

**AN ORDINANCE AMENDING
ADMINISTRATIVE CODE SECTIONS**

STRIKEOUT VERSION

AN ORDINANCE AMENDING ADMINISTRATIVE CODE SECTIONS

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

Section 1. Section 29.3 of the Administrative Code is hereby added to read as follows:

SEC. 29.3 SHERIFF.

The term “Sheriff’s Office” shall have the same meaning as the term “Sheriff’s Department”.

Section 2. Section 66.1 of the Administrative Code is hereby amended to read as follows:

SEC. 66.1. SHERIFF'S ASSET FORFEITURE PROGRAM.

(a) **BACKGROUND.** Notwithstanding Section 66 of the County Administrative Code, this section establishes a Sheriff's Asset Forfeiture Program, whereby the Sheriff of San Diego County may receive seized assets transferred to him by Federal agencies as provided by the Comprehensive Crime Control Act of 1984 (21 U.S. Code Section 873 et seq.) and by the United States Attorney General's Guidelines on Seized and Forfeited Property (Paragraph III D.3.e). In addition, any moneys or tangible assets that may be received pursuant to the California Health and Safety Code Sections 11470-11493 will also be included in this program.

Such assets are those which have been seized by law enforcement agencies during the investigation of criminal activities, subsequently forfeited by judicial or administrative decision, and transferred to the Sheriff as a result of participation in acts leading to a Federal or State Governmental seizure or forfeiture. These assets may include, but are not limited to, cash, real estate, motor vehicles, airplanes and boats. The Program's purpose shall be to provide an added incentive to the ~~Sheriff's Department~~ Sheriff's Office to join with Federal, State and other local law enforcement agencies to stem the rising tide of crime, especially illegal drug trafficking.

(b) **FORFEITED CASH ASSETS.** The moneys received by the Sheriff's Asset Forfeiture Program established by this section, the moneys received from the sale of any seized tangible assets, and any interest thereon (pursuant to Government Code Section 53647(b)) shall be deposited into the Sheriff's Asset Forfeiture Fund within the County Treasury and shall be used in conformity with the Comprehensive Crime Control Act of 1984 and the United States Department of Justice Guide to Equitable Sharing for State and Local Law Enforcement Agencies and California Health and Safety Code Section 11489. The Fund may be applied to payment of any liens or other costs of acquisition associated with the transfer of the forfeited noncash assets.

(c) **FORFEITED NONCASH ASSETS.** Title to all property received pursuant to this program shall be taken in the name of the County and shall vest in the County. Upon receipt of any transferred property, the Sheriff shall immediately notify the Auditor and Controller of the acquisition using forms prescribed by the Auditor and Controller. The Auditor and Controller shall make the necessary entries in the County's inventory or accounting records, using the property's fair market value on the date of acquisition, as determined by the Purchasing Agent. Actual custody of the property under this program shall be with the Sheriff. Whenever the Sheriff deems it necessary or expedient to sell forfeited noncash assets received, the provisions of Section 440 of this Code shall be followed, except that the proceeds, if any, shall be deposited in the Sheriff's Asset Forfeiture Fund.

(d) **PROGRAM ACCOUNTABILITY.** The Sheriff, in cooperation with the County Auditor and Controller, shall establish regular accounting and reporting procedures in connection with the Sheriff's Asset Forfeiture Program with strict accountability. A report shall be provided to the Auditor and Controller by the Sheriff, on at least an annual basis, detailing all moneys and tangible assets received, all deposits and disbursements, and such other information as the Auditor and Controller may require. The Sheriff shall establish an internal departmental Asset Forfeiture Program Review Panel to assist the Sheriff in the judicious operation of the program.

Section 3. Section 90.2 of the Administrative Code is hereby amended to read as follows:

SEC. 90.2. DUTIES OF THE ~~DEPUTY CHIEF ADMINISTRATIVE OFFICER/ AUDITOR & CONTROLLER~~
AUDITOR & CONTROLLER.

