

ORDINANCE NO. 9031 (NEW SERIES)

AN ORDINANCE AMENDING SECTIONS XV-A, XVI-D, LVII, AND LX  
OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE  
RELATING TO SAN DIEGO COUNTY  
ENVIRONMENTAL HEALTH ADVISORY BOARD,  
SAN DIEGO PARKS ADVISORY COMMITTEE, DEPARTMENT OF  
ENVIRONMENTAL HEALTH, AND SAN DIEGO COUNTY  
PUBLIC WORKS ADVISORY BOARD

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

Section 1: The Board of Supervisors finds and determines that this Ordinance will establish sunset dates for sections of the San Diego County Administrative Code and reflects changes in organizational structure within the Departments of Environmental Health and Planning and Land Use and the County of San Diego. The amendments made by this Ordinance are intended to require that the San Diego County Environmental Health Advisory Board consists of 17 members rather than 16, to establish a term of office of three years and to delete reference to the Community Involvement Office, an office which no longer exists within the County; to remove references to building and noise control from the functions of the Department of Environmental Health; and remove reference to the San Diego County Public Works Advisory Board.

Section 2: Section 249 of the San Diego County Administrative Code relating to the San Diego County Environmental Health Advisory Board is hereby amended to read as follows:

**SEC. 249. SAN DIEGO COUNTY ENVIRONMENTAL HEALTH ADVISORY BOARD.**

There is hereby created and established the San Diego County Environmental Health Advisory Board. This Board is established to advise and to provide technical input to the Board of Supervisors, the Chief Administrative Officer and the Director of the Department of Environmental Health on the development and implementation of programs to address the environmental health needs of San Diego County.

**SEC. 249.1. MEMBERSHIP AND SELECTION.**

The Board shall consist of seventeen (17) members. Members shall be nominated by the following for appointment by the Board of Supervisors:

One (1) Representative of Hazardous Materials Regulated Industry to be nominated by the Supervisor, District 1

One (1) Representative of the Restaurant Industry to be nominated by the Supervisor, District 2

One (1) Representative of Occupational and Radiological Health Regulated Industry to be nominated by the Supervisor, District 3

One (1) Representative of Regulated Retail Food Establishments (not restaurants) to be nominated by the Supervisor, District 4

One (1) Representative of Land Use/Housing Regulated Industry to be nominated by the Supervisor, District 5

Two (2) Public members, one each, to be nominated by the Supervisors, Districts 3 and 5

Two (2) Public safety members (i.e., representatives of Fire Department, Law Enforcement, or Prosecutorial Agencies), one each, to be nominated by the Supervisors, Districts 2 and 4

One (1) Representative of Community Environmental Organizations to be nominated by the Supervisor, District 1

Seven (7) To be nominated by the Director of the Department of Environmental Health from among the following categories:

a) Technical Experts:

One (1) Water Quality/Liquid Waste Disposal

One (1) Toxicologist

One (1) Epidemiologist

One (1) Land Use/Housing expert

One (1) Vector Borne Disease expert

One (1) Representative of State Agencies

One (1) Academia: San Diego State University School ( SDSU) of Public Health or University of California, San Diego (UCSD) School of Medicine.

## **SEC. 249.2. TERM OF OFFICE.**

Members shall serve a term of office of three (3) years and shall be eligible for reappointment.

## **SEC. 249.3. VACANCIES.**

A vacancy shall occur on the happening of any of the following events before the expiration of the term:

- (1) The death of the incumbent.
- (2) The resignation of the incumbent.
- (3) Unexcused absences from more than one-third of the regularly scheduled meetings in any 12-month period or three consecutive regularly scheduled meetings.
- (4) Or for any reason specified in Government Code Section 1770.

When a vacancy occurs as the result of missing one-third of the regularly scheduled meetings as a result of unexcused absences in one 12-month period or three consecutive regularly scheduled meetings, both the member and the nominating authority shall be notified by the Board Chairperson. Vacancies shall be filled in the same manner as the initial appointment when a vacancy occurs.

If a vacancy occurs, a new appointee shall serve for the unexpired term of the member being replaced.

## **SEC. 249.4. ORGANIZATION.**

- (a) Officers. The Board shall select from its membership a Chairperson and a Vice Chairperson.
- (b) Rules. The Board shall prepare and adopt the necessary rules and regulations for the conduct of its business.
- (c) Quorum. A majority of members currently appointed to the Board shall constitute a quorum. A majority of members in attendance shall be required to carry any motion or approval.
- (d) Minutes. The Board shall keep written minutes of its meetings, a copy of which shall be filed with the Clerk of the Board of Supervisors.
- (e) Meetings. The Board shall establish a regular meeting schedule and shall give public notice of the time and place of meetings in compliance with the requirements of

the Ralph M. Brown Act. All meetings of the Board shall be open and public and all persons shall be permitted to attend any meetings of the Board.

