



ORDINANCE No. 2525

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING, ADDING, AND REPEALING NONSUBSTANTIVE SECTIONS OF THE NEVADA COUNTY ADMINISTRATIVE CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA,
ORDAINS AS FOLLOWS:

SECTION I:

Findings and Declarations

- A. Pursuant to Article XI, section 7 of the California Constitution, the County of Nevada (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.
- B. Amendments to these Codes are part of an on-going effort to recodify and reorganize provisions of the Nevada County Codes and the changes are intended to be entirely nonsubstantive in effect.

SECTION II:

1. Chapter II: “ADMINISTRATION” of the Nevada County Administrative Code is hereby revised and amended to read as shown in “Exhibit A “attached hereto and incorporated by reference.

SECTION III:

Severability. If any provision of these Articles or the application thereof to any person or circumstance is held invalid, the remainder of these Articles, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of these Articles are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION IV:

This Ordinance shall be passed and adopted immediately after notice and a public hearing as required by statute, and shall take effect and be in force at the expiration of thirty (30) from and after its passage, and shall become operative on the 13th day of July, 2023 and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 13th day of June, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: Heidi Hall, for

Edward C. Scofield
Edward C. Scofield, Chair

6/13/2023 cc: Union*
COB*
CoCo*

EXHIBIT A

ADMINISTRATIVE CODE
CHAPTER II: ADMINISTRATION
ARTICLE 2 BOARD OF SUPERVISORS

Sections:

Sec. A-II 2.1 Reserved

Sec. A-II 2.2 Compensation - Board of Supervisors

Sec. A-II 2.3 Expenditures for Training and Orientation of Supervisors-Elect

Sec. A-II 2.4 Time and Place of Meetings of Board of Supervisors

Sec. A-II 2.5 Rules Regarding Abstentions

Sec. A-II 2.6 Reserved

Sec. A-II 2.7 Reserved

Sec. A-II 2.1 Reserved

Sec. A-II 2.2 Compensation - Board of Supervisors

A. Each member of the Board of Supervisors shall receive as compensation for services an annual base salary equal to the percentage, designated below, of the average annual base salary of County elected officials, payable biweekly consistent with the Nevada County Personnel Code.

Effective the first pay period after March 12, 2022 – 35%

Effective the first pay period of fiscal year 2022/2023 – 37%

Effective the first pay period of fiscal year 2023/2024 – 40%

Subsequent fiscal years – 40%

In addition, the Chair of the Board of Supervisors will receive an additional 5%, and the Vice-Chair will receive an additional 2.5%, of their own base salaries as compensation for the additional responsibilities required in these roles.

B. The Board of Supervisors compensation for services shall be increased or decreased commensurate with the applicable terms and conditions in any future County elected officials' base salary adjustments.

C. Members of the Board of Supervisors shall receive the same benefits provided by the County to other County of Nevada elected officials, with the exception of the Sheriff, to the extent authorized by law. Members of the Board of Supervisors shall have the option to opt out of CalPERS and instead participate in a 401(a) Plan where the County of Nevada would contribute an amount equal to the Board Member's contribution to CalPERS, up to 8% of a Board Member's salary, into the 401(a) Plan. (Ord. 2501. (01/11/2022)).

Sec. A-II 2.3 Expenditures for Training and Orientation of Supervisors-Elect

Upon request, the Board of Supervisors may authorize payment of course fees, travel and per diem expenses, course materials, and consultant services which the Board deems proper and beneficial to the exercise of supervisory duties by newly elected Supervisors. (Ord. 1266. (01/07/85); Ord. 2501. (01/11/2022)).

Sec. A-II 2.4 Time and Place of Meetings of Board of Supervisors

The Board of Supervisors shall meet in regular session on each of the second and fourth Tuesdays of every month, except as herein provided, at the Rood Administrative Center, 950 Maidu Avenue, Nevada City, 95959 California. The Board may also meet at such other times and places as the Board may decide is required to conduct its business. Notice shall be given of the time and place of any meeting. All notices shall comply with the provisions of the Brown Act (Cal. Gov't Code §§ 54950- 54963) and all other laws applicable thereto.

Provided, further that the Board of Supervisors shall meet on those dates as designated in the Board's annual meeting calendar which will be adopted by the Board at the beginning of each calendar year, and as adjusted by a majority of the Board of Supervisors or the County Executive Officer during the year.

For State law as to meetings of Board of Supervisors, see Cal. Gov't Code §§ 25080, 25081. (Ord. 2501. (01/11/2022)).

Sec. A-II 2.5 Rules Regarding Abstentions

Any member of the Board of Supervisors, or any other elected or appointed official serving on any board, committee or commission of the County of Nevada shall be entitled to abstain from voting on any matter coming before such person and the abstention shall not count as a vote for any purpose, either for or against the motion or matter for which the voting is taken. (Ord. 2501. (01/11/2022)).

Sec. A-II 2.6 Reserved

Sec. A-II 2.7 Reserved

EXHIBIT A

ADMINISTRATIVE CODE

CHAPTER II: ADMINISTRATION

ARTICLE 21 COUNTY COUNSEL OFFICE

Sections:

- Sec. A-II 21.1 County Counsel Office Established
- Sec. A-II 21.2 Position of County Counsel
- Sec. A-II 21.3 Duties and Responsibilities of County Counsel
- Sec. A-II 21.4 County Counsel to Perform Legal Services for Public Administrator

Sec. A-II 21.1 County Counsel Office Established

There is hereby created in the County the Office of County Counsel in accordance with Cal. Gov't § 26529 and Cal. Gov't §§ 27640 – 27648.

Sec. A-II 21.2 Position of County Counsel

The position of County Counsel shall be filled by appointment by the Board of Supervisors for a four-year term in accordance with Cal. Gov't Code § 27641.

Sec. A-II 21.3 Duties and Responsibilities of the Office of County Counsel

The Office of County Counsel shall perform all Duties and Responsibilities, including but not limited to duties contained in Cal. Gov't Code §§ 27640 – 27648.

Sec. A-II 21.4 County Counsel to Perform Legal Services for the Public Administrator.

The County Counsel shall perform all legal services for the Public Administrator pursuant to Cal. Gov't Code § 27643.

EXHIBIT A

ADMINISTRATIVE CODE

CHAPTER II: ADMINISTRATION

ARTICLE 39 HEALTH AND HUMAN SERVICES AGENCY

Sections:

- Sec. A-II 39.1 Agency Established
- Sec. A-II 39.2 Director of the Health and Human Services Agency
- Sec. A-II 39.3 Duties and Responsibilities of the Health and Human Services Agency
- Sec. A-II 39.4 Reserved Sec. A-II 39.4.1 Behavioral Health Department Established
- Sec. A-II 39.4.2 Position of Behavioral Health Director and Director of Local Mental Health Services
- Sec. A-II 39.4.3 Duties and Responsibilities of Behavioral Health Department
- Sec. A-II 39.4.4 Mental Health and Substance Use Advisory Board
- Sec. A-II 39.5 Reserved
- Sec. A-II 39.5.1 Division of Housing and Community Services Established
- Sec. A-II 39.5.2 Director of Housing and Community Services Division
- Sec. A-II 39.5.3 Duties and Responsibilities of Division of Housing and Community Services
- Sec. A-II 39.6 Reserved
- Sec. A-II 39.6.1 Office of the Public Defender Established
- Sec. A-II 39.6.2 Appointment of the Public Defender
- Sec. A-II 39.6.3 Duties and Responsibilities of the Office of Public Defender
- Sec. A-II 39.7 Reserved
- Sec. A-II 39.7.1 County of Nevada Public Health Department Established

Sec. A-II 39.7.2 Position of Public Health Director

Sec. A-II 39.7.3 Duties and Responsibilities of County of Nevada Public Health Department

Sec. A-II 39.8 Reserved

Sec. A-II 39.8.1 County of Nevada Probation Department Established

Sec. A-II 39.8.2 Position of Chief Probation Officer

Sec. A-II 39.8.3 Duties and Responsibilities of the County of Nevada Probation Department

Sec. A-II 39.9 Determination of Eligibility for General Relief

Sec. A-II 39.9.1 Department of Social Services Established

Sec. A-II 39.9.2 Position of Social Services Director

Sec. A-II 39.9.3 Duties and Responsibilities of the County of Nevada Department of Social Services

Sec. A-II 39.10 Method of Payment of General Assistance

Sec. A-II 39.10.1 Office of Public Guardian Created

Sec. A-II 39.10.2 Duties and Responsibilities of the Office of Public Guardian

Sec. A-II 39.10.3 Position of Public Guardian – Public Conservator

Sec. A-II 39 10.4 Expenditure of Public Funds on Behalf of Conservatees

Sec. A-II 39.11 Appeals

Sec. A-II 39.12 Reserved

Sec. A-II 39.13 Reserved

Sec. A-II 39.14 Reserved

Sec. A-II 39.15 Reserved

Sec. A-II 39.1 Agency Established

There is hereby established in the County of Nevada a Health and Human Services Agency. The Health and Human Services Agency is composed of the following independent departments: Behavioral Health; Housing and Community Services; Public Defender; Public Health; Probation; Social Services; and Child Support Services.

All duties, responsibilities, and authorities assigned or delegated by motion, resolution, or ordinance, or other legal authority, to the Human Services Agency, Community Health, Mental Health, Public Social Services, or to Adult and Family Services shall hereby be assigned or delegated to the Health and Human Services Agency, Public Health, Behavioral Health, and Social Services. (Ord. 2002. (07/13/1999); Ord. 2350. (07/18/2021)).

Sec. A-II 39.2 Director of the Health and Human Services Agency

Appointed by the Board of Supervisors and under the general direction of the County Executive Officer, the Director of the Health and Human Services Agency shall be the administrative head of the Agency. The Director shall administer the Agency and carry out general policies of the County Executive Officer and the Board of Supervisors, and shall plan, organize, and direct all activities of the Agency in accordance with State and County laws and regulations. The Director shall report directly to, and serve at the will and pleasure of, the County Executive Officer. (Ord. 2202. (07/13/1999)).

Sec. A-II 39.3 Duties and Responsibilities of the Health and Human Services Agency

The Health and Human Services Agency shall be responsible for the various necessary functions concerning mental health, substance use disorder prevention and treatment, housing, human assistance, Public Defender, public health, probation, veterans and social services provided to the citizens of Nevada County, and act as coordinator for the activities of Child Support Services Department as directed by the Board of Supervisors and the County Executive Officer and according to law.

The duties and services to be provided by the Health and Human Services Agency may be amended, from time to time, by the Board of Supervisors and state statute, but shall include the following:

A. Provide internal departmental administrative, clerical and accounting support; determine eligibility for various social services and medical assistance programs; maintain a fraud investigation and prevention program; issue food and emergency assistance; and

contract as appropriate with community-based organizations for services to low-income, disadvantaged or special needs persons.

B. Administer and provide substance use disorder prevention and treatment services.

C. Provide and arrange for in-home assistance care to needy aged, blind or disabled persons to allow them to remain in their own homes rather than requiring more expensive out-of-home care.

D. Develop, support and assure the availability of a full range of public health services, and public health nursing, including prevention, immunization control and education regarding infectious diseases. Provision of services to maintain and improve adult and children's health, including maternal and child health services, family planning, child health and disability prevention services, California Children's Services, services for disabled children, Women, Infants and Children Program (WIC), vital statistics, and senior home visits.

E. Contract for the provision and authorization of medical care services for indigent and lower-income County residents.

F. Provide, assess and authorize mental health outpatient, residential and inpatient treatment services, prevention and client support services in the community and oversee a coordinated, multi-departmental system of care for youth at risk of out-of-home placement.