The Auditor & Controller shall act under the supervision of the ~~Deputy Chief Administrative Officer/Chief Financial Officer~~ Chief Financial Officer and shall exercise general supervision of all functions of the Department and shall enforce such rules and regulations as are prescribed and approved by the Board of Supervisors.

Section 4. Section 90.3 of the Administrative Code is hereby amended to read as follows:

SEC. 90.3. ~~DEPUTY CHIEF ADMINISTRATIVE OFFICER/ AUDITOR & CONTROLLER~~ AUDITOR & CONTROLLER TO APPOINT PERSONNEL.

The Auditor & Controller shall appoint and employ such personnel as may be necessary to conduct the business of the Department. All appointments and employments made by the Auditor & Controller shall be in accordance with the provisions of the County Charter, Civil Service Rules and County ordinances.

Section 5. Section 90.4 of the Administrative Code is hereby amended to read as follows:

SEC. 90.4. ~~DEPUTY CHIEF ADMINISTRATIVE OFFICER/ AUDITOR & CONTROLLER~~ AUDITOR & CONTROLLER TO PREPARE BUDGET AND SUPERVISE EXPENDITURES.

The Auditor & Controller shall prepare and submit to the Chief Administrative Officer the required annual itemized estimates of the expenditures and revenues for the Department. The Auditor & Controller shall supervise the expenditure of all funds allocated to the Department.

Section 6. Section 110 of the Administrative Code is hereby amended to read as follows:

SEC. 110. ALL OFFICES TO FOLLOW BUDGET AND FINANCIAL PROCEDURES SET FORTH IN THIS ARTICLE.

All officials, persons, officers, departments, services, institutions, districts, boards and commissions for whom or for which the Board is required to adopt an annual budget as provided for in Section 29000, et seq., of the Government Code shall be governed by the following sections of this Article which are general in their nature.

The ~~Deputy Chief Administrative Officer/Chief Financial Officer~~ Chief Financial Officer shall perform all duties considered necessary by the Board of Supervisors, and the Chief Administrative Officer for the formulation of the County's annual budget and for the financial management of County operations.

Section 7. Section 110.1 of the Administrative Code is hereby amended to read as follows:

SEC. 110.1. FINANCIAL REPORTS.

The ~~Deputy Chief Administrative Officer/Chief Financial Officer~~ Chief Financial Officer, through the Chief Administrative Officer, shall provide a quarterly budget status report to the Board of Supervisors that may also recommend changes to appropriations to address unanticipated needs or to make technical adjustments to the budget in accordance with the County Budget Act. The reports shall include projections of appropriation and revenue variances by fund and budget unit through the end of the current fiscal year. These reports shall be placed on the Board's agenda consideration and posted online as required by law.

Section 8. Section 111 of the Administrative Code is hereby amended to read as follows:

SEC. 111. ~~DEPUTY CHIEF ADMINISTRATIVE OFFICER/CHIEF FINANCIAL OFFICER~~ CHIEF FINANCIAL OFFICER TO SUPPLY FORMS FOR ESTIMATES OF (1) SALARIES AND EMPLOYEE BENEFITS AND (2) SERVICES AND SUPPLIES AND OTHER OBJECTS OF EXPENDITURES.

On or about the 10th day of February, the ~~Deputy Chief Administrative Officer/Chief Financial Officer~~ Chief Financial Officer shall present to the officer who is the head of each office, department, institution and district and to each board and commission budget forms prepared by said ~~Deputy Chief Administrative Officer/Chief Financial Officer~~ Chief Financial Officer on which such officer, board or commission shall prepare estimates of (1) Salaries and Employee Benefits expenditures and (2) Services and Supplies, Other Charges, Fixed Assets and Expenditure Transfers and Reimbursements for the next ensuing fiscal year.

Section 9. Section 113 of the Administrative Code is hereby amended to read as follows:

SEC. 113. ESTIMATES TO BE SUBMITTED TO ~~DEPUTY CHIEF ADMINISTRATIVE OFFICER/CHIEF FINANCIAL OFFICER~~ CHIEF FINANCIAL OFFICER AND CHIEF ADMINISTRATIVE OFFICER.

