of Supervisors (Board) action, the

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Department of Planning & Development Services was established by incorporating staff and functions from the former Department of Planning and Land Use and the land development review functions and staff from Department of Public Works. In 2016, the Department of Parks and Recreation reorganized their Park Planning and Development division to match park operating regions. In 2019, Department of Public Works began reorganizing their multiple financial and budget staff and functions in the programs into a departmental centralized unit for resource efficiencies. This year, the Department of Agriculture, Weights and Measures has reviewed all programs, structure and state licensure requirements for staff working in these programs. Overall, LUEG will continue to explore potential areas of unconscious bias, including working with the Department of Human Resources to review job classifications within the LUEG departments to analyze minimum qualification requirements, such as technical certifications, to determine what is necessary and where requirements could be modified to allow for greater employment opportunity. As part of this effort, the Department of Environmental Health (DEH) conducted a review of the department's structure, operations, and services to the community.

DEH protects the environment, community, and public health with over 40 programs that prevent disease, promote environmental responsibility, and enforce environmental and public health laws. DEH operates environmental health programs that regulate restaurants, public pools, substandard housing, small drinking water systems, septic systems and water wells, and hazardous materials. DEH reduces the risk of disease carried by rats and mosquitoes, oversees the cleanup of contaminated properties, and monitors beach and bay water quality. In addition, DEH serves as the Certified Unified Program Agency, Solid Waste Local Enforcement Agency, Local Primacy Agency, and is delegated the duties to implement and enforce the powers of a mosquito abatement and vector control district. DEH is one of the largest environmental health departments in the State, with a Fiscal Year 2020-21 Operation Plan that includes 309 full time employees and an operational budget of \$53.5 million.

Throughout California, environmental health programs, like those operated by DEH, are organized differently based on the structure of each county and/or city, and are usually found in public health, environmental health, or grouped together with other community service type of departments. State law (California Health & Safety Code Section 101275 and 101280) requires that specific environmental health programs, such as water quality, food safety, body art, public pools, and sewage spills (collectively referred to as Health Officer Programs) are within the county health department. If these programs are transferred to another department, they must be under the immediate supervision of a Director of Environmental Health who is a Registered Environmental Health Specialist (REHS). Staff with REHS certifications have met education, training and experience requirements, and passed a comprehensive test administered by the California Department of Public Health that is reflective of the demands encountered within the environmental health profession.

County of San Diego (County) public health and environmental health programs were previously under the direction of the Department of Health Services (DOHS), which is now the Health and Human Services Agency, Public Health Services. On November 8, 1994 (38), the Board

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established DEH as a separate department based on a goal the Board adopted on June 21, 1994 (38) “of improving efficiency and effectiveness in the conscientious protection of environmental health, while not needlessly adding to the burden of regulatory business.” The documented intent of establishing DEH as a sperate department was to “strengthen the focus on environmental health issues that are most important to environmental health advocates and the public” and create an “opportunity for increased community involvement.”

When DEH was established, environmental health programs, including the Health Officer Programs, were transferred from DOHS to DEH. Through this transfer, any statute, rule, regulation, resolution or order, power granted to, or duty imposed upon the County Health Officer pertaining to Health Officer Programs are powers and duties that have been delegated to DEH Director for administration.

**Progression of Environmental Health Programs**

Since DEH became operational in 1995, over 30 programs have evolved based on mandates from the State, new regulatory requirements, or changing environmental conditions. Some new Health Officer Programs include the Beach and Bay Water Quality Monitoring Program, Body Art Program, Small Quantity Medical Waste Program, and Methamphetamine and Fentanyl Contaminated Property Cleanup Programs. Some expanded Health Officer Program areas include regulating Cottage Food Operations, Direct Sales Catering, Host Facilities, Farmers Markets, the Fisherman’s Market, Mobile Food Truck Grading Program, Limited Service Charitable Feeding Operations, mold in housing, and anti-entrapment in public swimming pools and spas. In 2007 the California Retail Food Code was updated and modernized food inspections statewide to be risk-based, focusing on risk factors that lead to foodborne illness. The food safety inspections performed by DEH became more comprehensive with a focus on analyzing food processes, and increased interaction and education with food handlers and operators, rather than looking at the physical attributes of the facility. Other environmental health programs have also expanded to respond to emerging issues like the detection of West Nile virus and the establishment of invasive Aedes mosquitoes capable of transmitting tropical diseases like Dengue and Zika. Additionally, as the regulated industry becomes innovative in their operations, staff need to be engaged and regulations may have to change to ensure public and environmental health and safety are protected.