G. Deliver various social and protective services to adults and children, including child and adult protective services, adoptions, family preservation, public guardian/conservatorships and emergency assistance.

H. Administer an educational, training and job placement program with support services to assist aid recipients in securing unsubsidized employment.

I. Provide financial assistance to needy and disadvantaged families and individuals under a variety of federal, state and local programs.

J. Provide assistance and advocacy for veterans and their dependents in filing for Veterans' Administration, state and local veterans' benefits; develop, file and track claims.

K. Administer and provide programs designed to assist low income and moderate-income families through energy and support programs. (Ord. 2202. (07/13/1999); Ord. 2350. (07/18/2012)).

L. Provide and coordinate outreach and supportive services to homeless and at risk of homeless residents including supporting the Adult and Family Services Commission, administer Community Services and Development Block Grants and approve and fund First Time Home Buyer Down Payment Assistance and Tennant-based Rental Assistance programs.

- M. Provide information and access to housing and community services.
- N. Administer services and functions of the Probation Department.
- O. Provide administrative Support to the Public Defender's Office.
- P. Accept judicial appointment as the Public Guardian.
- Q. Provide administrative support to the Regional Department of Child Support Services.

Sec. A-II 39.4 Reserved

Sec. A-II 39.4.1 Behavioral Health Department Established

There is hereby created in the County of Nevada, the Behavioral Health Department under the authority of the Department of Health Care Services contained in Cal. Health & Safety Code §§ 100100-101997.

Sec. A-II 39.4.2 Position of Behavioral Health Director and Director of Local Mental Health Services

The Behavioral Health Department shall be administered by the Behavioral Health Director, who shall also act as the Director of Local Mental Health. Under the general administrative direction of the Health and Human Services Agency Director, the Director of Behavioral Health shall plan, organize, direct and coordinate the programs and services regarding Mental Health and Substance Use Disorder needs and services. The Director of Local Mental Health shall meet all of the standards of education and experience established by the Director of Health Care Services as per Cal. Welf. & Inst. Code §5751.1.

Sec. A-II 39.4.3 Duties and Responsibilities of the Behavioral Health Department

The County of Nevada Behavioral Health Department provides culturally competent mental health and substance use disorder services and treatment. These services include, but are not limited to: assess and authorize mental health outpatient, residential and inpatient treatment services; provide mental health client support services in the community; administer and provide substance use disorder prevention and treatment services; develop and oversee crisis systems of care programs; administer and participate in collaborative court programs; participate in a coordinated, multi-departmental system of

care for youth at risk of out-of-home placement; and any and all other requirements and duties set by Federal, State or Local law.

Sec. A-II 39.4.4 Mental Health and Substance Use Advisory Board

The Mental Health and Substance Use Advisory Board is comprised of consumers, family members and community members appointed by the Board of Supervisors. The advisory board provides advice, guidance and recommendations related to policies and procedures concerning the target population. The vision of the advisory board is to promote and support policies and programs that effectively improve the lives of persons with severe mental illness and or substance use and improve community understanding.

Sec. A-II 39.5 Reserved

Sec. A-II 39.5.1 Division of Housing and Community Services Established

There is hereby created in the County of Nevada, the Housing and Community Services Division within the Health and Human Services Agency.

Sec. A-II 39.5.2 Director of Housing and Community Services Division

The County of Nevada Housing and Community Services Division shall be administered by the Housing and Community Services Division Director, under the general administrative direction of the Health and Human Services Agency Director.

Sec. A-II 39.5.3 Duties and Responsibilities of Division of Housing and Community Services

The County of Nevada Housing and Community Services Division shall provide assistance in securing housing and information in various housing programs for individuals and families who qualify as low-income and/or who are experiencing homelessness, mental illness, or substance use disorder; contract as appropriate with community-based organizations for services to low-income, disadvantaged or special needs persons; and including but not limited to any and all other duties set by Federal, State or Local law or Resolution.

Sec. A-II 39.6 Reserved

Sec. A-II 39.6.1 Office of the Public Defender Established

There is hereby established the Office of Public Defender for the County. (Ord. 252 (08/01/1961)) The Office of Public Defender is established within the Health and Human Services Agency.

Sec. A-II 39.6.2 Appointment of the Public Defender

The Public Defender shall be appointed by, and shall serve at the pleasure of, the Board of Supervisors as per Cal. Gov't Code § 27703 52 (08/01/1961); (05/13/1985)). The Public Defender shall meet all of the qualifications found in Cal. Gov't Codes §§ 27700 – 27711. This position shall be under the general direction of the Health and Human Services Agency Director.

Sec. A-II 39.6.3 Duties and Responsibilities of the Office of Public Defender

Except as herein otherwise provided, all of the provisions of Cal. Gov't Code §§ 27700 – 27711, as the same now are or as they may hereafter be amended, shall apply to the Office of Public Defender (Ord. 252 (08/01/1961)), including but not limited to, upon request of the defendant or order of the court, defend any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior courts, with applicable statutory restrictions.

Sec. A-II 39.7 Reserved

Sec. A-II 39.7.1 County of Nevada Public Health Department Established

There is hereby created in the County of Nevada, the Public Health Department within the Health and Human Services Agency.

Sec. A-II 39.7.2 Position of Public Health Director

The County of Nevada Public Health Department shall be administered by the Public Health Director, under the general administrative direction of the Health and Human Services Agency Director.

The Public Health Officer of the County of Nevada is appointed by the Board of Supervisors and functions as staff or contractor of the Public Health Department. The Public Health Officer serves at the will of the Board of Supervisors and is under the general direction of the Health and Human Services Agency Director.

Sec. A-II 39.7.3 Duties and Responsibilities of County of Nevada Public Health Department.

The County of Nevada Public Health Department prevents disease, promotes and supports optimal health and wellness, and protects the community against disasters, as well as any and all other duties set by Federal, State or Local law or Resolution. Programs within the Public Health Department include public health nursing; communicable disease control; immunizations; substance prevention and disease prevention programs; vital statistics and records; and Public Health Emergency Preparedness programs. Program changes may be made from time to time to address the Public Health needs of the County of Nevada.

Sec. A-II 39.8 Reserved

Sec. A-II 39.8.1 County of Nevada Probation Department Established

There is hereby created in the County of Nevada, the Nevada County Probation Department. The Probation Department is established within the Health and Human Services Agency.

Sec. A-II 39.8.2 Position of Chief Probation Officer

The County of Nevada Probation Department shall be administered by the Chief Probation Officer, who is appointed by the County of Nevada Board of Supervisors. This position shall be under the general direction of the Health and Human Services Agency Director.

Sec. A-II 39 8.3 Duties and Responsibilities of the County of Nevada Probation Department.

The County of Nevada Probation Department shall perform the duties and discharge the obligations as provided for by law. These include but are not limited to duties listed in Cal. Gov't Code § 27771 which involve all duties regarding juvenile probation; supervision of adults subject to probation orders; administer community-based corrections programming;

and make recommendations to the court, as well as and any and all other duties set by Federal, State or Local law or Resolution.

Sec. A-II 39.9 Reserved

Sec. A-II 39.9.1 Department of Social Services Established

There is hereby created in the County of Nevada the Department of Social Services within the Health and Human Services Agency.

Sec. A- II 39.9.2 Position of Social Services Director.

The County of Nevada Social Services Department shall be administered by the Social Services Director, under the general administrative direction of the Health and Human Services Agency Director.

The Veterans Services Officer shall be under the general administrative direction of the Social Services Director and meet the qualifications of Cal. Mil. & Vet. Code §970.

Sec. A-II 39.9.3 Duties and Responsibilities of the County of Nevada Department of Social Services

The Department of Social Services offers vital human services to the citizens of the County of Nevada. Programs within the Department of Social Services may include: Adult Protective Services; Child Welfare Services; Employment and Training; In Home Supportive Services; Public Assistance; Public Guardian; Veterans Services and other programs as developed to meet the needs of the community.

Sec. A-II 39.10 Reserved

Sec. A-II 39.10.1 Office of Public Guardian Created

There is hereby established the Office of Public Guardian for the County of Nevada, within the Health and Human Services Agency.

Sec. A-II 39.10.2 Duties and Responsibilities of the Office of Public Guardian

The Duties and Responsibilities of the Public Guardian are to safeguard the lives and property of Conservatees who cannot care for themselves when no other alternative is available.

Sec. A-II 39.10.3 Position of Public Guardian – Public Conservator

The Director of the Department of Social Services shall serve as, and is hereby appointed or their qualified designee, shall serve as, and is hereby appointed, Public Guardian of the County. They may deputize subordinates to serve as Assistant Public Guardian, Chief Deputy Public Guardian, and Deputy Public Guardian. The Public Guardian shall act under the general direction of the Health and Human Services Agency Director.

Sec. A-II 39.10.4 Expenditure of Public Funds on Behalf of Conservatees

Public funds may be expended on behalf of a Conservatee in accordance with the Nevada County Health and Human Services Agency General Assistance Regulations Manual, adopted by the Board of Supervisors, through the general authority provided for in Cal. Welf. & Inst. Code §§ 17000 - 17410.

Sec. A-II 39. 11 Appeals

Any applicant for or recipient of General Assistance who believes that General Assistance has been improperly denied by the County Department of Social Services or that General Assistance has been granted by the Department in a lesser amount than required by the standards of General Assistance, may appeal in the manner prescribed by the Nevada County Health and Human Services General Regulations Manual or state statute governing public assistance benefits.

Sec. A-II 39.12 Reserved

Sec. A-II 39.13 Reserved

Sec. A-II 39.14 Reserved

Sec. A-II 39.15 Reserved

EXHIBIT A

ADMINISTRATIVE CODE

CHAPTER II: ADMINISTRATION

ARTICLE 40 SIERRA NEVADA REGIONAL DEPARTMENT OF CHILD SUPPORT SERVICES

Sections:

- Sec. A-II 40.1 Department Established
- Sec. A-II 40.2 Duties and Responsibilities
- Sec. A-II 40.3 Transfer of Functions
- Sec. A-II 40.4 Director of the Sierra Nevada Regional Department of Child Support Services
- Sec. A-II 40.5 Reserved

Sec. A-II 40.1 Department Established

There is hereby created in the County of Nevada a Department known as Sierra Nevada Regional Department of Child Support Services, pursuant to California Family Code Section 17304, that is established within the Health and Human Services Agency. (Ord. 2350 (07/10/2012)).

Sec. A-II 40.2 Duties and Responsibilities

The Sierra Nevada Regional Department of Child Support Services shall be responsible for promptly and effectively establishing, modifying, and enforcing child support obligations, including medical support, enforcing spousal support orders established by a court of competent jurisdiction, and determining paternity in cases of a child born out of wedlock, as specified in California Family Code Section 17400, including all further responsibilities delegated to a local child support agency, pursuant to Division 17 (commencing with section 17000) of the California Family Code. No other local agency

shall have any authority over the Department as to any function relating its Title IV-D obligations under the Federal Social Security Act (Cal. Fam. Code § 17303).

Sec. A-II 40.3 Transfer of Functions

All Nevada County program employees and other personnel who perform child support collection and enforcement services, and assets dedicated to those services, shall be transferred from the District Attorney's Office to the Sierra Nevada Regional Department of Child Support Services, as provided in California Family Code Sections 17304 and 17305, upon transition January 1, 2001. The transfer of programs, staff and assets shall be effective upon approval of the Director of the California Department of Child Support Services.

Sec. A-II 40.4 Director of the Sierra Nevada Regional Department of Child Support Services

The Director of Sierra Nevada Regional Department of Child Support Services shall be the administrative head of the Department. The Director shall administer the Department and carry out general policies of the Board of Supervisors, and shall plan, organize, and direct all activities of the Department in accordance with State and County laws and regulations. This position shall be under the general direction of the Director of Health and Human Services.