The officer who is the head of each office, department, institution and district and each board and commission shall file with the ~~Deputy Chief Administrative Officer/Chief Financial Officer~~ Chief Financial Officer and the Chief Administrative Officer on the forms furnished by the ~~Deputy Chief Administrative Officer/Chief Financial Officer~~ Chief Financial Officer, itemized estimates of proposed expenditures required by such office, department, institution, district, board or commission for the next ensuing fiscal year, together with an itemized estimate showing the anticipated revenue from sources other than property taxation, that will accrue to the office, department, institution, district, board or commission and such additional information thereon as may be required by the ~~Deputy Chief Administrative Officer/Chief Financial Officer~~ Chief Financial Officer and the Chief Administrative Officer. The estimates of Salaries and Employee Benefits, Services and Supplies, Other Charges, Fixed Assets, estimated revenues, and Expenditure Transfers and Reimbursements shall be submitted as required herein not later than the 20th day of April of each year.

Section 10. Section 114 of the Administrative Code is hereby amended to read as follows:

SEC. 114. ~~DEPUTY CHIEF ADMINISTRATIVE OFFICER/CHIEF FINANCIAL OFFICER~~ CHIEF FINANCIAL OFFICER TO FILE BUDGET ESTIMATES WITH CHIEF ADMINISTRATIVE OFFICER.

On or about the fourth week of May of each year the ~~Deputy Chief Administrative Officer/Chief Financial Officer~~ Chief Financial Officer shall file with the Chief Administrative Officer who in turn shall file with the Board, a copy of the tabulation of the budget estimates of proposed expenditures and anticipated revenue for each office, department, institution, district, board and commission for the next ensuing fiscal year, as required by the provisions of Section 29062 of the Government Code.

Section 11. Section 116 of the Administrative Code is hereby amended to read as follows:

SEC. 116. BOARD TO EXAMINE BUDGET ESTIMATES AND APPROVE BUDGET RECOMMENDATIONS OF CHIEF ADMINISTRATIVE OFFICER.

Upon submission to the Board of Supervisors of the ~~Deputy Chief Administrative Officer/Chief Financial Officer's~~ Chief Financial Officer's tabulation of budget estimates and the recommendations of the Chief Administrative Officer with respect thereto, said Board shall consider them and make such revisions, reductions or additions as it deems advisable. Unless the Board finds it impractical to do so, not later than the fourth week of June of each year, the Board shall approve by resolution the tabulation with the revisions, additions and changes in conformity with its judgement and conclusions as to a proper financial program for the next succeeding fiscal year in accordance with Section 29064 of the Government Code.

Section 12. Section 122.1 of the Administrative Code is hereby amended to read as follows:

SEC. 122.1. APPOINTMENT AND EMPLOYMENT OF PERSONNEL.

The CAO shall appoint and employ such personnel as may be necessary to carry out the duties of the Office of Chief Administrative Officer. The authority of the CAO to appoint and employ personnel may be exercised by the Asst. CAO, Deputy Chief Administrative Officers, ~~the Deputy Chief Administrative Officer/Chief Financial Officer,~~ and the Deputy Chief Administrative Officer/Director of the Health and Human Services Agency with respect to the personnel allocated to each official or that official's Office or Group. All appointments and employments made pursuant to this section shall be in accordance with the provisions of the County Charter, Civil Service Rules, County ordinances and of the rules and policies established thereunder.

Section 13. Section 340 of the Administrative Code is hereby amended to read as follows:

SEC. 340. PURPOSE AND INTENT.

