

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF
ADMINISTRATIVE ORDINANCES REGARDING LITIGATION
AUTHORIZATION FOR COUNTY COUNSEL

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

Section 1. Purpose. The Board of Supervisors finds and determines that this ordinance is intended to support work performed by the Office of County Counsel's Consumer Fairness and Public Protection Unit and the Department of General Services.

Section 2. Amendment to Section 142. Section 142 "Litigation Authorization" of Article IX "Office of County Counsel" of the San Diego County Code of Administrative Ordinances is hereby amended as follows (deletions in ~~strikeout~~, additions in underline):

Sec. 142 LITIGATION AUTHORIZATION

The County Counsel is authorized to file suit or institute other proceedings in a court of competent jurisdiction, including before Administrative Agencies, or other quasi-judicial bodies, to recover money or damages, to settle actions filed against the County or County employees (with Board approval as required), or seek other relief as appropriate as follows:

(a) To collect unsecured delinquent property taxes from the assessee shown on the unsecured tax roll, when requested by the County Tax Collector.

(b) To enforce payment of a surety bond for the payment of taxes when requested by the County Tax Collector.

(c) To enforce payment of a debt for general relief from the person who received the aid when requested by the Director of the Office of Revenue and Recovery after he has determined that the debtor has acquired property.

(d) To enforce payment of a debt for hospital care from any or all of those persons made liable by Section 238 of this Code when requested by the Director of the Office of Revenue and Recovery after he/she has determined that the person or persons to be sued have acquired property.

(e) To enforce the County's right to recover welfare moneys received by recipient of public welfare to which the recipient was not entitled when requested by the Director of the Office of Revenue and Recovery.

(f) To collect costs for the detention or placement of minors by order of the Juvenile Court in any of the County Juvenile Probation facilities when requested by the Director of the Office of Revenue and Recovery.

(g) To enforce the County's right to recover pursuant to Chapter 5, Part 1, Division 4 of the Labor Code (Sec. 3850, et seq.) when requested by the Human Resources Services Manager, Risk Management Division.

(h) To enforce the County's right to recover from a person for damage to County property upon request of the County Auditor and Controller or the Director of the Office of Revenue and Recovery.

(i) To enforce payment of a surety bond or instrument of credit securing the performance of work or the installation of public improvements required as a condition of approving a subdivision map or issuing a permit or other entitlement for the use of land, when requested by the Director of Planning and Development Services or the Director of Public Works.

(j) To enforce the County's right to recover under Government Code Sections 23004.1 and 23004.2 when required by the Director of the Health and Human Services Agency or the Director of the Office of Revenue and Recovery.

(k) To initiate eviction proceedings, including seeking unpaid rents, and foreclosure proceedings upon the request of the Chief Administrative Officer or the Director of the Department of General Services.

(l) To enforce repair and maintenance obligations of (i) a landlord for premises occupied by the County or (ii) a tenant or other occupant of County leased or owned property, and/or seek reimbursement of costs, including unpaid rents, from a defaulting tenant under a lease of County property when requested by the Director of the Department of General Services.

(m) To enforce the provisions of Chapter 4 (commencing with Sec. 22.400) of Division 2 of Title 2, the San Diego County Code relating to Business Certificate Taxes when requested by the Treasurer-Tax Collector.

(n) To enforce any local, state or federal regulatory ordinance, permit, rule, regulation, statute or other law, when requested by the County official authorized to enforce it.

(o) To prepare a summary of a proposed ordinance or proposed amendment to an existing ordinance and to carry out all other functions authorized by Government Code section 25124(b).

(p) To recover civil penalties or seek injunctive or other relief on behalf of the Air Pollution Control District, when requested by the Air Pollution Control Officer.

(q) To file a claim or request with the Commission on State Mandates including a test claim seeking the reimbursement or the existence of reimbursable state-mandated programs and to challenge a decision regarding the claim or request after consulting with and obtaining the concurrence of the Chief Administrative Officer.

(r) To enforce, pursue, or protect the County's rights by filing: (i) appeals or writs with respect to juvenile dependency matters, conservatorship matters, and CARE court matters, (ii) emergency appeals or writs when exigent circumstances warrant immediate action and it is not possible to obtain authority from the Board prior to seeking relief, provided counsel thereafter seeks ratification of counsel's action at the earliest possible opportunity, (iii) actions for indemnity, (iv) cross-complaints, (v) amicus briefs in matters that support or advance the interests of the County, (vi) actions in small claims court, and (vii) appeals of adverse small claims judgments.

(s) To waive the County's right to a jury trial after consulting with and obtaining the concurrence of the Chief Administrative Officer.

(t) To adjust, settle, or compromise claims or actions which the County may have against third parties for damages accruing to the County for damages to its officers,

employees or agents or property, and actions filed against the County or County employees. Any compromise or settlement exceeding \$100,000 shall be approved by the Board of Supervisors.

(u) To initiate receivership proceedings on behalf of its client departments pursuant to State law, including but not limited to Health & Safety Code section 17980.7 and Business & Professions Code section 17203, under the procedure set forth in Section [18.310](#) of the San Diego County Regulatory Code.

(v) To initiate lawsuits intended to protect consumers, including enforcing the provisions of California's unfair competition laws located at Business & Professions Code section 17200 et seq. as currently written or as may be amended or renumbered.

Section 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
Damon M. Brown, County Counsel

By: Inga Lintvedt, Chief Deputy County Counsel