Sec. A-II 40.5 Reserved

EXHIBIT A

ADMINISTRATIVE CODE
CHAPTER II: ADMINISTRATION
ARTICLE 41 RESERVED

EXHIBIT A

ADMINISTRATIVE CODE

CHAPTER II: ADMINISTRATION

ARTICLE 42 COMMUNITY DEVELOPMENT AGENCY

Sections:

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- Sec. A-II 42.9.1 Creation of the County of Nevada Department of Agriculture
- Sec. A-II 42.9.2 Creation of the County of Nevada Office of County Sealer of Weights and Measures
- Sec. A-II 42.9.3 Consolidation of the Department of Agriculture and the Office of County Sealer of Weights and Measures
- Sec. A-II 42.9.4 Department of Agriculture/Weights and Measures
- Sec. A-II 42.9.5 County Agricultural Commissioner / County Sealer of Weights and Measures Duties and Responsibilities Ex Officio Members
- Sec. A-II 42.9.6 Department of Agriculture/Weights and Measures Fees
- Sec. A-II 42.9.7 Reserved
- Sec. A-II 42.9.8 Reserved
- Sec. A-II 42.9.9 Reserved
- Sec. A-II 42.9.10 Reserved
- Sec. A-II 42.9.11 Reserved

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Sec. A-II 42.9.1 Creation of the County of Nevada Department of Agriculture

There is hereby created the County of Nevada Department of Agriculture.

Sec. A-II 42.9.2 Creation of the County of Nevada Office of County Sealer of Weights and Measures

There is hereby created the County of Nevada Office of County Sealer of Weights and Measures.

Sec. A-II 42.9.3 Consolidation of the Department of Agriculture and Office of the County Sealer of Weights and Measures

The Department of Agriculture and the Office of County Sealer of Weights and Measures shall be consolidated as per Cal. Gov't Code § 24300(p).

The Department of Agriculture and the Office of County Sealer of Weights and Measures is hereinafter referred to as Department of Agriculture/Weights and Measures.

Sec. A-II 42.9.4 Department of Agriculture/Weights and Measures

The Department of Agriculture /Weights and Measures shall be administered by the County Officer known as the County Agricultural Commissioner / County Sealer of Weights and Measures. This position is appointed for a four (4) year term by the Board of Supervisors and is under the general administrative direction of the Director of Community Development Agency.

Sec. A-II 42.9.5 County Agricultural Commissioner / County Sealer of Weights and Measures Duties and Responsibilities

The County Agricultural Commissioner /County Sealer of Weights and Measures, and their designees, act as a county enforcing officer and shall perform all duties as provided for in the California Food and Agriculture Code, Business and Professions Code, and any other applicable state and federal laws.

The County Agricultural Commissioner / County Sealer of Weights and Measures, and their designees, shall also carry out any programs which are obligated by resolution or ordinance of the County of Nevada.

Sec. A-II 42.9. 6 Department of Agriculture/Weights and Measures Fees

The County Agricultural Commissioner/ County Sealer of Weights and Measures is hereby authorized to charge and collect fees for services provided by the Department of Agriculture/Weights and Measures' staff, including wildlife services, formerly referred to as predatory animal damage control. A schedule of fees shall be adopted by Resolution of the Board of Supervisors, unless otherwise provided for under State or Federal law.

Sec. A-II 42.9.7 Reserved

Sec. A-II 42.9.8 Reserved

Sec. A-II 42.9.9 Reserved

Sec. A-II 42.9.10 Reserved

Sec. A-II 42.9.11 Reserved

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EXHIBIT A

ADMINISTRATIVE CODE
CHAPTER II: ADMINISTRATION
ARTICLE 2 BOARD OF SUPERVISORS

Sections:

Sec. A-II 2.1 Reserved

Sec. A-II 2.2 Compensation - Board of Supervisors

Sec. A-II 2.3 Expenditures for Training and Orientation of Supervisors-Elect

Sec. A-II 2.4 Time and Place of Meetings of Board of Supervisors

Sec. A-II 2.5 Rules Regarding Abstentions

Sec. A-II 2.6 Reserved

Sec. A-II 2.7 Reserved

Sec. A-II 2.1 Reserved

Sec. A-II 2.2 Compensation - Board of Supervisors

A. Each member of the Board of Supervisors shall receive as compensation for services an annual base salary equal to the percentage, designated below, of the average annual base salary of County elected officials, payable biweekly consistent with the Nevada County Personnel Code.

Effective the first pay period after March 12, 2022 – 35%

Effective the first pay period of fiscal year 2022/2023 – 37%

Effective the first pay period of fiscal year 2023/2024 – 40%

Subsequent fiscal years – 40%

In addition, the Chair of the Board of Supervisors will receive an additional 5%, and the Vice-Chair will receive an additional 2.5%, of their own base salaries as compensation for the additional responsibilities required in these roles.

B. The Board of Supervisors compensation for services shall be increased or decreased commensurate with the applicable terms and conditions in any future County elected officials' base salary adjustments.

C. Members of the Board of Supervisors shall receive the same benefits provided by the County to other County of Nevada elected officials, with the exception of the Sheriff, to the extent authorized by law. Members of the Board of Supervisors shall have the option to opt out of CalPERS and instead participate in a 401(a) Plan where the County of Nevada would contribute an amount equal to the Board Member's contribution to CalPERS, up to 8% of a Board Member's salary, into the 401(a) Plan.

(Ord. 1707; Ord. 1859; Ord. 1907; Ord. 1983; Ord. 2043; Ord. 2104; Ord. 2194; Ord. 2280; Ord. 2386, 10/14/14; Ord. 2452, 6/26/18; (Ord. 2501, (01/11/2022))

Sec. A-II 2.3 Expenditures for Training and Orientation of Supervisors-Elect

Upon request, the Board of Supervisors may authorize payment of course fees, travel and per diem expenses, course materials, and consultant services which the Board deems proper and beneficial to the exercise of supervisory duties by newly elected Supervisors. (Ord. 1266, (01/07/85); Ord. 2501, (01/11/2022))

Sec. A-II 2.4 Time and Place of Meetings of Board of Supervisors

The Board of Supervisors shall meet in regular session on each of the second and fourth Tuesdays of every month, except as herein provided, at the Rood Administrative Center, 950 Maidu Avenue, Nevada City, 95959 California. The Board may also meet at such other times and places as the Board may decide is required to conduct its business. Notice shall be given of the time and place of any meeting. All notices shall comply with the provisions of the Brown Act (Cal. Gov't Code §§ ~~section 54950- 54963, et seq.~~) and all other laws applicable thereto.

Provided, further that the Board of Supervisors shall meet on those dates as designated in the Board's annual meeting calendar which will be adopted by the Board at the beginning of each calendar year, and as adjusted by a majority of the Board of Supervisors or the County Executive Officer during the year.

For State law as to meetings of Board of Supervisors, see Cal. Gov't Code §§ Government Code sections 25080, and 25081. (~~Ord. 2475, 1/28/20; Ord. 1615; Ord. 1888; Ord. 1994; Ord. 2169; Ord. 2501, (01/11/2022)~~)

Sec. A-II 2.5 Rules Regarding Abstentions

Any member of the Board of Supervisors, or any other elected or appointed official serving on any board, committee or commission of the County of Nevada shall be entitled to abstain from voting on any matter coming before such person and the abstention shall not count as a vote for any purpose, either for or against the motion or matter for which the voting is taken. (~~Ord. 1558; Ord. 2501, (01/11/2022)~~)

Sec. A-II 2.6 Reserved

Sec. A-II 2.7 Reserved

EXHIBIT A

ADMINISTRATIVE CODE
CHAPTER II: ADMINISTRATION
ARTICLE 21 COUNTY COUNSEL OFFICE

Sections:

- Sec. A-II 21.1 County Counsel Office Established
Sec. A-II 21.2 Position of County Counsel
Sec. A-II 21.3 Duties and Responsibilities of County Counsel
Sec. A-II 21.42 County Counsel to Perform Legal Services for Public Administrator

Sec. A-II 21.1 County Counsel Office Established

There is hereby created in the County the Office of County Counsel in accordance with ~~California Government Code section~~ Cal. Gov't § 26529 and ~~California Government Code sections~~ Cal. Gov't §§ 27640 – 27648, et seq.

Sec. A-II 21.2 Position of County Counsel

The position of County Counsel shall be filled by appointment by the Board of Supervisors for a four year term in accordance with Cal. Gov't Code § California Government Code section 27641.

Sec. A-II 21.3 Duties and Responsibilities of the Office of County Counsel

The Office of County Counsel shall perform all Duties and Responsibilities, including but not limited to duties contained in California Government Code Sections Cal. Gov't Code §§ 27640 – 27648.

Sec. A-II 21.42——County Counsel to Perform Legal Services for the Public Administrator.

The County Counsel shall perform all legal services for the Public Administrator pursuant to Cal. Gov't Code § California Government Code section 27643.

EXHIBIT A

ADMINISTRATIVE CODE

CHAPTER II: ADMINISTRATION

ARTICLE 39 HEALTH AND HUMAN SERVICES AGENCY

Sections:

Sec. A-II 39.1 Agency Established

~~Sec. A-II 39.2 Duties and Responsibilities~~ Director of the Health and Human Services Agency

~~Sec. A-II 39.3 Director~~ Duties and Responsibilities of the Health and Human Services Agency

~~Sec. A-II 39.4 Position of Public Guardian Created~~ Reserved

Sec. A-II 39.4.1 Behavioral Health Department Established

Sec. A-II 39.4.2 Position of Behavioral Health Director and Director of Local Mental Health Services

Sec. A-II 39.4.3 Duties and Responsibilities of Behavioral Health Department

Sec. A-II 39.4.4 Mental Health and Substance Use Advisory Board

~~Sec. A-II 39.5 Expenditure of Public Funds on Behalf of Conservatees~~ Reserved

Sec. A-II 39.5.1 Division of Housing and Community Services Established

Sec. A-II 39.5.2 Director of Housing and Community Services Division

Sec. A-II 39.5.3 Duties and Responsibilities of Division of Housing and Community Services

~~Sec. A-II 39.6 Adoption of Program; Board of Supervisors to Discharge Responsibilities by Means of Program~~ Reserved

~~Sec. A-II 15.1~~ 39.6 .1 Office of the Public Defender Established

~~Sec. A-II 15.2~~ 39.6.2 Appointment of the Public Defender

~~Sec. A-II 15.3~~ 39.6.3 Applicability of Certain State Law to Office of Public Defender Duties and Responsibilities of the Office of Public Defender

Sec. A-II 39.7 Purposes of Adoption of Program Reserved

Sec. A-II 39.7.1 County of Nevada Public Health Department Established

Sec. A-II 39.7.2 Position of Public Health Director

Sec. A-II 39.7.3 Duties and Responsibilities of County of Nevada Public Health Department

Sec. A-II 39.8 Uniform Standards of General Assistance Reserved

Sec. A-II 39.8.1 County of Nevada Probation Department Established

Sec. A-II 39.8.2 Position of Chief Probation Officer

Sec. A-II 39.8.3 Duties and Responsibilities of the County of Nevada Probation Department

Sec. A-II 39.9 Determination of Eligibility for General Relief

Sec. A-II 39.9.1 Department of Social Services Established

Sec. A-II 39.9.2+ Position of Social Services Director

Sec. A-II 39.9.3 Duties and Responsibilities of the County of Nevada Department of Social Services

Sec. A-II 39.10 Method of Payment of General Assistance

Sec. A-II 39.4 10.1 Office Position of Public Guardian Created

Sec. A-II 39.10.2 Duties and Responsibilities of the Office of Public Guardian

Sec. A-II 39.10.3 Position of Public Guardian – Public Conservator .