It is the purpose and intent of the Board of Supervisors to establish a Citizens Law Enforcement Review Board of the County of San Diego to advise the Board of Supervisors, the Sheriff and the Chief Probation Officer on matters related to the handling of citizen complaints which charge peace officers and custodial officers employed by the County in the ~~Sheriff's Department~~ Sheriff's Office or the Probation Department with misconduct arising out of the performance of their duties. The Citizens Law Enforcement Review Board is also established to receive and investigate specified citizen complaints and investigate deaths arising out of or in connection with activities of peace officers and custodial officers employed by the County in the ~~Sheriff's Department~~ Sheriff's Office or the Probation Department. In addition, the Citizens Law Enforcement Review Board is to make appropriate recommendations relating to matters within its jurisdiction, report its activities, and provide data in respect to the disposition of citizen complaints received by the Citizens Law Enforcement Review Board. It is the purpose and intent of the Board of Supervisors in constituting the Citizens Law Enforcement Review Board that the Review Board will be advisory only and shall not have any authority to manage or operate the ~~Sheriff's Department~~ Sheriff's Office or the Probation Department or direct the activities of any County officers or employees in the ~~Sheriff's Department~~ Sheriff's Office or the Probation Department. The Review Board shall not decide policies or impose discipline against officers or employees of the County in the ~~Sheriff's Department~~ Sheriff's Office or the Probation Department.

Section 14. Section 340.3 of the Administrative Code is hereby amended to read as follows:

SEC. 340.3. NOMINATION AND APPOINTMENT.

(a) The Board of Supervisors shall appoint all eleven members to the Review Board, all of whom shall be residents and qualified electors of the County. Members shall be nominated by the Chief Administrative Officer. In making nominations the Chief Administrative Officer shall attempt to reflect in Review Board membership comprehensive representation of age, sex, socioeconomic status, racial and ethnic background and geographical distribution, including representation of both the unincorporated areas and the cities that contract with the County for law enforcement by the ~~Sheriff's Department~~ Sheriff's Office. The list of nominees submitted to the Board of Supervisors shall include a statement of the qualifications of each person nominated.

(b) Public notice and publicity shall be given of intention to appoint members to the Review Board. An application form shall be provided to members of the public.

(c) County employees and persons employed as peace officers and custodial officers shall not be eligible to be members of the Review Board.

Section 15. Section 470 of the Administrative Code is hereby amended to read as follows:

SEC. 470. AUTHORITY TO CONDUCT OFFICIAL BUSINESS OUTSIDE THE GEOGRAPHIC BOUNDARIES OF SAN DIEGO COUNTY (OUT-OF-COUNTY BUSINESS) AND WITHIN SAN DIEGO COUNTY (IN-COUNTY BUSINESS).

(a) Except as otherwise provided, the Board of Supervisors (Board) delegates the authority for approving specific travel requests within San Diego County (in-County business) and outside the geographical boundaries of San Diego County (out-of-County business) to the Chief Administrative Officer and individual elected officials.

(b) For purposes of this section, the Chief Administrative Officer includes the following authorized representatives: Assistant Chief Administrative Officer (ACAO), ~~Deputy Chief Administrative Officer/Chief Financial Officer (DCAO/CFO)~~, Chief Financial Officer (CFO), Deputy Chief Administrative Officers (DCAO), the Director, Health and Human Services (Agency Director) and Department Heads. Department Heads may delegate in County and out-of-County business signatory authority to Executive Management (EM or UM) level staff within their Department or Agency.

(c) The Chief Administrative Officer, or authorized designee, may approve in-County and out-of-County travel requests and expense claims. However, personal travel requests and expense claims of authorized representatives (ACAO, ~~DCAO/CFO~~, CFO, DCAO, or Agency Director (HHS)) require approval of the Chief Administrative Officer.

Section 16. Section 496 of the Administrative Code is hereby amended to read as follows:

SEC. 496. AUTOMOBILE ALLOWANCE.

Each of the Elected Officials and Executive Management Staff ("EMS") hereinafter designated, as such designation may be hereafter modified from time to time, are entitled to be paid a monthly allowance as hereinafter set forth for the use of a non-County- owned vehicle in the performance of their duties subject to the following conditions:

(a) The Elected Official or EMS possesses a valid California driver's license appropriate to the class of vehicle being operated.

(b) Each such Elected Official or EMS shall at his or her own expense for the period covered by such allowance provide insurance protecting such Elected Official or EMS in the use of such vehicle against liability for bodily injury and property damage in not less than the following amounts: bodily injury, each person, \$100,000; each accident \$300,000; property damage \$25,000.

