

ORDINANCE NO. _____(N.S.)

AN ORDINANCE REPEALING AND REPLACING ARTICLE XV OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE REGARDING THE HEALTH AND HUMAN SERVICES AGENCY AND ADDING ARTICLE XVII REGARDING THE BEHAVIORAL HEALTH SERVICES DEPARTMENT

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

Section 1. Article XV of the San Diego County Administrative Code is hereby repealed and replaced in its entirety to read as follows:

ARTICLE XV. HEALTH AND HUMAN SERVICES AGENCY.

SEC. 230. RECOGNITION OF AGENCY.

There is in the County of San Diego a Health and Human Services Agency, referred to hereinafter in this Article and throughout this Code, as the Agency. The Agency shall be under the general supervision of the Chief Administrative Officer. Each of the departments, divisions and geographic service regions of the Agency shall operate under the direction of an assigned Director. By operation of law the Agency succeeds to and assumes all the duties and responsibilities of the Departments of Area Agency on Aging, Public Health, Social Services, Child Welfare Services, Housing and Community Development, and the duties and responsibilities of the Veterans Service Officer. The Agency in conjunction with other related functions identified by the Board or Chief Administrative Officer is an integrated and comprehensive health and human services system as set forth in California Welfare and Institutions Code section 18991.4.

SEC. 230.1. RECOGNITION OF THE AGENCY DEPUTY CHIEF ADMINISTRATIVE OFFICER.

There is in the County a Deputy Chief Administrative Officer for the Health and Human Services Agency, hereinafter in this Article and throughout this Code referred to as Agency DCAO or Agency Director, who shall be under the supervision of the Chief Administrative Officer. The Agency DCAO shall oversee the group of departments, divisions and geographic service regions which comprise the Agency. The Agency DCAO shall coordinate the various activities of the departments, divisions and geographic service regions of the Agency and, within the scope of the policy declared by the Board, may issue administrative regulations designed to accomplish this end.

In the event that the Agency DCAO does not possess the qualifications for County Health Officer specified in California Health and Safety Code section 101005, the enforcement duties described in the Health and Safety Code shall be discharged by a physician and surgeon employed by the Agency with the title of Public Health Officer.

The Public Health Officer enforcement responsibility under said circumstances is limited to decisions requiring technical medical judgments.

In the event the Agency DCAO does not possess the qualifications for County Veterans Service Officer specified in Section 970 of the California Military and Veterans Code, the Agency DCAO shall appoint a County Veterans Service Officer who possesses the requisite qualifications and who shall be under the supervision of the Agency DCAO.

SEC. 230.2. DUTIES OF THE AGENCY DEPUTYCHIEF ADMINISTRATIVE OFFICER

The Agency DCAO shall exercise supervision over all the functions of the Agency and shall enforce such rules and regulations as are prescribed and approved by the Board. Except as otherwise provided in this Article, the Agency DCAO assumes all responsibilities, authorities and duties of, and shall perform the duties of County Public Health Officer; Director of Public Health Services; County Welfare Director; Director of Self Sufficiency Services; County Child Welfare Services Director; County Child and Family Well-Being Director; Director of the Area Agency on Aging; Community Action Director; Housing and Community Development Services Director; County Veterans Service Officer and any other position assigned by the Board or Chief Administrative Officer. The Agency DCAO may delegate the responsibilities of these positions to personnel in the Agency who report to the Agency DCAO.

SEC. 230.3. AGENCY DEPUTY CHIEF ADMINISTRATIVE OFFICER TO COORDINATE AGENCY.

The Agency DCAO shall coordinate the various activities of the departments, divisions and geographic service regions of the Agency and, within the scope of the policy declared by the Board, may issue administrative regulations designed to accomplish this end.

SEC. 230.4. APPOINTMENT OF PERSONNEL.

The Agency DCAO shall appoint and employ such personnel, including assigned Directors, as may be necessary to properly conduct the business of the Agency. Assigned Directors shall appoint and employ such personnel in the departments, divisions, and geographic service regions which they direct as are necessary to properly conduct Agency business. All appointments and employments made by the Agency DCAO and assigned Directors shall be made in accordance with the provisions of the County Charter, the Rules of the Civil Service Commission and County ordinances.

SEC. 230.5. PREPARATION OF BUDGET AND SUPERVISION OF EXPENDITURES.