Sec. A-II 39.5 10.4 Expenditure of Public Funds on Behalf of Conservatees

Sec. A-II 39.11 Responsibility of Relatives or Family

Sec. A-II 39.12 Establishment of Operating Policies and Procedures Reserved

Sec. A-II 39.13 Statistical Reports Reserved

Sec. A-II 39.4411 Appeals to Board of Supervisors

Sec. A-II 39.15 Variances Reserved

Sec. A-II 39.1 Agency Established

There is hereby established in the County of Nevada a Health and Human Services Agency. The Health and Human Services Agency is composed of the following independent departments: The titles of the departments within the agency shall be known as Behavioral Health; Housing and Community Services; Public Defender; Public Health; Probation; Behavioral Health, Social Services; Veterans' Services, Collections and the independent and stand alone Child Support Services Department.

All duties, responsibilities, and authorities assigned or delegated by motion, resolution, or ordinance, or other legal authority, to the Human Services Agency, Community Health, Mental Health, Public Social Services, or to Adult and Family Services shall hereby be assigned or delegated to the Health and Human Services Agency, Public Health, Behavioral Health, and Social Services. (Ord. 2002. (07/13/1999); Ord. 2350. (07/18/2021))

Sec. A-II 39.2 Director of the Health and Human Services Agency

Appointed by the Board of Supervisors and under the general direction of the County Executive Officer, the Director of the Health and Human Services Agency shall be the administrative head of the Agency. The Director shall administer the Agency and carry out general policies of the County Executive Officer and the Board of Supervisors, and shall plan, organize, and direct all activities of the Agency in accordance with State and County laws and regulations. The Director shall report directly to, and serve at the will and pleasure of, the County Executive Officer. (Ord. 2202. (07/13/1999))

Sec. A-II 39.3 ~~2~~ Director Duties and Responsibilities of the Health and Human Services Agency

The Health and Human Services Agency shall be responsible for the various necessary functions concerning the public health, mental health, substance use disorder prevention and treatment, alcohol and drug prevention and treatment, housing, human assistance, Public Defender, public health, probation, veterans and social services provided to the citizens of Nevada County, and act as coordinator for the activities of Collections and the Child Support Services Department as directed by the Board of Supervisors and the County Executive Officer and according to law.

The duties and services to be provided by the Health and Human Services Agency may be amended, from time to time, by the Board of Supervisors and state statute, but shall include the following:

A. Provide internal departmental administrative, clerical and accounting support; determine eligibility for various social services and medical assistance programs; maintain a fraud investigation and prevention program; issue food stamps and emergency assistance; and contract as appropriate with community-based organizations for services to low-income, disadvantaged or special needs persons.

B. Administer and provide substance use disorder ~~alcohol and drug abuse~~ prevention and treatment services.

C. Provide and arrange for in-home assistance care to needy aged, blind or disabled persons to allow them to remain in their own homes rather than requiring more expensive out-of-home care.

D. Develop, support and assure the availability of a full range of public health services, and public health nursing, including prevention, immunization control and education regarding infectious diseases. Provision of services to maintain and improve adult and children's health, including maternal and child health services, family planning, child health and disability prevention services, California Children's Services, services for disabled children, Women, Infants and Children Program (WIC), vital statistics, and ~~frail~~ elderly-senior home visits.

E. Contract for the provision and authorization of medical care services for indigent and lower-income County residents, ~~and for juvenile and adult inmates of Nevada County.~~

F. Provide, assess and authorize mental health outpatient, residential and inpatient treatment services, prevention and client support services in the community and oversee a coordinated, multi-departmental system of care for youth at risk of out-of-home placement.

G. Deliver various social and protective services to adults and children, including child and adult protective services, adoptions, family preservation, public guardian/conservatorships and emergency assistance.

H. Administer an educational, training and job placement program with support services to assist aid recipients in securing unsubsidized employment.

I. Provide financial assistance to needy and disadvantaged families and individuals under a variety of federal, state and local programs.

J. Provide assistance and advocacy for veterans and their dependents in filing for Veterans' Administration, state and local veterans' benefits; develop, file and track claims.

K. Administer and provide programs designed to assist low income and moderate income families through energy and support programs. (Ord. 2202. (07/13/1999); Ord. 2350. (07/18/2012))

L. Provide and coordinate outreach and supportive services to homeless and at risk of homeless residents including supporting the Adult and Family Services Commission, administer Community Services and Development Block Grants and approve and fund First Time Home Buyer Down Payment Assistance and Tenant-based Rental Assistance programs.

M. Provide information and access to housing and community services.

N. Administer services and functions of the Probation Department.

ON. Provide administrative Support to the Public Defender's Office

PO. Accept judicial appointment as the Public Guardian.

QP. Provide administrative support to the Regional Department of Child Support Services.

~~Sec. A-II 39.3 Director of the Health and Human Services Agency~~

~~Under the general direction of the County Executive Officer, the Director of the Health and Human Services Agency shall be the administrative head of the Agency. The Director shall administer the Agency and carry out general policies of the County Executive Officer and the Board of Supervisors, and shall plan, organize, and direct all activities of the Agency in accordance with State and County laws and regulations. The Director shall report directly to, and serve at the will and pleasure of, the County Executive Officer. (Ord. 2202)~~

~~Sec. A-II 39.4 Position of Public Guardian Created- Reserved~~

~~There is hereby established the Office of Public Guardian for the County.~~

~~The Director of the Department of Social Services shall serve as, and is hereby appointed or their qualified designee, shall serve as, and is hereby appointed, Public Guardian of the County. He or she may deputize subordinates to serve as Assistant Public Guardian, Chief Deputy Public Guardian, and Deputy Public Guardian.~~

Sec. A-II 39.4.1 Behavioral Health Department Established

There is hereby created in the County of Nevada, the Nevada County Behavioral Health Department under the authority of the Department of Health Care Services contained in Cal. Health & Safety Code §§ 100100-101997.

Sec. A-II 39.4.24 Position of Behavioral Health Director and Director of Local Mental Health Services

The Behavioral Health Department shall be administered by the Behavioral Health Director, who shall also act as the Director of Local Mental Health. Under the general administrative direction of the Health and Human Services Agency Director, the Director of Behavioral Health shall plan, organize, direct and coordinate the programs and services regarding Mental Health and Substance Use Disorder needs and services. The Director of Local Mental Health shall meet all of the standards of education and experience established by the Director of Health Care Services as per Cal. Welf. & Inst. Code §5751.1 .

Sec. A-II 39.4.32 Duties and Responsibilities of Department of the Behavioral Health Department

The County of Nevada Behavioral Health Department provides culturally competent mental health and substance use disorder services and treatment. These services include, but are not limited to: assess and authorize mental health outpatient, residential and inpatient treatment services; provide mental health client support services in the community; administer and provide substance use disorder prevention and treatment services; develop and oversee crisis systems of care programs; administer and participate in collaborative court programs; participate in a coordinated, multi-departmental system of care for youth at risk of out-of-home placement; and any and all other requirements and duties set by Federal, State or Local law.

Sec. A-II 39.4.4 Mental Health and Substance Use Advisory Board

The Mental Health and Substance Use Advisory Board is comprised of consumers, family members and community members appointed by the Board of Supervisors. The advisory board provides advice, guidance and recommendations related to policies and procedures concerning the target population. The vision of the advisory board is to promote and support policies and programs that effectively improve the lives of persons with severe mental illness and or substance use and improve community understanding.

Sec. A-II 39.5 Expenditure of Public Funds on Behalf of Conservatees Reserved
Public funds may be expended on behalf of a conservatee under the following
circumstances:

A. ~~SHELTER RELATED EXPENDITURES~~

1. ~~Mortgage payments for a conservatee who is temporarily placed out of the home pending his or her return to the home or sale of the home. The Court shall approve of any such expenditure and shall authorize the recordation of a lien against the real property on behalf of the County of Nevada securing the repayment of the expenditure for the mortgage payments, together with interest thereon at the rate of return for investments by the County Treasurer (for a similar term); such repayment due to the County within five (5) years from the first date of any such expenditure. The expenditure limit is actual mortgage payments for a twelve-month period not to exceed \$12,000.~~

2. ~~Housing expenses as to any home owned and occupied by the conservatee at the time of establishment of the conservatorship for home insurance, utilities, and essential home repairs. The expenditure limit is actual cost up to a maximum of \$5,000.00.~~

3. ~~Out of home placement expenses for a conservatee who requires such care but is unable to pay for it. Expenditure limit is out of home placement expenses for nine months.~~

B. ~~MEDICAL EXPENSES: Necessary medical treatment, medication, or related medical expenses which cannot be funded through MediCal, private insurance, or any other source. Expenditure limit is actual cost up to \$5,000.00.~~

C. ~~STORAGE COSTS: Storage cost to preserve and protect a conservatee's personal property pending sale of the items or return of the items to the conservatee. Expenditure limit is actual cost of an individual storage unit, or pro rata cost of a multiple unit, up to a maximum of \$1,200.00.~~

D. ~~CLOTHING COSTS: Clothing allowance for a conservatee who has no other resources or funds available. Expenditure limit of \$200.00 for any one year period.~~

~~E.—FOOD COSTS: Emergency food provisions when no other resources are available. Expenditure limit is the maximum Food Stamp Allowance for one month only.~~

~~F.—VEHICLE FEES: Vehicle license fees, registration fees, storage fees, and insurance payments. Expenditure limit is actual cost for a period of one year, not to exceed \$1,500.00.~~

~~G.—TRAVEL RELATED EXPENSES: Travel related expenses to return a conservatee to a previous placement as necessary to safeguard and protect the conservatee. Expenditure limit is actual cost of travel up to a maximum of \$1,000.00.~~

~~H.—OTHER EXPENSES REQUIRE BOARD APPROVAL: In the event the Public Guardian determines that it is necessary to expend public funds on behalf of a conservatee for items not otherwise identified in this Section, or to exceed the expenditure limit otherwise provided in this Section, prior Board approval is required for each said expenditure. However, the Public Guardian shall have the authority to expend a maximum of \$50.00 on item(s) not otherwise identified in this Section without prior Board approval.~~

~~I.—REAPPOINTMENT OF PUBLIC GUARDIAN: In the event a conservatorship is terminated by the Court and the Public Guardian is subsequently reappointed conservator, any expenditures made under the former conservatorship shall not be included in the dollar limits and/or time limits for expenditures which are otherwise imposed by this Section.~~

~~J.—REIMBURSEMENT FROM THE CONSERVATEE: Whenever the Public Guardian expends public funds pursuant to this Section, the Public Guardian shall undertake all reasonable efforts to obtain reimbursement from the conservatee, if the conservatee subsequently receives sufficient funds to repay the Public Guardian.~~

Sec. A-II 39.5.1 Division of Housing and Community Services Established

There is hereby created in the County of Nevada, the Housing and Community Services Department/Division within the Health and Human Services Agency.

Sec. A-II 39.5.2 Director of Housing and Community Services Division

The County of Nevada Housing and Community Services ~~Department~~Division shall be administered by the ~~Director of Housing and Community Services Department~~Division Director, under the general administrative direction of the ~~Director of Health and Human Services Agency Director, Social Services.~~

Sec. A-II 39.5.3 Duties and Responsibilities of Division of Housing and Community Services

The County of Nevada Housing and Community Services Division ~~epartment~~ shall provide assistance in securing housing and information in various housing programs for individuals and families who qualify as low-income and/or who are experiencing homelessness; mental illness; or “SUD”, substance use disorder; contract as appropriate with community-based organizations for services to low-income, disadvantaged or special needs persons; and including but not limited to — as well as and any and all other duties set by Federal, State or Local law or Resolution.

