

ORDINANCE NO. 1691

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION) OF THE AMADOR COUNTY CODE RELATED TO SEPARATING THE OFFICE OF PUBLIC ADMINISTRATOR FROM THE OFFICE OF DISTRICT ATTORNEY, AND COMBINING IT WITH THE OFFICE OF PUBLIC GUARDIAN/CONSERVATOR

The Board of Supervisors of the County of Amador County ordains as follows:

SECTION 1. Recitals of Fact and Determinations in Support of Ordinance:

A. In 1996 the Amador County Board of Supervisors enacted Ordinance No. 1413, which consolidated the elected offices of district attorney and public administrator.

B. Effective January 1, 2010, Chapter 332, Statutes of 2009 amends Government Code section 24011 to provide that (1) Amador County may, by ordinance, provide that the public administrator shall be appointed by the Board of Supervisors, and the same person may be appointed as public administrator and public guardian; and (2) Amador County may separate the consolidated offices of district attorney and public administrator in order to make the appointments permitted above.

C. In order to achieve efficiencies and allow the district attorney to focus on law enforcement, Amador County has elected to separate the offices of district attorney and public administrator, and combine the appointive offices of public administrator and public guardian/conservator.

SECTION 2. Chapter 2.16 of the Amador County Code shall be deleted and the following revised Chapter 2.16 shall be adopted and substituted in its place:

**“Chapter 2.16  
District Attorney/Public Administrator**

Sections:

2.16.010 Separation of offices of district attorney and public administrator.

**2.16.010 Separation of offices of district attorney and public administrator.**

The offices of district attorney and public administrator shall be separated effective January 1, 2010 pursuant to the authority granted in California Government Code section 24011.

SECTION 3. Chapter 2.18 of the Amador County Code shall be deleted and the following revised Chapter 2.18 shall be adopted and substituted in its place:

**Chapter 2.18**  
**PUBLIC GUARDIAN/CONSERVATOR**

Sections:

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| 2.18.010 | Establishment of office.  |
| 2.18.015 | Public administrator as appointive officer.                                   |
| 2.18.020 | Appointment of public guardian/conservator.                                   |
| 2.18.025 | Offices of public administrator and public guardian/conservator consolidated. |
| 2.18.030 | Deputies and subordinates.  |
| 2.18.040 | Compensation.   |
| 2.18.050 | Conservatorship of gravely disabled persons.                                  |
| 2.18.060 | Bond.   |

2.18.010 Establishment of office.

Pursuant to the authority granted by Government Code section 27430, the office of public guardian/conservator is established within the county.

2.18.015 Appointment of Public Administrator.

Pursuant to the authority granted by Government Code section 24011, effective January 1, 2010 the office of public administrator is declared to be an appointive office. The public administrator shall be appointed by the board of supervisors, and shall serve at the pleasure of the board.

2.18.020 Appointment of public guardian/conservator.

The public guardian/conservator shall be appointed by the board of supervisors, and shall serve at the pleasure of the board. No person or agency shall be designated as public guardian whose agency functions present real conflict with the functions of conservatorship investigation or administration.

2.18.025 Offices of public administrator and public guardian/conservator consolidated.

A. Under the authority of Government Code section 24011, effective January 1, 2010 the duties of the offices of the county public administrator and the county public guardian/conservator are declared to be united and consolidated.

B. The office of the public administrator and the office of public guardian/conservator shall have as their respective executive heads one appointed officer.

C. The duties, rights and obligations of the respective separate offices shall be continued and combined for the public good as provided by law.

#### 2.18.030 Deputies and subordinates.

The board of supervisors may appoint deputy public administrators-public guardians/conservators and subordinate positions under the public administrator-public guardian/conservator's supervision.

#### 2.18.040 Compensation.

The compensation for serving as public administrator and public guardian/conservator shall be established by resolution of the board of supervisors. Any fees for services rendered by the public administrator and public guardian/conservator as ordered by the court shall be paid into the Amador County general fund.

#### 2.18.050 Conservatorship of gravely disabled persons.

The public guardian/conservator is designated as the investigating agency, pursuant to Welfare and Institutions Code Section 5351, to provide conservatorship investigation concerning persons alleged to be "gravely disabled," as defined in Welfare and Institutions Code Section 5008. The public guardian/conservator shall serve as conservator of any person found to be gravely disabled, if the court recommends the conservatorship after a conservatorship investigation, and the court finds that no other person or entity is willing and able to serve as such conservator.

#### 2.18.060 Bond.

The public guardian/conservator shall give an official bond in an amount fixed by the board of supervisors. The bond shall be for the joint benefit of the guardianship or conservatorship estates and the county. The public guardian/conservator may not be required to give a bond in an individual estate.

SECTION 4. This ordinance or a summary thereof shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the November 10<sup>th</sup> 2009, by the following vote:

AYES: John Plasse, Theodore Novelli, Louis D. Boitano, Richard M. Forster, and Brian Oneto

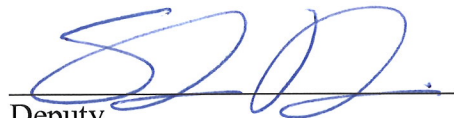
NOES: None

ABSENT: None

  
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Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County,  
California

  
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Deputy