The Agency DCAO shall prepare and file with the Auditor and Controller and Chief Administrative Officer the required annual itemized estimates of expenditures and revenues for the Agency, and shall supervise the expenditure of all funds allotted to the Agency. The assigned Directors who direct departments, divisions, and geographic service regions within the Agency shall prepare and file with the Agency DCAO the required annual itemized estimates of expenditures for their respective departments, divisions, and geographic service regions.

SEC. 230.6. FUNCTIONS OF THE AGENCY.

The Agency DCAO shall administer programs of health and human services through the departments, divisions, and geographic service regions which comprise the Agency in a manner which integrates the administration and delivery of these services to assure efficiency, effectiveness, accessibility, and quality. Except where otherwise provided for by the Board or Chief Administrative Officer, the Agency assumes all County functions for:

- (a) Aging programs, including the functions of an area agency on aging.
- (b) Public health services and support of the duties of the local health officer.
- (c) Prevention and intervention services for children, families, and vulnerable adults.
- (d) Eligibility services for public benefit programs.
- (e) Medical care services to eligible people.
- (f) Veteran services
- (g) Housing services including the administration of the federally-assisted programs for low and moderate-income families.
- (h) Subject to Section 397.3(g) of this Code, the functions of the Public Administrator and/or Public Guardian.
- (i) Any other duties or functions directed by the Board or Chief Administrative Officer.

SEC. 230.7. TOBACCO SETTLEMENT REVENUE SECURITIZATION TRUST FUND.

(a) Establishment of Fund and Statement of Intent. There is hereby established the Tobacco Settlement Revenue Securitization Trust Fund ("Trust Fund") to be administered by the Agency DCAO. The Trust Fund consists of proceeds received from the sale of the County's Tobacco Settlement Revenues ("TSRs") to the San Diego County Tobacco Securitization Corporation ("Corporation"). The Corporation paid for the TSRs using the proceeds of a loan from the Tobacco Securitization Authority of Southern California ("Authority"), a joint powers authority that issued bonds to finance the loan. The TSRs are used to make payments on the bonds. Since the bonds were issued on a tax-exempt basis, the County is required by the Internal Revenue Code (Title 26, United States Code)

and the regulations implementing the Code, to comply with various restrictions on the use of the proceeds deposited in the Trust Fund. In addition, the Board of Supervisors has determined to limit expenditures from the Trust Fund to health-related matters. The purpose of this section is to restrict expenditures from the Trust Fund to health-related purposes and subject to the restrictions imposed by the Internal Revenue Code and implementing regulations.

(b) Expenditure Restrictions. Expenditures from the Trust Fund shall be allocated in accordance with the following guidelines:

1. To support a comprehensive tobacco control strategy that will significantly reduce tobacco use among youth and adults. Programs may include, but not be limited to, those that address cessation of tobacco use, support and facilitation of the adoption and enforcement of tobacco control regulations and laws, and prevention and health promotion activities that encourage tobacco-free environments and practices.

2. To increase funding for programs that:

a. Promote access and reduce barriers to assure quality healthcare.

b. Promote healthy lifestyles through prevention and education.

c. Reduce the abuse of alcohol, tobacco and other addictive substances.

d. Improve mental health services and the integration of tobacco cessation into mental health treatment programs.

e. Significantly reduce violence and abuse.

f. Reduce the incidence of chronic and infectious diseases.

g. Improve the health status indicators of vulnerable populations.

h. Minimize disparities in health status.

3. To support health-related programs that leverage funding from other sources.

4. To use funds to supplement and not replace existing healthcare revenue.

5. Programs and services shall demonstrate effectiveness through evaluation of outcomes.

a. Programs shall incorporate "best practices" that have been proven to be cost-effective and efficient.

b. Innovative programs may be funded, providing there are plans for evaluation of outcomes.

(c) Internal Revenue Code Compliance. All expenditures must comply with the Internal Revenue Code and its implementing regulations as needed to maintain the exemption from federal income taxation on the interest payments on the bonds issued by the Authority.

SEC 230.8. INNOVATIVE HOUSING TRUST FUND.