~~Provide internal departmental administrative, clerical and accounting support; determine eligibility for various social services and medical assistance programs; maintain a fraud investigation and prevention program; issue food assistance and emergency assistance; and contract as appropriate with community based organizations for services to low-income, disadvantaged or special needs persons.~~

~~Provide and arrange for in-home assistance care to needy aged, blind or disabled persons to allow them to remain in their own homes rather than requiring more expensive out-of-home care.~~

Sec. A-II 39.6 Adoption of Program; Board of Supervisors to Discharge Responsibilities by Means of Program Reserved

There is hereby adopted an indigent relief program for the County, to be known as the General Assistance program. The General Assistance program shall be the means by which the Board of Supervisors, under the Welfare and Institutions Code of the State, discharges its responsibility to provide aid for needy residents of the County; and by which the Board exercises, under the Code, its authority to provide emergency relief for needy nonresidents living within the County.

Sec. A-II 45.439.6.1 Office of the Public Defender Established

There is hereby established the Office of Public Defender for the County. (Ord. 252 (08/01/1961)) The Office of Public Defender is established within the Health and Human Services Agency.

Sec. A-II 45.239.6.24 Appointment of the Public Defender

The Public Defender shall be appointed by, and shall serve at the pleasure of, the Board of Supervisors as per Cal. Gov't Code § 27703 County Executive Officer. (Ord. 252 (08/01/1961); Ord. 4299(05/13/1985)). The Public Defender shall meet all of the qualifications found in Cal. Gov't Codes §§ 27700 – 27711. This position shall be under the general direction of the Director of Health and Human Services Agency Director.

Sec. A-II 45.339.6.23 Applicability of Certain State Law to Office of Public Defender Duties and Responsibilities of the Office of Public Defender

Except as herein otherwise provided, all of the provisions of Chapter 13, Part 3, Division 2, Title 3, of the Government Code, commencing with Sections Cal. Gov't Code §§ 27700 – 27711, as the same now are or as they may hereafter be amended, shall apply to the Office of Public Defender. (Ord. 252 (08/01/1961)), including but not limited to, upon request of the defendant or order of the court, defend any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior courts, with applicable statutory restrictions.

Sec. A-II 39.7 Purposes of Adoption of Program Reserved

The General Assistance program is adopted to assure uniform operation of indigent relief activities throughout the County; to promote, protect and secure the general welfare of the people thereof, and encourage self respect, self reliance, and the desire to be a good citizen, useful to society.

Sec. A-II 39.7.1 County of Nevada Public Health Department Established

There is hereby created in the County of Nevada, the Department of Public Health Department within the Health and Human Services Agency.

Sec. A-II 39.7.24 Position of Director of Public Health Director

The County of Nevada Social Services Public Health Department shall be administered by the Director of Public Health Director, under the General Administrative direction of the Director of the Health and Human Services Agency Director.

The Public Health Officer of the County of Nevada is appointed by the Board of Supervisors and functions as staff or contractor of the Public Health Department. The Public Health Officer serves at the will of the Board of Supervisors and is under the general direction of the Health and Human Services Agency Director.

Sec. A-II 39.7.32 Duties and Responsibilities of County of Nevada Public Health Department.

The County of Nevada Department of Public Health Department prevents disease, promotes and supports optimal health and wellness, and protects the community against disasters, as well as and any and all other duties set by Federal, State or Local law or Resolution. Programs within the Department of Public Health Department include are Public Health Nursing; Communicable Disease Control; Immunizations; substance prevention and disease prevention programs; Health and Wellness Division; Vital statistics and Records; and Public Health Emergency Preparedness programs. Program changes may be made, from time to time, to address the Public Health needs of the County of Nevada.

Should there be a section referencing the Health Officer? E.g., "The Health Officer of the County of Nevada is appointed by the Board of Supervisors and functions as staff or contractor of the Public Health Department."

Sec. A-II 39.8 Uniform Standards of General Assistance Reserved

A.—The Department of Social Services shall list the basic requirements of all people for decent and healthy living and shall assign money values to each of the requirements in accordance with the minimum costs of the requirements. The Department shall also list the special requirements of some persons for decent and healthy living and shall assign money values to each of the special requirements in accordance with minimum costs of the special requirements. These basic and special requirements expressed in money figures shall be known as the "standards of General Assistance."

~~B.—The standards of General Assistance shall be submitted by the County Department of Social Services to the Board of Supervisors for approval and adoption.~~

~~C.—After adoption the standards of General Assistance shall be revised upward or downward by the County as the costs of the basic and special requirements vary; but such revisions shall have prior approval and adoption by the Board of Supervisors before becoming effective.~~

Sec. A-II 39.8.1 County of Nevada Probation Department Established

There is hereby created in the County of Nevada, the Nevada County Probation Department. The Probation Department is established within the Health and Human Services Agency.

Sec. A-II 39.8.2 Position of Chief Probation Officer

The County of Nevada Probation Department shall be administered by the Chief Probation Officer, who is appointed by the County of Nevada Board of Supervisors. This position shall be under the general direction of the Health and Human Services Agency Director.

Sec. A-II 39 8.3 Duties and Responsibilities of the County of Nevada Probation Department.

The County of Nevada Probation Department shall perform the duties and discharge the obligations as provided for by law. These include but are not limited to duties listed in Cal. Gov't Code § 27771 which involve all duties regarding juvenile probation; supervision of adults subject to probation orders; administer community based corrections programming; and make recommendations to the court, as well as and any and all other duties set by Federal, State or Local law or Resolution.

Sec. A-II 39.9 Determination of Eligibility for General Relief Reserved

~~A.—Eligibility for General Assistance shall be determined by the County Department of Social Services by measuring an applicant's readily available resources against the established standards of General Assistance. Eligible persons are those persons found to have resources in lesser amounts than their needs, as determined by the standards of General Assistance.~~

~~B. Eligibility for General Assistance, insofar as residence is concerned, shall be determined by the Department in accordance with the Welfare and Institutions Code of the State, and shall change to conform to any amendments to said Code.~~

Sec. A-II 39.9.1 Department of Social Services Established

There is hereby created in the County of Nevada within the Health and Human Services Agency the Department of Social Services within the Health and Human Services Agency.

Sec. A- II 39.9.2 Position of Director of the Department of Social Services Director.
The County of Nevada Social Services Department shall be administered by the Director of Social Services Director, under the general administrative direction of the shall report to the Director of the Health and Human Services Agency Director.

The Veterans Services Officer shall be under the general administrative direction of the Social Services Director and meet the qualifications of Cal. Mil. & Vet. Code §970.

Sec. A-II 39.9.34 Duties and Responsibilities of the County of Nevada Department of Social Services

The Department of Social Services offers vital human services to the citizens of the County of Nevada. Programs within the Department of Social Services may include: Adult Protective Services; Child Welfare Services; Employment and Training; In Home Supportive Services; Public Assistance; Public Guardian; Veterans Services and other programs as developed to meet the needs of the community. ~~assisting in eligibility determination and offering social, employment and training services.~~

Programs within the Department of Social Services are: Adult Services; Child Welfare Services; Employment and Training; Public Assistance; Public Guardian; and other programs as developed to meet the needs of the community

~~Sec. A II 39.9.2 Director of the Department of Social Services;~~

~~The Director of Social Services shall report to the Director of the Health and Human Services Agency;~~

~~Sec. A II 39.9.4 Program Overviews~~

~~Programs within the Department of Social Services shall include, but not be limited to:~~

~~Adult Services;~~

~~Child Welfare Services;~~

~~Public Assistance;~~

~~Veterans Services~~

~~Position of Veterans Services Officer~~

~~The County of Nevada Veterans Services Office shall be administered by the Veterans Services Officer who meets the qualifications of Cal. Mil. & Vet. Code §970. This position shall be under the General Administrative direction of the Director of Social Services.~~

~~Sec. A II 39.6 Adoption of Program; Board of Supervisors to Discharge Responsibilities by Means of Program~~

~~There is hereby adopted an indigent relief program for the County, to be known as the General Assistance program. The General Assistance program shall be the means by which the Board of Supervisors, under the Welfare and Institutions Code of the State, discharges its responsibility to provide aid for needy residents of the County; and by which the Board exercises, under the Code, its authority to provide emergency relief for needy nonresidents living within the County.~~

~~Sec. A II 39.7 Purposes of Adoption of Program~~

~~The General Assistance program is adopted to assure uniform operation of indigent relief activities throughout the County; to promote, protect and secure the general welfare of the people thereof, and encourage self-respect, self-reliance, and the desire to be a good citizen, useful to society.~~

~~Sec. A II 39.8 Uniform Standards of General Assistance~~

~~A.— The Department of Social Services shall list the basic requirements of all people for decent and healthy living and shall assign money values to each of the requirements in accordance with the minimum costs of the requirements. The Department shall also list the special requirements of some persons for decent and healthy living and shall assign money values to each of the special requirements in accordance with minimum costs of the special requirements. These basic and special requirements expressed in money figures shall be known as the “standards of General Assistance.”~~

~~B.— The standards of General Assistance shall be submitted by the County Department of Social Services to the Board of Supervisors for approval and adoption.~~

~~C.— After adoption the standards of General Assistance shall be revised upward or downward by the County as the costs of the basic and special requirements vary; but such revisions shall have prior approval and adoption by the Board of Supervisors before becoming effective.~~

~~Sec. A II 39.9 Determination of Eligibility for General Relief~~

~~A.— Eligibility for General Assistance shall be determined by the County Department of Social Services by measuring an applicant’s readily available resources against the established standards of General Assistance. Eligible persons are those persons found to have resources in lesser amounts than their needs, as determined by the standards of General Assistance.~~

~~B.— Eligibility for General Assistance, insofar as residence is concerned, shall be determined by the Department in accordance with the Welfare and Institutions Code of the State, and shall change to conform to any amendments to said Code.~~

~~Sec. A II 39.10 Method of Payment of General Assistance~~

~~All General Assistance shall be paid by County warrant, check, electronic fund transfer issued by the County Auditor, or any other payment means as may be authorized under Government Code Section 27005. (Ord. 2442, Adopt. 9/26/17, Eff. 10/26/17)~~

~~Sec. A-II 39.11 Responsibility of Relatives or Family~~

~~A.— Determination of those relatives or family of recipients who are held to be responsible to support or contribute to the support of General Assistance recipients shall be made in accordance with the Welfare and Institutions Code, and shall change to conform to any amendments to said Code.~~

~~B.— A standard for determining the extent of liability of said relatives or family to support recipients of General Assistance shall be developed by the Department of Social Services; such standard shall become effective upon approval and adoption by the Board of Supervisors and shall not be changed without prior approval of the Board of Supervisors.~~

~~Sec. A-II 39.12 Establishment of Operating Policies and Procedures~~

~~A.— The Department of Social Services shall develop detailed operating policies and procedures based on this Article, and shall submit these for review and approval of the Board of Supervisors. Such policies and procedures shall become effective upon approval by the Board of Supervisors.~~

~~B.— Revisions, deletions, or additions of operating policies and procedures as developed by the Department of Social Services, shall be submitted for review and approval of the Board of Supervisors before becoming effective.~~

~~Sec. A-II 39.13 Statistical Reports~~

~~The Department shall prepare monthly statistical reports of General Assistance according to statistical manual sections S-140, 170 and Policy/Procedure Memo No. 13, and shall submit them to the State Department of Social Welfare to conform with Welfare and Institutions Code Section 17006.~~

~~Sec. A-II 39.10 Method of Payment of General Assistance Reserved~~

~~All General Assistance shall be paid by County warrant, check, electronic fund transfer issued by the County Auditor, or any other payment means as may be authorized under Government Code Section 27005. (Ord. 2442, Adopt. 9/26/17, Eff. 10/26/17)~~

Sec. A-II 39.10.1 4-10 Position Office of Public Guardian Created

There is hereby established the Office of Public Guardian for the County of Nevada, within the Health and Human Services Agency.