**Retitling and Organizational Changes of DEH**

After a thorough review of the department’s structure, operations and services to the community, DEH proposes to retitle the department to the Department of Environmental Health and Quality (DEHQ) and implement organizational changes to better reflect the broad spectrum of programs that protect public health and the environment, and help with implementation of programs, leadership recruitment, retention, and succession planning. DEH also proposes to retitle the Environmental Health Advisory Board, which advises and provides technical input to the Board of Supervisors and County management, to be named the Environmental Health and Quality Advisory Board to be in alignment with the department title.

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The proposed organizational changes would align Health Officer Programs under the division Director of Environmental Health who would focus on the implementation of programs, legislation, emerging trends, and support stakeholder engagement. The division Director of Environmental Health would be a Registered Environmental Health Specialist and retain immediate supervision over the Health Officer Programs per State law, communicate with the County Public Health Officer in outbreaks of illness and/or individual case investigations where an environmental factor is identified or suspected, and collaborate on information dissemination and/or public policy recommendations which have an impact upon Public Health Services and Health Officer Programs within DEHQ.

The department head Director of DEHQ would continue to provide overall leadership and oversight of department operations, including budget and administration, and implement strategic and innovative operational planning to maintain the department at the forefront of environmental health. The proposed organizational changes to DEHQ expands opportunity for qualified individuals, with or without a Registered Environmental Health Specialist certification, to be department head.

The proposed changes would continue to support the day to day operations of the department, regulatory program operations, and maintain services provided to the community. The proposed organizational changes do not include new positions or staff years but would retitle the current department executive management positions. The classifications being retitled are: 1) the current department head to Director of Environmental Health and Quality; 2) Assistant Director of Environmental Health to the division Director of Environmental Health; and 3) Deputy Director of Environmental Health to Deputy Director of Environmental Health and Quality. A functional organizational chart that details the proposed organization changes can be found in Attachment A.

Additionally, included in this proposal is an amendment that specifies the Director of DEHQ shall appoint personnel in the Department, including the position of the County Veterinarian.

The administrative actions required to retitle DEH to DEHQ and organize the programs accordingly are outlined below.

**Changes to the San Diego County Administrative Code**

The County Administrative Code would be amended to:

- Retitle the Department of Environmental Health to the Department of Environmental Health and Quality.
- Establish and describe the duties of the department head Director of the Department of Environmental Health and Quality and the division Director of Environmental Health.
- Specify that the division Director of Environmental Health is the immediate supervisor of the Health Officer Programs and indicate when the immediate supervision of the division Director of Environmental Health is necessary.
- Retitle the Environmental Health Advisory Board to the Environmental Health and Quality Advisory Board.

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- Amend the classifications eligible for Automobile Allowance to reflect the retitled Director of Environmental Health and Quality.
- Amend the County Veterinarian from a CAO appointed position to the department head Director of DEHQ appointed position.

#### **Changes to the San Diego County Regulatory Code**

The County Regulatory Code would be amended to:

- Retitle the Department of Environmental Health to the Department of Environmental Health and Quality.
- Ensure conformity with changes to the Administrative Code, as well as indicate when the immediate supervision of the division Director of Environmental Health is necessary.

#### **Changes to the Compensation Ordinance**

The Compensation Ordinance would be amended to retitle three unclassified positions to reflect the new department name.