There is hereby established the Innovative Housing Trust Fund ("Trust Fund") to be administered by the Deputy Chief Administrative Officer. Expenses incidental to the evaluation, acquisition, sale, leasing, improving, subsidizing, construction, or otherwise fostering the creation, rehabilitation, or improvement of affordable housing for persons with low incomes, or permanent or transitional housing for homeless persons or persons at risk of homelessness, may 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. 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 directly related to the creation, rehabilitation, or improvement of an affordable housing development;
- (b) Payment for permits or other regulatory fees and fines;
- (c) Providing loans with a minimum 55-year affordability period, at or below market rate, for affordable housing developments, credit enhancement opportunities, or the repayment of loans;
- (d) Acquisition, improvement, or rehabilitation of real property, or improvements thereon;
- (e) Construction of major or minor facilities; and
- (f) Procurement of technological studies, inspections, environmental reviews and site management services.
- (g) Payment of County staff time related to the administration of affordable housing initiatives.

When evaluating projects to be funded by the Trust Fund, preference may be given to those projects designed to serve special needs populations including, but not limited to, low income persons experiencing homelessness, those at risk of homelessness, veterans, persons with disabilities, seniors, transitional age youth, and families, or as reflected in the County of San Diego Consortium Consolidated Plan, as it may be amended from time to time.

Preference should be given to projects that leverage other forms of resources, including capital financing, housing subsidies and complementary support services.

Preference shall be given to projects located in the unincorporated area of the County of San Diego.

Preference shall be given to projects located on County owned land declared surplus for future affordable housing development.

This Trust Fund shall survive for a period of no less than five (5) years. The adequacy of the Trust Fund with respect to the need for affordable housing, both during and beyond the initial five (5) 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. 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 2. Article XVII of the San Diego County Administrative Code is hereby added to read as follows:

ARTICLE XVII. BEHAVIORAL HEALTH SERVICES DEPARTMENT.

SEC. 300. RECOGNITION OF THE DEPARTMENT.

There is in the County a Department of Behavioral Health Services (Department). The Department shall be under the supervision of the Chief Administrative Officer.

SEC. 300.1. RECOGNITION OF THE DIRECTOR.

There is in the County and the Department the position of Director of Behavioral Health Services. Any vacancy in this position shall be filled by appointment by the Chief Administrative Officer in accordance with the County Charter and County ordinances. The Director shall serve as the Local Mental Health Director, County Drug and Alcohol Program Administrator, and Public Conservator.

SEC. 300.2. DUTIES OF THE DIRECTOR.

The Director shall act under the supervision of the CAO. The Director shall supervise all activities of the Department. The Director shall also perform other duties assigned by the CAO. The Director may delegate to a designee the duties of the Public Conservator as described in Welfare and Institutions Code section 5355.

SEC. 300.3. DIRECTOR TO APPOINT PERSONNEL.

The Director shall hire sufficient personnel to carry out the Department's duties. The Director shall comply with the County Charter, Civil Service Rules and all applicable laws when hiring employees.

SEC. 300.4. DIRECTOR TO PREPARE BUDGET AND SUPERVISE EXPENDITURES.

The Director shall prepare and file the required annual itemized estimates of expenditures and revenues for the Department in accordance with State law and this Code. The Director shall supervise the expenditures of all funds allotted to the Department.

SEC. 300.5. FUNCTIONS OF THE DEPARTMENT.

(a) County behavioral health programs, which shall include mental health and drug and alcohol programs.

(b) Programs for persons falling within the provision of Division 5 of the Welfare and Institutions Code including:

(i) Public conservatorships for gravely disabled individuals.

(ii) Assisted outpatient treatment.

(iii) Community Assistance Recovery and Empowerment Act.

(c) The administrative supervision and control of:

(i) County operated outpatient behavioral health facilities.

(ii) The San Diego County Psychiatric Hospital.

(iii) Edgemoor Distinct-Part Skilled Nursing Facility.

(d) Any other duties or functions directed by the Board of Supervisors or Chief Administrative Officer.

Section 3. Any provision in the Administrative or Regulatory Code, Minute Order, Board or administrative policy as of the Effective Date of this Ordinance that directs, or authorizes, the Health and Human Services Agency, or Agency DCAO, to take any action or serve in any capacity that is more appropriately within the purview of Behavioral Health Services or the Behavioral Health Services Director, may be reassigned by the Chief Administrative Officer to Behavioral Health Services, the Behavioral Health Services Director, or other designee.

Section 4. Effective Date. This ordinance shall take effect thirty (30) days after its adoption. Within fifteen (15) days after the date of adoption of this ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in San Diego county.

Section 5. Operative Date. This ordinance shall be operative on July 1, 2026.

APPROVED AS TO FORM AND LEGALITY

Damon M. Brown, County Counsel

BY: Andrew Gregor, Supervising Deputy County Counsel