Sec. A-II 39.10.2+ Duties and Responsibilities of the Office of Public Guardian

The Duties and Responsibilities of the Public Guardian are to safeguard the lives and property of conservatees who cannot care for themselves when no other alternative is available.

Sec. A-II 39.10.3 Position of Public Guardian – Public Conservator

The Director of the Department of Social Services shall serve as, and is hereby appointed or their qualified designee, shall serve as, and is hereby appointed, Public Guardian of the County. They may deputize subordinates to serve as Assistant Public Guardian, Chief Deputy Public Guardian, and Deputy Public Guardian. The Public Guardian shall act under the general direction of the Director of Health and Human Services Agency Director.

~~The Director of the Department of Social Services shall serve as, and is hereby appointed or their qualified designee, shall serve as, and is hereby appointed, Public Guardian of the County. He or she may deputize subordinates to serve as Assistant Public Guardian, Chief Deputy Public Guardian, and Deputy Public Guardian.~~

~~Sec. A-II 39.10.1 Duties and Responsibilities of the Office of Public Guardian~~

~~The Duties and Responsibilities of the Public Guardian are to safeguard the lives and property of conservatees who cannot care for themselves when no other alternative is available.~~

Sec. A-II 39.510.4 Expenditure of Public Funds on Behalf of Conservatees

Public funds may be expended on behalf of a conservatee in accordance with the Nevada County Health and Human Services Agency General Assistance Regulations Manual, adopted by the Board of Supervisors, through the general authority provided for in the California Welfare and Institutions Code, Division 9, Part 5, Sections Cal. Welf. & Inst. Code §§ 17000 - through 17410., with expenditure limitations to be passed by Resolution of the Board of Supervisors from time to time, under the following circumstances:

A.— SHELTER RELATED EXPENDITURES

1.— Mortgage payments for a conservatee who is temporarily placed out of the home pending ~~their~~ his or her return to the home or sale of the home. The Court shall approve of any such expenditure and shall authorize the recordation of a lien against the real property on behalf of the County of Nevada securing the repayment of the expenditure for the mortgage payments, together with interest thereon at the rate of return for investments by the County Treasurer (for a similar term); such repayment due to the County within five (5) years from the first date of any such expenditure. The expenditure limit is actual mortgage payments for a twelve-month period not to exceed the authorized amount. \$12,000.

2.— Housing expenses as to any home owned and occupied by the conservatee at the time of establishment of the conservatorship for home insurance, utilities, and essential home repairs, not to exceed the authorized amount. The expenditure limit is actual cost up to a maximum of \$5,000.00.

3.— Out of home placement expenses for a conservatee who requires such care but is unable to pay for it. Expenditure limit is out of home placement expenses for nine months.

B.— MEDICAL EXPENSES: Necessary medical treatment, medication, or related medical expenses which cannot be funded through MediCal, private insurance, or any other source not to exceed the authorized amount. Expenditure limit is actual cost up to \$5,000.00.

C.— STORAGE COSTS: Storage cost to preserve and protect a conservatee's personal property pending sale of the items or return of the items to the conservatee. Expenditure limit is actual cost of an individual storage unit, or pro rata cost of a multiple unit, not to exceed the authorized amount. up to a maximum of \$1,200.00.

~~D.— CLOTHING COSTS: Clothing allowance for a conservatee who has no other resources or funds available, not to exceed the authorized amount. Expenditure limit of \$200.00 for any one-year period.~~

~~E.— FOOD COSTS: Emergency food provisions when no other resources are available. Expenditure limit is the maximum Food Stamp Allowance for one month only.~~

~~F.— VEHICLE FEES: Vehicle license fees, registration fees, storage fees, and insurance payments. Expenditure limit is actual cost for a period of one year, not to exceed \$1,500.00, the authorized amount.~~

~~G.— TRAVEL RELATED EXPENSES: Travel related expenses to return a conservatee to a previous placement as necessary to safeguard and protect the conservatee not to exceed the authorized amount. Expenditure limit is actual cost of travel up to a maximum of \$1,000.00.~~

~~H.— OTHER EXPENSES REQUIRE BOARD APPROVAL: In the event the Public Guardian determines that it is necessary to expend public funds on behalf of a conservatee for items not otherwise identified in this Section, or to exceed the expenditure limit otherwise provided in this Section, prior Board approval is required for each said expenditure. However, the Public Guardian shall have the authority to expend a maximum of \$50.00 on item(s) not otherwise identified in this Section without prior Board approval.~~

~~I.— REAPPOINTMENT OF PUBLIC GUARDIAN: In the event a conservatorship is terminated by the Court and the Public Guardian is subsequently reappointed conservator, any expenditures made under the former conservatorship shall not be included in the dollar limits and/or time limits for expenditures which are otherwise imposed by this Section.~~

~~J.— REIMBURSEMENT FROM THE CONSERVATEE: Whenever the Public Guardian expends public funds pursuant to this Section, the Public Guardian shall undertake all reasonable efforts to obtain reimbursement from the conservatee, if the conservatee subsequently receives sufficient funds to repay the Public Guardian.~~

Sec. A II 39.10.3 — Position of Public Guardian — Public Conservator

The Director of the Department of Social Services shall serve as, and is hereby appointed or their qualified designee, shall serve as, and is hereby appointed, Public Guardian of the County. They may deputize subordinates to serve as Assistant Public Guardian, Chief Deputy Public Guardian, and Deputy Public Guardian.

Sec. A II 39.12 Establishment of Operating Policies and Procedures

A.— The Department of Social Services shall develop detailed operating policies and procedures based on this Article, and shall submit these for review and approval of the Board of Supervisors. Such policies and procedures shall become effective upon approval by the Board of Supervisors.

B.— Revisions, deletions, or additions of operating policies and procedures as developed by the Department of Social Services, shall be submitted for review and approval of the Board of Supervisors before becoming effective.

Sec. A II 39.13 Statistical Reports

The Department shall prepare monthly statistical reports of General Assistance according to statistical manual sections S-140, 170 and Policy/Procedure Memo No. 13, and shall submit them to the State Department of Social Welfare to conform with Welfare and Institutions Code Section 17006.

Sec. A II 39.14 Appeals to Board of Supervisors

Any applicant for or recipient of General Assistance who believes that General Assistance has been improperly denied by the County Department of Social Services or that General Assistance has been granted by the Department in a lesser amount than required by the standards of General Assistance, may present the matter to the Board of Supervisors.

~~Sec. A-II 39.15 Variances~~

~~Where conditions exist which make compliance with any rule impracticable, the Department of Social Services may recommend that the Board of Supervisors modify or amend any requirements set forth in this Article.~~

~~Sec. A-II 39.11 Responsibility of Relatives or Family Reserved~~

~~A.— Determination of those relatives or family of recipients who are held to be responsible to support or contribute to the support of General Assistance recipients shall be made in accordance with the Welfare and Institutions Code, and shall change to conform to any amendments to said Code.~~

~~B.— A standard for determining the extent of liability of said relatives or family to support recipients of General Assistance shall be developed by the Department of Social Services; such standard shall become effective upon approval and adoption by the Board of Supervisors and shall not be changed without prior approval of the Board of Supervisors.~~

~~Sec. A-II 39.12 Establishment of Operating Policies and Procedures Reserved~~

~~A.— The Department of Social Services shall develop detailed operating policies and procedures based on this Article, and shall submit these for review and approval of the Board of Supervisors. Such policies and procedures shall become effective upon approval by the Board of Supervisors.~~

~~B.— Revisions, deletions, or additions of operating policies and procedures as developed by the Department of Social Services, shall be submitted for review and approval of the Board of Supervisors before becoming effective.~~

~~Sec. A-II 39.13 Statistical Reports Reserved~~

~~The Department shall prepare monthly statistical reports of General Assistance according to statistical manual sections S 140, 170 and Policy/Procedure Memo No. 13, and shall submit them to the State Department of Social Welfare to conform with Welfare and Institutions Code Section 17006.~~

Sec. A-II 39.14 11 Appeals to Board of Supervisors

Any applicant for or recipient of General Assistance who believes that General Assistance has been improperly denied by the County Department of Social Services or that General Assistance has been granted by the Department in a lesser amount than required by the standards of General Assistance, ~~may present the matter to the Board of Supervisors.~~ may appeal in the manner prescribed by the Nevada County Health and Human Services General Regulations Manual or state statute governing public assistance benefits .

Sec. A-II 39.15 Variances Reserved

~~Where conditions exist which make compliance with any rule impracticable, the Department of Social Services may recommend that the Board of Supervisors modify or amend any requirements set forth in this Article.~~

EXHIBIT A

ADMINISTRATIVE CODE

CHAPTER II: ADMINISTRATION

ARTICLE 40 SIERRA NEVADA REGIONAL DEPARTMENT OF CHILD SUPPORT SERVICES

Sections:

Sec. A-II 40.1 Department Established

Sec. A-II 40.2 Duties and Responsibilities

Sec. A-II 40.3 Transfer of Functions

Sec. A-II 40.4 Director of the Sierra Nevada Regional Department of Child Support Services

~~Sec. A-II 40.5 Revenue Collection Services Reserved~~

Sec. A-II 40.1 Department Established

There is hereby created in the County of Nevada a Department known as Sierra Nevada Regional Department of Child Support Services, pursuant to California Family Code Section 17304, that is established within the Health and Human Services Agency, ~~as a separate, independent and stand-alone Department.~~ (Ord. 2350 (07/10/2012))

Sec. A-II 40.2 Duties and Responsibilities

The Sierra Nevada Regional Department of Child Support Services shall be responsible for promptly and effectively establishing, modifying, and enforcing child support obligations, including medical support, enforcing spousal support orders established by a court of competent jurisdiction, and determining paternity in cases of a child born out of wedlock, as specified in California Family Code Section 17400, including all further responsibilities delegated to a local child support agency, pursuant to Division 17 (commencing with section 17000) of the California Family Code. No other local agency shall have any authority over the department as to any function relating its Title IV-D

obligations under the Federal Social Security Act (~~Cal. Fam. Code §Family Code Section 17303~~).

Sec. A-II 40.3 Transfer of Functions

All Nevada County program employees and other personnel who perform child support collection and enforcement services, and assets dedicated to those services, shall be transferred from the District Attorney's Office to the Sierra Nevada Regional Department of Child Support Services, as provided in California Family Code Sections 17304 and 17305, upon transition January 1, 2001. The transfer of programs, staff and assets shall be effective upon approval of the Director of the California Department of Child Support Ser-vices.

Sec. A-II 40.4 Director of the Sierra Nevada Regional Department of Child Support Services

The Director of Sierra Nevada Regional Department of Child Support Services shall be the administrative head of the Department. The Director shall administer the Department and carry out general policies of the Board of Supervisors, and shall plan, organize, and direct all activities of the Department in accordance with State and County laws and regulations. This position shall be under the general direction of the Director of Health and Human Services.

