

ORDINANCE NO. \_\_\_\_\_ (N.S.)

AN ORDINANCE AMENDING PROVISIONS IN THE SAN DIEGO COUNTY  
ADMINISTRATIVE CODE RELATING TO THE PUBLIC ADMINISTRATOR, PUBLIC  
GUARDIAN, AND PUBLIC CONSERVATOR

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

Section 1. Section 234 of the San Diego County Administrative Code is added as follows:

Sec. 234. PUBLIC CONSERVATOR

A Public Conservator is designated pursuant to Welfare and Institutions Code section 5355 to act as the conservator of persons who are gravely disabled, and for whom the Public Conservator has been appointed conservator of the person by the court. The Local Director of Mental Health, or the Director's designee, shall serve as the Public Conservator.

Section 2. Section 397.3 of the San Diego County Administrative Code is amended as follows:

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 also 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/Public Conservator 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/Public Conservator, 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)(f)~~ The Public Administrator/Public Guardian may also be assigned such other duties as may be required or permitted by law.

(g) Notwithstanding any other provision of this Article, the position of Public Administrator may be made to be a distinct office from the Public Guardian, with different individuals appointed to each respective office.

Section 3. 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 a newspaper of general circulation published in San Diego County.

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL  
By: Kyle Sand