#### **SEC. 249.5. ESTABLISHMENT OF COMMITTEES**

(a) Ad Hoc Committees. The Board may appoint committees for the purpose of carrying out the functions and duties of the Board. Any committee appointed shall consist of not fewer than three members, including at least one Board member. The actions and recommendations of committees shall not be deemed the action of the Board or its members.

(b) Volunteer and Consultant Services. The Board shall engage the services of volunteer workers and consultants without salary as it may find necessary from time to time. Service of an individual as a volunteer worker or as a consultant shall not be considered as service for or employment by the County.

#### **SEC. 249.6. COMPENSATION.**

Members of the Board shall serve without compensation and shall not be reimbursed for expenses incurred in performing their duties under this Article.

#### **SEC. 249.7. DUTIES AND RESPONSIBILITIES.**

The Board shall have the following duties and responsibilities:

- (1) To provide technical input and guidance concerning major issues on environmental health at the request of the Director.
- (2) To provide technical input and guidance regarding development and implementation of new programs in environmental health proposed by the Director.
- (3) To review proposed State and Federal legislation and to provide technical information and advice to assist the Department of Environmental Health in developing programs and policies to favorably influence legislation and anticipate legislative mandates.
- (4) To review and provide advice concerning fee policies at the request of the Director; and
- (5) To perform such other duties as may be assigned by the Board of Supervisors.

#### **SEC. 249.8. REPORTS.**

The Board shall make available to the Board of Supervisors, the Chief Administrative Officer, and the Director of the Department of Environmental Health its findings and

recommendations, and submit an annual report of its findings and recommendations to the Board of Supervisors no later than December 31 of each year.

**SEC. 249.9. STAFF ASSISTANCE.**

The Chief Administrative Officer shall ensure the provision of the necessary staff assistance for the Environmental Health Advisory Board.

**SEC. 249.10. SUNSET.**

This Board shall be placed in the regular schedule for Sunset Review Process.

Section 3: Sections 287.5 and .11 of the San Diego County Administrative Code relating to the San Diego Parks Advisory Committee are hereby amended to read as follows:

**SEC. 287.5. ORGANIZATION.**

- (a) Officers. The Committee shall annually select from its membership a Chairperson and a Vice Chairperson. The officers shall serve for a calendar year.
- (b) Rules. The Committee shall prepare and adopt the necessary rules and regulations for the conduct of its business.
- (c) Quorum. A majority of members currently appointed to the Committee shall constitute a quorum. A majority of members in attendance shall be required to carry any motion or approval.
- (d) Minutes. The Committee shall keep written minutes of its meetings, a copy of which shall be filed with the Clerk of the Board of Supervisors.
- (e) Meetings. The Committee shall establish a regular meeting schedule and shall give public notice of the time and place of meetings in compliance with the requirements of the Brown Act. All meetings of the Committee shall be open and public and all persons shall be permitted to attend any meetings of the Committee.

**SEC. 287.11. SUNSET.**

This Article shall be reviewed as a part of the regularly scheduled sunset review process.

Section 4: Section 897 of the San Diego County Administrative Code relating to the Department of Environmental Health is hereby amended to read as follows:

**SEC. 897. ADDITIONAL DUTIES OF THE DIRECTOR**

The Director shall:

- (a) Supervise and control the issuance of any permits required under County ordinances or State law relating to environmental health including food, housing, hazardous materials, medical waste, and any and all other environmental health permits required under County ordinances or State law,
- (b) Have the right, power and authority to revoke all permits and licenses which may be issued under any County ordinance or State law relating to environmental health, as described in (a) above,
- (c) Serve as the Hearing Officer in hearings to determine whether environmental health permits issued by the Department shall be suspended or revoked,

Section 5: Section 898 of the San Diego County Administrative Code relating to the Department of Environmental Health is hereby amended to read as follows:

#### **SEC. 898. FUNCTIONS OF THE DEPARTMENT**

The Director shall administer programs to provide proper planning, coordination and direction for activities and services to protect the public health through environmental health and sanitation management.

Such activities may be authorized by Federal, State or local laws, and shall be governed by those laws as well as applicable rules, regulations, guidelines, agreements and policies made pursuant to said laws. These activities shall include but not be limited to regulating establishments involved in food production, public housing, public pools, drinking water systems, mobile-home parks, sewage, solid waste disposal, hazardous materials, vector problems, occupational health issues for County employees, and radiation control laws. Specific activities shall include but not be limited to the following:

- (a) Regulating various establishments to insure they meet local, state, and federal health standards; including inspecting and issuing permits to operate.
- (b) Investigating citizen complaints regarding Health Code violations where a serious public health or safety issue is involved.
- (c) Preventing and controlling mosquito, rodent, fly, and other vector problems.
- (d) Educating the public regarding environmental health and safety issues.
- (e) Monitoring groundwater and surface water to detect and prevent releases of contaminants and pollutants.

Section 6. Section 921 of the San Diego County Administrative Code relating to the San Diego County Public Works Advisory Board is hereby repealed:

PASSED, APPROVED AND ADOPTED this 28<sup>th</sup> day of April, 1999.