Sec. A-II 40.5 ~~Revenue Collection Services~~ Reserved

~~The Sierra Nevada Regional Department of Child Support Services shall be responsible for managing the County's revenue collection services.~~

EXHIBIT A

ADMINISTRATIVE CODE

CHAPTER II: ADMINISTRATION

ARTICLE 41 ~~IN-HOME SUPPORTIVE SERVICES~~ RESERVED

~~Sec. A-II 41.1 Creation and Purpose of the Public Authority~~

~~Sec. A-II 41.2 Definitions~~

~~Sec. A-II 41.3 Membership of the Public Authority Board~~

~~Sec. A-II 41.4 Public Authority Functions and Powers~~

~~Sec. A-II 41.5 Authority Administration~~

~~Sec. A-II 41.6 Liability of Authority~~

~~Sec. A-II 41.7 Miscellaneous~~

~~Sec. A-II 41.1 Creation and Purpose of the Public Authority~~

~~As required by Welfare and Institutions Code Section 12302.25, the Sierra County Board of Supervisors in conjunction with the County of Nevada hereby establishes a regional public authority as a joint powers authority, an entity separate, distinct and apart from the counties of Nevada and Sierra, and a corporate public body exercising public and essential governmental functions. The purpose of this public authority is to provide for the delivery of the In-Home Supportive Services Program (IHSS) in the counties of Nevada and Sierra, as well as the provision of social services to eligible participants, as specified in this Ordinance, the Ordinance adopted by the County of Nevada, and the Joint Powers Agreement between the counties, subject to all applicable Federal and State laws and regulations. The public authority shall be known as the Nevada-Sierra Connecting Point Public Authority. (Ord. 2420, 9/27/16)~~

~~Sec. A-II 41.2 Definitions~~

~~For the purpose of this Chapter, the following definitions apply:~~

~~A. "IHSS" means in-home supportive services as described in Welfare and Institutions Code Sections 12300(a), (b), et seq., as amended from time to time.~~

~~B.—“Authority” means the Nevada-Sierra Connecting Point Public Authority.~~

~~C.—“Provider” means a person who provides authorized in-home supportive services to a recipient.~~

~~D.—“Recipient” means a person eligible and authorized to receive in-home supportive services pursuant to Welfare and Institutions Code Section 12300, et seq.~~

~~E.—“Consumer” means a person who is a current or past user of personal assistance services paid through public or private funds and includes a recipient of assistance from IHSS.~~

~~F.—“County” means the Counties of Nevada and Sierra, both collectively and individually as the context may require. (Ord. 2420, 9/27/16)~~

~~Sec. A-II 41.3 Membership of the Public Authority Board~~

~~The Nevada-Sierra Connecting Point Public Authority Governing Board shall govern the Public Authority. Initial membership on the Public Authority Governing Board shall be as follows:~~

~~A.—Appointment by the Board of Supervisors. The Governing Board of the Nevada-Sierra Connecting Point Public Authority shall be composed of a maximum of eleven (11) members appointed by the Board of Supervisors of the two counties, as follows: Nevada County shall appoint nine (9) board members and Sierra County shall appoint one (1) member. Sierra County may appoint a second member; provided, however, if the seat for the Sierra County’s second member remains vacant for more than sixty (60) days, the Sierra County Board of Supervisors shall appoint a member recommended by the JPA Board to serve the remainder of unexpired term of the vacant seat. The Boards of Supervisors shall solicit recommendations for appointment of qualified members through a fair and open process, including reasonable written notice to, and affording reasonable response time from, members of the general public and interested persons and organizations. No fewer than fifty (50) percent, or six (6) individuals, of the membership shall be individuals who are consumers (current or past recipient of personal assistant services). The Board of Supervisors of the respective counties shall have sole authority to remove governing body members appointed from their counties, who may be removed at the will and pleasure of the Board of Supervisors.~~

~~B.— Representative Capacity. For purposes of Government Code Section 87103 and 2 Cal. Code of Regulations 18703.3, the persons appointed to the Public Authority Governing Board are appointed to represent and further the interests of the specific economic interest which an individual member is appointed to represent and each such person therefore does not have financial interests in decisions of the Public Authority that will have a material financial effect on such person or a member of his or her immediate family, distinguishable from its effects on the public generally.~~

~~C.— Terms of and Limits on Service. The initial board members shall be appointed for periods with staggered terms, as follows:~~

~~Three (3) members for one (1) year terms (two (2) from Nevada, and one (1) Sierra);~~

~~Four (4) members for two (2) year terms (two (2) from Nevada and one (1) from Sierra);~~

~~Four (4) members for three (3) year terms (from Nevada).~~

~~The respective Boards of Supervisors shall specify the term at the time of the initial appointments.~~

~~After the initial terms end, all terms shall be three (3) years.~~

~~D.— Residency. Qualified appointees must reside in their respective counties and have familiarity with, or knowledge of, personal assistance services, the capacity to understand their role to aid and assist the Public Authority in the administration of its duties; and the ability to attend regularly scheduled meetings, which shall occur only in facilities, which meet disability access requirements. Within the first ninety (90) days of being seated, the member of the Public Authority Board shall receive orientation and training regarding the functions and duties of the Public Authority, current issues related to delivery of IHSS, and the responsibilities of the Public Authority Governing Board. Each subsequent new member shall receive similar orientation and training from Public Authority staff within sixty (60) days of appointment. (Ord. 2420, 9/27/16)~~

~~Sec. A-II 41.4 Public Authority Functions and Powers~~

~~A.— Functions and Powers. The functions and powers of the Nevada-Sierra Connecting Point Public Authority shall be those set forth in the Joint Powers Agreement, including maintaining a bi-county public authority as the employer of record for the IHSS providers, facilitating services as required by the IHSS law, and providing social services to eligible recipients, which may from time to time be amended by the Board of Supervisors for the Counties of Nevada and Sierra.~~

~~The Authority shall be an entity separate and distinct from the member counties and shall file the Statement of Fact for the Roster of Public Agencies required by Government Code Section 53051.~~

~~The Authority shall have all powers necessary and convenient to carry out the powers conferred upon it by Welfare and Institutions Code Section 12300 et seq., this Ordinance and the Joint Powers Agreement, including the power to contract for services pursuant to Welfare and Institutions Code Sections 12302 and 12302.1, subject to any limitations set forth in this Article.~~

~~B.— Status of Authority Employees, Providers, and Officers. Employees of the Nevada-Sierra IHSS Public Authority, members of the Authority Board and its officers, agents, and the IHSS providers shall not be deemed to be employees of the member counties for any purpose.~~

~~C.— Service Provider Employment.~~

~~1.— The Authority shall be deemed to be the employer of record of in-home supportive services providers within the meaning of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code. Consumers (the recipients of IHSS services) shall retain the right to hire, fire, and supervise the work of any in-home supportive services provider providing services to them.~~

~~2.— In order to ensure the preservation of the individual provider mode and limit the liability of the Authority, the Authority shall have no authority or jurisdiction to regulate, control, or limit the rights and responsibilities of recipients of in-home supportive services to hire, fire, or to supervise providers. The right to supervise includes, but is not limited to, the right to determine matters such as work schedules, tasks and duties, assignments and direction of work, methods and standards of caring and conduct, discipline, provisions for safety and security control of premises, any in-home living or other accommodations, and final Resolution of concerns, problems, and complaints relating to such supervision. Recipients retain such rights and responsibilities independent of the Authority, just as they held such rights and responsibilities independent of the County prior to the formation of the Authority.~~

~~D.— Consumer Selection of Providers. Recipients of in-home supportive services may select in-home supportive services personnel who are not referred to them by the Authority. Those personnel shall nevertheless be referred to the Authority for the purposes of wages, benefits, and other terms and conditions of employment.~~

~~E.— State Payroll Functions. The creation and operation of the Nevada Sierra Connecting Point Public Authority shall not alter, require the alteration of, or interfere with the State payroll system and other provisions of Welfare and Institutions Code Section 12302.2 for individual providers of in-home supportive services, or affect the State's responsibility with respect to unemployment insurance or worker's compensation for providers of in-home supportive services. (Ord. 2420, 9/27/16)~~

~~Sec. A II 41.5 Authority Administration~~

~~A.— Executive Director. The Executive Director of the Nevada Sierra IHSS Public Authority shall be appointed by the Authority Board. The Executive Director may hire staff, if such authority is provided in the Authority's adopted rules and regulations.~~

~~B.— Labor Relations. Due to the special and critical health care services provided through the IHSS program, the Board of Supervisors finds that any interruption of such services would pose an imminent threat to the health and safety of the recipients of IHSS services and to the community. In order to minimize the likelihood of such interruption, and thereby protect the health and safety of recipients, and to promote harmony and productive labor relations between the Authority and the providers, the Board shall:~~

~~1.— Establish rules and regulations respecting the labor relations responsibilities of the Authority and such rules shall provide that a showing of interest of at least twenty (20) percent of the eligible providers shall be a sufficient showing of interest for any labor organization to initiate any election or representation procedures established by the Authority for the purposes of certifying an exclusive representative for purposes of collective bargaining.~~

~~2.— Require any collective bargaining agreement reached between the Authority and any labor organization certified to represent providers of IHSS services be subject to the limitations of the Ordinances and to the Joint Powers Agreement creating the Authority and to ratification in its entirety (i.e., all provisions of such agreements shall be subject to the same vote) by a simple majority of the vote cast in a ballot in which all providers of IHSS services, as recognized by the~~

Authority, shall be eligible to participate. Final adoption of any such agreement shall be by a simple majority vote of the Authority.

3.—Require a non-strike clause in any and all collective bargaining agreements with providers and personnel of the Authority. The non-strike clause shall continue at least one (1) year beyond the other provisions of any and all collective bargaining agreements.

4.—Take all legal action necessary to bar any strike or other concerted interruption of services to IHSS recipients.

5.—Require that in-home supportive services personnel be entitled to all of the rights conferred upon them by the Meyers Milius-Brown Act (Government Code Section 3500 et seq.), including the right to be represented in their employment relationship with the Authority by an employee organization of their choice, and the right to meet and confer with the Authority with regard to wages, benefits, and other terms and conditions of employment.

C.—Fiscal Provisions. In establishing the Authority the member counties recognize that the funding of IHSS is the product of a complex relationship of Federal, State, and County financing, and that the ability of the Authority to operate and to negotiate the wages and benefits of the providers of IHSS is contingent upon the availability of adequate funding. Nothing in this Ordinance or in the Joint Powers Agreement is intended to require the County to appropriate or to transfer any funds for the operation of the Authority or for the payment of wages or benefits for in-home supportive services personnel.

The total of all administrative costs, wages, and benefits proposed or established by the Authority shall be consistent with the provisions of the budgets adopted by the member counties and shall be based on the methodology for allocation of costs as set out in the Joint Powers Agreement between Nevada and Sierra Counties; provided however, that the Authority shall not provide for any payments promulgated or calculated from or based on contributions or payments from the County in excess of the amounts expressly provided for in the County's annual budget, as it may be amended from time to time. The Authority shall not establish a payment rate, including costs of wages, benefits, and operation until the Public Authority determines that the funds necessary for the payment rate are legally available.

The establishment and operation of the Public Authority or application of Government Code Section 3500, et seq., shall not result in payments from the County's General Fund beyond the amounts provided for in the County's annual budget, as amended from time to time.