(c) In accordance with Board of Supervisors Policy H-10, Elected Officials and EMS may be provided a County-owned vehicle in lieu of the authorized automobile allowance if justified by their duties. Such request must be approved by the Chief Administrative Officer.

(d) Elected Officials and EMS who receive an automobile allowance shall not be entitled to be reimbursed for public transit within the County.

(e) Elected Officials or EMS covered by Board of Supervisors Policy H-10 shall not drive (except for a County-owned vehicle provided to the Elected Official or EMS in lieu of an automobile allowance) nor be transported in a County-owned vehicle, except on the rare occasion when such transport is unavoidable or would otherwise be extremely impracticable to avoid and in any event should not occur more than three times in any calendar month.

(f) Elected Officials and EMS who receive an automobile allowance or who have been provided a County-owned vehicle in lieu of an automobile allowance shall not be transported in a private vehicle owned by County staff while on County business except on the rare occasion when such transport is unavoidable or would otherwise be extremely impracticable to avoid and in any event should not occur more than three times in any calendar month.

(g) Elected Officials and EMS who receive an automobile allowance or who have been provided a County-owned vehicle in lieu of an automobile allowance shall not be entitled to mileage reimbursement for miles driven within the limits of San Diego County.

The following table of rates of automobile allowances is established for Elected Officials and EMS who are authorized to receive such allowances and who satisfy the conditions above. Such persons shall be paid that monthly amount set forth in the allowance rate appearing after the title of that Elected Official or EMS:

Rate Allowance	Monthly Allowance
A	\$1,000
B	\$ 750
C	\$ 675
D	\$ 600

and the following County officers be paid a monthly allowance at the rate herein specified:

Elected Official	Rate Allowance
Member, Board of Supervisors	
First District	A
Second District	A
Third District	A
Fourth District	A
Fifth District	A
Assessor/Recorder/County Clerk	A
District Attorney	A
Sheriff	A
Treasurer-Tax Collector	A

Executive Management Staff	Rate Allowance
Chief Administrative Officer	A
Assistant Chief Administrative Officer	B
Chief Information Officer	C
County Counsel	C
Deputy Chief Administrative Officer	C
Deputy Chief Administrative Officer/Chief Financial Officer	C
Deputy Chief Administrative Officer/ Director, Health and Human Services	C
Director, Human Resources	C
Agricultural Commissioner/Sealer of Weights and Measures	D
Air Pollution Control Officer	D
Auditor & Controller	D
Chief Evaluation Officer	D
<u>Chief Financial Officer</u>	<u>D</u>
Chief Medical Examiner	D
Chief Medical Officer	D
Chief Operations Officer, HHSA	D
Chief Probation Officer	D
Chief Sustainability Officer	D
Clerk of the Board of Supervisors	D
Director, Aging and Independence Services, Public Administrator/Public Guardian	D
Director, Animal Services	D
Director, Behavioral Health Services	D
Director, County Fire	D
Director, County Library	D
Director, Child Support Services	D
Director, County Communications Office	D
Director, Department of Public Works	D

Director, Departmental Operations	D
Director, Environmental Health and Quality	D
Director, General Services	D
Director, Housing and Community Development Services	D
Director, Office of Emergency Services	D
Director, Office of Equity and Racial Justice	D
Director, Office of Ethics, Compliance and Labor Standards	D
Director, Office of Economic Development and Governmental Affairs	D
Director, Parks and Recreation	D
Director, Planning and Development Services	D
Director, Purchasing and Contracting	D
Director, Regional Operations	D
Executive Officer, Citizens Law Enforcement Review Board	D
Executive Officer, Civil Service Commission	D
Public Defender	D
Public Health Officer	D
Registrar of Voters	D
Retirement, Chief Executive Officer	D
Director, Child and Family Well-Being	D

Section 17. Amendments to these codes shall take effect October 10, 2024. Within fifteen 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 the County of San Diego.

APPROVED AS TO FORM AND LEGALITY

Claudia G. Silva, County Counsel

BY: Smitha Arons, Senior Deputy County Counsel