- 002122 Director, Environmental Health to Director, Environmental Health and Quality
- 002260 Assistant Director, Environmental Health to Director of Environmental Health
- 002134 Deputy Director, Environmental Health to Deputy Director, Environmental Health and Quality

#### **ENVIRONMENTAL STATEMENT**

Today's actions to retitle the department and specify the duties of the department head Director of the Department of Environmental Health and Quality and the division Director of Environmental Health are not projects as defined by the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines section 15060(c)(2) and (3) because none of the actions will result in a direct or indirect effect on the environment and the action is not a project as defined in Section 15378(b)(5) of the State CEQA Guidelines.

#### **LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today's proposed actions support the Living Safely, Sustainable Environments/Thriving, and Operational Excellence initiatives in the County of San Diego's 2020-2025 Strategic Plan. They further the goals of the Strategic Plan by enabling the department to organize internal functions to better distinguish and synergize the environmental health programs and develop, maintain, and attract a skilled, adaptable workforce, thereby ensuring the department can accomplish its mission of protecting the environment and enhancing public health.

Respectfully submitted,



SARAH E. AGHASSI  
Deputy Chief Administrative Officer

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**ATTACHMENT(S)**

Attachment A – Proposed Functional Organizational Chart

Attachment B1 – An Ordinance Amending the San Diego County Administrative Code Relating to the Retitling of the Department of Environmental Health, Establishing the Position of Director of the Department of Environmental Health and Quality, Defining the Duties and Authorities of the Director of Environmental Health, Retitling the Environmental Health Advisory Board, the Appointment Authority for the County Veterinarian, and Related Actions (*Strikeout/Underline*)

Attachment B2 – An Ordinance Amending the San Diego County Administrative Code Relating to the Retitling of the Department of Environmental Health, Establishing the Position of Director of the Department of Environmental Health and Quality, Defining the Duties and Authorities of the Director of Environmental Health, Retitling the Environmental Health Advisory Board, the Appointment Authority for the County Veterinarian, and Related Actions (*Clean Copy*)

Attachment C1 – An Ordinance Amending the San Diego County Regulatory Code Relating to the Retitling of the Department of Environmental Health, Defining the Duties and Authorities of the Positions of Director of the Department of Environmental Health and Quality and Director of Environmental Health, and Related Actions (*Strikeout/Underline*)

Attachment C2 – An Ordinance Amending the San Diego County Regulatory Code Relating to the Retitling of the Department of Environmental Health, Defining the Duties and Authorities of the Positions of Director of the Department of Environmental Health and Quality and Director of Environmental Health, and Related Actions (*Clean Copy*)

Attachment D1 – An Ordinance Amending the Compensation Ordinance and Establishing Compensation (*Strikeout/Underline*)

Attachment D2 – An Ordinance Amending the Compensation Ordinance and Establishing Compensation (*Clean Copy*)

Attachment E – Executive Summary



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**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:** ☐ Yes ☒ No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**

☐ Yes ☒ No

**PREVIOUS RELEVANT BOARD ACTIONS:**

November 8, 1994 (43), Adoption of administrative actions and ordinances introduced on November 1, 1994 (18) to establish the Department of Environmental Health; June 21, 1994 (38), Approved the creation of the Department of Environmental Health effective January 1, 1995.

**BOARD POLICIES APPLICABLE:**

N/A

**BOARD POLICY STATEMENTS:**

N/A

**MANDATORY COMPLIANCE:**

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION  
NUMBER(S):**

N/A

**ORIGINATING DEPARTMENT:** Land Use and Environment Group

**OTHER CONCURRENCE(S):** Department of Environmental Health  
Department of Human Resources  
County Counsel

**CONTACT PERSON(S):**

Jennifer Lawson

Name

(619) 685-2441

Phone

[Jennifer.Lawson@sdcounty.ca.gov](mailto:Jennifer.Lawson@sdcounty.ca.gov)

E-mail

Mel Millstein

Name

(619) 531-5410

Phone

[Mel.Millstein@sdcounty.ca.gov](mailto:Mel.Millstein@sdcounty.ca.gov)

E-mail