~~The Public Authority shall utilize all available start-up funds pursuant to Welfare and Institutions Code Section 14132.95 and shall seek to maximize the benefit of any available new or increased non-County matching Federal or State funds or other available grant or foundation funds.~~

~~The Public Authority shall adopt its budget under the same laws, rules, and policies that control the budget process applicable to general law counties.~~

~~The Authority shall provide the County with the expenditure information necessary for the County to report to the California Department of Social Services in order to receive reimbursement for the State and Federal share of the Authority costs.~~

~~The Authority shall assist the County in developing and submitting the information and documentation necessary to obtain approval from the California Department of Social Services and the Department of Health Services for the Authority's reimbursement rate and any rate adjustment.~~

~~Payment for all services provided pursuant to this Ordinance is contingent upon the appropriation of County, State and Federal funds for the purpose of providing IHSS. (Ord. 2420, 9/27/16)~~

~~Sec. A-II 41.6 Liability of Authority~~

~~A.—County Liability. The County shall not be liable for, and shall be immune from, any liability resulting from the programs and services provided by the Authority, including, but not limited to, the implementation of Welfare and Institutions Code Section 12300, et seq., pursuant to this Ordinance, the Joint Powers Agreement, or any implementing agreement or through the appropriation of funds to the Public Authority.~~

~~B.—Public Authority Liability.~~

~~1.—Any obligation of the Nevada Sierra IHSS Public Authority, whether statutory, contractual, or otherwise, shall be the sole obligation of the Authority and shall not be the obligation of the County.~~

~~2.—The Authority shall not be deemed to be an employer for the purposes of liability due to the negligence or intentional torts of any provider.~~

~~3.—The Authority shall not be held liable for any action or omission of any provider whom the Authority did not list on a registry or otherwise refer to a consumer.~~

~~4.—Any and all contracts, leases, or other agreements of any nature, including collective bargaining agreements, between the Authority and third parties, other than the member counties, shall contain an express provision advising the third party that the Authority is an independent legal entity, separate and apart from the Counties of Nevada and Sierra, and that the Authority has no power to bind the counties to any contractual or legal obligations. The third party must be further advised that obligees of the Authority may not seek recourse against the member counties for any financial or legal obligation of the Authority.~~

~~5.—The member counties shall be immune from any liability resulting from its implementation of Welfare and Institutions Code Section 12300, et seq., in the administration of the In Home Supportive Services Program. Any obligation of the Authority, whether statutory, contractual, or otherwise, shall be the obligation solely of the Authority, and shall not be the obligation of the member counties.~~

~~6.—Without limiting its indemnification of the member counties, the Authority shall maintain insurance in an amount determined to be adequate by the County's Risk Manager and shall name the member Counties as additional insureds. Evidence of such insurance shall be provided to each County's Risk Manager within thirty (30) days of the execution of the agreement between the Authority and the County, and shall be regularly provided thereafter.~~

~~7.—The Authority shall indemnify, defend, and hold harmless the member Counties and their elected and appointed officers, employees, and agents from any and against any and all liability, including acts of active negligence, expense, including defense costs and legal fees, and claims for damages of any nature whatsoever, including but not limited to personal injury or property damage arising from, or connected with, any action or omission of any officer or employee of the Authority. The Authority shall provide an acknowledgment of such indemnification in writing to the member Counties.~~

~~8.—The Authority shall require all third parties with whom it contracts, other than the member Counties, to indemnify the Authority, to provide the Authority with written acknowledgment of~~

~~such indemnification, and to maintain adequate levels of insurance naming the Authority as an additional insured. (Ord. 2420, 9/27/16)~~

~~Sec. A II 41.7 Miscellaneous~~

~~A. — Records. The Authority shall develop a records retention policy consistent with County, State, and Federal laws and policies. The Authority shall make any of the retained records available to all authorized County, State and Federal representatives.~~

~~B. — Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors declares that it would have passed this Ordinance and every section, subsection, sentence, clause, or phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.~~

~~C. — Effectuation. It is the intent of the Board of Supervisors that the provisions of this Ordinance shall be effectuated in a prompt and diligent manner. This Ordinance shall be declared to be in full force and effect from and after thirty (30) days from the date of its passage. (Ord. 2420, 9/27/16)~~

EXHIBIT A

ADMINISTRATIVE CODE

CHAPTER II: ADMINISTRATION

ARTICLE 42 COMMUNITY DEVELOPMENT AGENCY

Sections:

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Sec. A-II 42.9.1 ~~Creation and Composition of the County of Nevada Agricultural Department of Agriculture and County Sealer of Weights and Measures~~

Sec. A-II 42.9.2 ~~Creation of the County of Nevada Office of County Sealer of Weights and Measures Agricultural Department and Duties and Responsibilities~~

Sec. A-II 42.9.3 ~~Consolidation of the Department of Agriculture and the Office of County Sealer of Weights and Measures Agricultural Commissioner and Sealer of Weights and Measures~~

Sec. A-II 42.9.4 ~~Office of the Agricultural Commissioner and County Sealer of Weights and Measures The Agricultural Advisory Commission Department of Agriculture/Weights and Measures~~

Sec. A-II 42.9.5 ~~County Agricultural Commissioner / County Sealer of Weights and Measures Department Duties and Responsibilities Ex Officio Members~~

Sec. A-II 42.9.6 ~~Agricultural Commissioner Department of Agriculture/Weights and Measures Fees Terms, Appointments, Vacancies~~

Sec. A-II 42.9.7 ~~Regular Meetings Reserved~~

Sec. A-II 42.9.8 ~~Members — Compensation Reserved~~

Sec. A-II 42.9.9 ~~Staff Functions Reserved~~

Sec. A-II 42.9.10 ~~Purpose, Powers and Duties Reserved~~

Sec. A-II 42.9.11 ~~Agricultural Commissioner Fees Reserved~~

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Sec. A-II 42.9.1 ~~Creation of the County of Nevada and Composition of Agricultural Department of Agriculture and County Sealer of Weights and Measures~~

~~There is hereby created the County of Nevada Agricultural Department of Agriculture. The Department shall be administered by a County officer to be known as the Agricultural Commissioner, under the general administrative direction of the Community Development~~

~~Agency Director. The Office of the County Sealer of Weights and Measures shall be consolidated with the Department of Agriculture as per Cal. Gov't Code § 24300 (p).~~

Sec. A-II 42.9.2 Creation of the County of Nevada Office of County Sealer of Weights and Measures Agricultural Department Duties and Responsibilities

There is hereby created the County of Nevada Office of County Sealer of Weights and Measures.

~~To perform such duties as required as the County Sealer of Weights and Measures as provided for in Cal. Bus. & Prof. Code §§ 12001-13800.~~

~~The Agricultural Department shall perform all duties as provided for in Cal. Food & Agric. Code §§ 2001-2350. The Agricultural Department shall work with the Agricultural Advisory Commission, Fish and Wildlife Commission and the Farm Commission.~~

Sec. A-II 42.9.3 Consolidation of the Department of Agriculture and Office of the County Sealer of Weights and Measures Agricultural Commissioner and Sealer of Weights and Measures

The Department of Agriculture and the Office of County Sealer of Weights and Measures shall be consolidated as per Cal. Gov't Code § 24300(p).

The Department of Agriculture and the Office of County Sealer of Weights and Measures is hereinafter referred to as Department of Agriculture/Weights and Measures.

~~The Agricultural Commissioner shall act as the County Sealer of Weights and Measures. This position is appointed by the Board of supervisors and is under the general administrative direction of the Community Development Agency Director.~~

Sec. A-II 42.9.4 42.9.4 Office of the Agricultural Commissioner Department of Agriculture and County Sealer of Weights and Measures

The Department of Agriculture and the County Sealer of Weights and Measures shall be administered by the County Officer known as the County Agricultural Commissioner / County Sealer of Weights and Measures. This position is appointed for a four (4) year term by the Board of Supervisors and is under the general administrative direction of the Director of Community Development Agency.

~~The Agricultural Advisory Commission~~

~~The Agricultural Advisory Commission shall consist of nine (9) members and shall be appointed by the Board of Supervisors.~~

~~Membership shall include a balanced representation of the industries within the County. Representatives from the following industries are preferred and include:~~

- ~~1. — Forest and related industries;~~
- ~~2. — The cattle industry;~~
- ~~3. — The equine industry;~~
- ~~4. — Livestock other than the cattle and equine industries;~~
- ~~5. — The farming industry;~~
- ~~6. — The viticulture industry; or~~
- ~~7. — Other agricultural interests.~~

~~No more than two (2) members from any single industry listed above shall serve at the same time to maintain a balanced industry representation. (Ord. 2490. (04/27/2021); Ord. 2148. (05/25/2004); Ord. 2211. (07/11/2006); (Ord. 2417. (08/09/2016))~~

Sec. A-II 42.9. 5 County Agricultural Commissioner / County Sealer of Weights and Measures Department Duties and Responsibilities Ex Officio Members

The County Agricultural Commissioner /County Sealer of Weights and Measures, and their designees, act as a county enforcing officer and shall perform all duties as provided for in the California Food and Agriculture Code, Business and Professions Code, and any other applicable state and federal laws.

The County Agricultural Commissioner / County Sealer of Weights and Measures, and their designees, shall also carry out any programs which are obligated by resolution or ordinance of the County of Nevada.

~~One (1) member of the Board of Supervisors appointed by the Chair of the Board of Supervisors, as well as the Nevada County Farm Advisor and the Nevada County Agricultural Commissioner shall serve as ex officio members of the Nevada County Agricultural Advisory Commission. (Ord. 2490. (04/27/2021))~~

Sec. A-II 42.9. 6 Agricultural Commissioner Department of Agriculture/Weights and Measures Fees Terms, Appointments, Vacancies

The County Agricultural Commissioner/ County Sealer of Weights and Measures is hereby authorized to charge and collect fees for services provided by the Agricultural Commissioner / County Sealer of Weights and Measures' Department of Agriculture/Weights and Measures' staff, including wildlife services, formerly referred to as predatory animal damage control. A schedule of fees shall be adopted by Resolution of the Board of Supervisors, unless otherwise provided for under State or Federal law.

~~The term of office of each member of the Agricultural Advisory Commission shall be four (4) years and until the appointment and qualification of their successor. The first members of the Advisory Commission shall classify themselves by lot so that the terms of office of one member is one year, of one member two years, of one member three years, and of two members four years. Any member may be removed by the Board of Supervisors at any time without cause. Any vacancy that is created during a term shall be filled by the Board of Supervisors for the remainder of the unexpired term. All vacancies on the Advisory Commission shall be immediately reported to the Board of Supervisors.~~

~~Sec. A-II 42.9.7 Regular Meetings~~ Reserved

~~The Agricultural Advisory Commission shall hold regular monthly meetings, plus such additional meetings as may be called by the Chair of the Advisory Commission. (Ord. 2076. (02/12/2002))~~

~~Sec. A-II 42.9.8 Members~~ Compensation Reserved

~~All members of the Agricultural Advisory Commission shall serve without compensation.~~

~~Sec. A-II 42.9.9 Staff Functions~~ Reserved

~~The County Agricultural Commissioner may provide staff service for the Agricultural Advisory Commission in the conduct of its business as hereinafter designated.~~

~~Sec. A-II 42.9.10 Purpose. Powers and Duties~~ Reserved

~~The Agricultural Advisory Commission shall be an advisory body to and for the Board of Supervisors on all matters pertaining to agriculture. The Commission shall advise the Board of Supervisors of procedures and techniques requiring legislative and policy actions that will encourage, promote and protect agricultural activities that are conducive to the continued well-being of the County of Nevada. The Agricultural Advisory Commission shall formulate and recommend to the Board general policies related to the purposes for which this Commission is created. The Commission shall also recommend approval or disapproval of development and use permits and subdivision applications for projects on,~~

~~or adjacent to agricultural zoned lands pursuant to such policies as may be adopted by Resolution by the Board. (Ord. 2076(02/12/2002))~~

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~~Sec. A-II 42.9.11 Agricultural Commissioner Fees Reserved~~

~~The Agricultural Commissioner is hereby authorized to charge and collect fees for services provided by the Agricultural Commissioner and Sealer of Weights and Measures' staff, including wildlife services. A schedule of fees shall be adopted by Resolution of the Board of Supervisors, unless otherwise provided for under State or Federal law.~~

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