

ARTICLE IIIa ADVISORY COUNCIL FOR AGING AND INDEPENDENCE SERVICES*

***Note** -- Article IIIa added by Ord. No. 3523 (N.S.), adopted 5-26-70; repealed and new Article consisting of Sections 82.01--82.03.20, entitled AGENCY ORGANIZATION -- ADVISORY BOARDS, added by Ord. No. 4584 (N.S.), effective 11-20-75; repealed by Ord. No. 5356 (N.S.), effective 2-22-79, operative 3-23-79; a new Article IIIa, consisting of Sections 82--82.16, and entitled Area Agency on Aging Advisory Council, added by Ord. No. 5402 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6055 (N.S.), effective 6-18-81.

Cross reference(s) -- Definitions, § 20 et seq.; general rules, § 50 et seq.

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."

(Amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12)

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 the 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 Area Agency on Aging planning and service area. The Council shall advise Aging and Independence Services relative to developing and administering the Area Agency on Aging area plan; conducting public hearings; representing the interest of older persons; and reviewing and commenting on all community policies, programs and actions which affect older persons with the intent of assuring maximum coordination and responsiveness to older persons.

(Amended by Ord. No. 8524 (N.S.), effective 6-8-95; amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12; amended by Ord. No. 10581 (N.S.), effective 1-10-19)

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.

(Amended by Ord. No. 7867 (N.S.), effective 3-28-91; amended by Ord. No. 8524 (N.S.), effective 6-8-95; amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12)

SEC. 82.3. NOMINATION AND APPOINTMENT.

(a) Each member of the Board of Supervisors shall nominate and recommend to the Board of Supervisors two (2) individuals for appointment to the Advisory Council. Appointments shall be made by majority vote of the Board of Supervisors at an open public meeting. The Advisory Council shall participate in the appointment process by recommending qualified persons for appointment by the Board. The Advisory Council shall appoint up to twenty (20) members to the Council.

(b) 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 make reasonable attempts to insure that all such recommendations and appointments are used to regionally and demographically balance the Council composition.

(c) Persons from other county "senior and disabled" organizations or groups whose knowledge and experience would provide understanding and judgment shall be viable for consideration as members of the Advisory Council.

(Amended by Ord. No. 7867 (N.S.), effective 3-28-91; amended by Ord. No. 8524 (N.S.), effective 6-8-95; amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 9608 (N.S.), effective 12-5-03; amended by Ord. No. 9715 (N.S.), effective 6-9-05; amended by Ord. No. 10206 (N.S.), effective 5-3-12)

Cross reference(s) -- Appointments and removal, § 52; area agency on aging department, § 82.20; San Diego County veterans advisory council, § 820.

SEC. 82.4. TERM -- VACANCIES.

(a) (1) The term of the members of the Advisory Council nominated by members of the Board of Supervisors shall run concurrently with the term of the member of the Board of Supervisors who nominated said Advisory Council members. The terms of members nominated by the members of the Board of Supervisors shall expire on the day of the expiration of the term of the nominating member of the Board of Supervisors or at such time as said Supervisor ceases to hold office, whichever first occurs. The reelection of a member of the Board of Supervisors for a succeeding term shall not automatically extend the term of any member of the Advisory Council.

(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 the member represents 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 may 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 ninety (90) days and, subject to the provisions of this Article, shall be filled for the balance of the unexpired term.

(Amended by Ord. No. 6433 (N.S.), effective 10-14-82; amended by Ord. No. 7867 (N.S.), effective 3-28-91; amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 9715 (N.S.), effective 6-9-05; amended by Ord. No. 10206 (N.S.), effective 5-3-12; amended by Ord. No. 10581 (N.S.), effective 1-10-19)

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 official spokesperson for the Advisory Council.

(b) The officers shall serve a term of one (1) year beginning on September 1 and ending on August 31. Any exception to this requires a two-thirds vote of the Council preceded by a written notice issued one month in advance. 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.

(Amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 9715 (N.S.), effective 6-9-05; amended by Ord. No. 10206 (N.S.), effective 5-3-12; amended by Ord. No. 10581 (N.S.), effective 1-10-19)

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.

(Amended by Ord. No. 8835 (N.S.), effective 11-6-97; amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12)

SEC. 82.7. RULES.

The Advisory Council may prepare and adopt such rules and regulations for the internal government of its business as it may deem necessary or advisable, all subject to the approval by the Board of Supervisors.

(Amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12; amended by Ord. No. 10581 (N.S.), effective 1-10-19)

Cross reference(s) -- Powers and duties of officers, boards, and commission, § 51.

SEC. 82.8. REQUIRED MEETINGS.

The Advisory Council may designate in its rules a time and place for its regular meetings. For any member who has three (3) unexcused absences for any reason during the Council's annual calendar the seat of any member not appointed by a County Supervisor becomes vacant. The Membership Committee reserves the right to evaluate any extenuating set of circumstances and consider a recommendation to the Council that it waive the declaration of vacancy requirement.

(Amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12; amended by Ord. No. 10581 (N.S.), effective 1-10-19)

SEC. 82.9. QUORUM.

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

(Amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12; amended by Ord. No. 10581 (N.S.), effective 1-10-19)

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.

(Amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12)

SEC. 82.11. COMPENSATION.

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

(Amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12)

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.

(Amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12)

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.

(Amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12)

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) Any member of the Advisory Council shall act in conformity with the requirements of section 1090 et seq. of the Government Code.

(Amended by Ord. No. 7867 (N.S.), effective 3-28-91; amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 9715 (N.S.), effective 6-9-05; amended by Ord. No. 10206 (N.S.), effective 5-3-12)

State law reference(s) -- Conduct, Gov. Code, § 1090 et seq.

SEC. 82.15. ESTABLISHMENT OF COMMITTEES.

(1) The Advisory Council may select from its membership committee chairs and/or members to direct studies, conduct research or make recommendations on the Council's activities. The committee chair may invite other persons who are not members of the Council to become members of the committee and serve as regular committee members or in an advisory capacity.

(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: Aging and Independence Services designated staff shall keep the Clerk of the Board of Supervisors informed of the names, addresses and terms of office of committee members.

(Amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12)

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.

(Amended by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12)

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.

(Added by Ord. No. 9083 (N.S.), effective 10-28-99; amended by Ord. No. 10206 (N.S.), effective 5-3-12)