

ORDINANCE NO. SCC 2023-02

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
CONSOLIDATING THE DEPARTMENT OF HOUSING AND COMMUNITY
ACTION PROGRAMS WITH THE HEALTH & HUMAN SERVICES AGENCY
BY AMENDING CHAPTER 2.28 OF THE SHASTA COUNTY CODE
AND REPEALING CHAPTER 2.68 OF THE SHASTA COUNTY CODE**

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

SECTION I. Amendments to Chapter 2.28 of the Shasta County Code

Chapter 2.28 of the Shasta County Code is amended to read in its entirety as follows:

Chapter 2.28

HEALTH & HUMAN SERVICES AGENCY

Sections:

2.28.010	Establishment of Health & Human Services Agency
2.28.020	Creation of Consolidated Office of Health & Human Services Agency Director
2.28.030	Subordinate Positions
2.28.040	Authorization to Appoint as Deputies the County Health Officer, and Subordinate Positions
2.28.050	Official Bond
2.28.070	County Health Officer
2.28.080	Organization of the Health & Human Services Agency

2.28.010 Establishment of Health & Human Services Agency

- A. Pursuant to sections 24308 and 33200 of the Government Code and section 18991 of the Welfare & Institutions Code, there is hereby established the Shasta County Health & Human Services Agency. The services and functions of the Shasta County Departments of Mental Health, Public Health, Social Services, and the Office of the Public Guardian are hereby integrated and consolidated into the Shasta County Health & Human Services Agency.
- B. Upon the approval by resolution of the Shasta County Board of Supervisors, acting in its capacity as the governing body of the Shasta County Housing Authority pursuant to Health and Safety Code section 34290 and Resolution

No. 71-116, the Shasta County Department of Housing and Community Action Programs shall be integrated and consolidated into the Shasta County Health & Human Services Agency. The Health & Human Services Agency will administer all programs and activities coming within the scope of authority granted by law to public housing authorities and community action agencies. The Health & Human Services Agency will administer the programs and activities in conformity with applicable federal and state law.

2.28.020 Creation of Consolidated Office of Health & Human Services Agency Director

- A. Pursuant to section 27430 of the Government Code, there is hereby created the office of the Public Guardian to perform the duties of that office established or permitted by law. Pursuant to section 10801 of the Welfare & Institutions Code, there is also the office of the Director of Social Services. Pursuant to sections 24308 and 33200 of the Government Code and section 18991 of the Welfare & Institutions Code, the duties of the offices of the Public Guardian and the Director of Social Services are hereby consolidated with the position of Health & Human Services Agency Director. The person appointed to fill the position of Health & Human Services Agency Director is hereby deemed to be the Public Guardian and the Director of Social Services.

- B. Pursuant to sections 5607 and 5608 of the Welfare & Institutions Code, there is the office of the Director of Mental Health Services.
 - 1. If the Health & Human Services Agency Director satisfies the standards established by state statute and regulation, in accordance with Welfare & Institutions Code section 5607, as now enacted and as may hereafter be amended, then pursuant to sections 24308 and 33200 of the Government Code and section 18991 of the Welfare & Institutions Code, the duties of the office of the Director of Mental Health Services shall be consolidated with the position of Health & Human Services Agency Director. The person appointed to fill the position of Health & Human Services Agency Director shall serve as the Director of Mental Health Services.

 - 2. If the Health & Human Services Agency Director does not satisfy the aforementioned standards, the Board of Supervisors shall appoint a separate Director of Mental Health Services who satisfies the standards, upon the recommendation of the Health and Human Services Agency Director, and who shall report to the Board of Supervisors through the Health & Human Services Agency Director. The person so appointed shall serve in the capacity of Director of Mental Health Services at the pleasure of the Board of

Supervisors. The salary for the position shall be fixed by ordinance or resolution of the Board of Supervisors.

- C. The position of Health & Human Services Agency Director shall be filled by the Board of Supervisors. The salary for the position shall be fixed by ordinance or resolution of the Board of Supervisors.
- D. The person appointed to fill the position of Health & Human Services Agency Director shall take the oath and give the bond required for the office of the Public Guardian and the office of the Director of Social Services (if any) and discharge all the duties pertaining to the office of Public Guardian, the office of the Director of Social Services, and the position of Health & Human Services Agency Director.
- E. The person appointed to fill the position of Director of Mental Health Services pursuant to either Section 2.28.020(B)(1) or (B)(2) of this Code shall also take the oath and give the bond required for the office of the Director of Mental Health Services (if any) and discharge all the duties pertaining to the office of the Director of Mental Health Services.
- F. The person appointed to fill the position of Health & Human Services Agency Director shall also direct and administer public health functions, pursuant to section 33201 of the Government Code.
- G. Pursuant to section 11800 of the Health & Safety Code, the Health & Human Services Agency is designated as the agency that shall administer the county alcohol and drug program. The Health & Human Services Agency Director may either serve as the alcohol and drug program administrator or may appoint an alcohol and drug program administrator who shall report to the Health & Human Services Agency Director.
- H. Upon approval by resolution by the Shasta County Board of Supervisors acting in its capacity as the governing body of the Shasta County Housing Authority pursuant to Health and Safety Code section 34290 and Resolution No. 71-116, the Health & Human Services Agency Director may either serve as the Executive Director of the Housing Authority or may designate a management employee to serve as the Executive Director of the Housing Authority. A management employee so designated by the Health and Human Services Agency Director will serve in the capacity of Executive Director of the Housing Authority at the pleasure of the Health & Human Services Agency Director.
- I. Pursuant to Government Code section 12752.1 and Resolution 73-117, the County of Shasta is designated the Community Action Agency for the County. The Health & Human Services Agency Director may serve as the

Executive Director of the Community Action Agency or may designate a management employee to serve as the Executive Director of the Community Action Agency. A management employee so designated by the Health and Human Services Agency Director will serve in the capacity of Executive Director of the Community Action Agency at the pleasure of the Health & Human Services Agency Director. The tripartite advisory board established pursuant to Government Code section 12752.1 shall not participate in the selection of an Executive Director for the Community Action Agency.

2.28.030 Subordinate Positions

The Board of Supervisors may, by ordinance or resolution, create such subordinate positions in the Health & Human Services Agency, and set the salaries thereof, as may be necessary.

2.28.040 Authorization to Appoint as Deputies the County Health Officer, and Subordinate Positions

- A. The person appointed to fill the consolidated office of Health & Human Services Agency Director established pursuant to Section 2.28.020 of this Code is authorized to appoint, as deputies, the County Health Officer, and such subordinate positions created pursuant to Section 2.28.030 of this Code, as necessary for the prompt and faithful discharge of the duties of the Office of Public Guardian, the Office of the Director of Social Services, and the position of Health & Human Services Agency Director.
- B. The person appointed to fill the position of Director of Mental Health Services pursuant to either Section 2.28.020(B)(1) or (B)(2) of this Code is authorized to appoint, as deputies, the County Health Officer, and such subordinate positions created pursuant to Section 2.28.030 of this Code, as necessary for the prompt and faithful discharge of the duties of the Office of the Director of Mental Health Services.

2.28.050 Official Bond

The official bond of the Public Guardian shall be fixed at five million dollars, or at such other amount the Board of Supervisors may, from time to time, fix by ordinance or resolution of the Board.

2.28.070 County Health Officer

- A. Pursuant to section 101000 of the Health & Safety Code, there is the office of the County Health Officer. The position of County Health Officer shall be filled by the Board of Supervisors. The salary for the position shall be fixed by ordinance or resolution of the Board of Supervisors.

- B. The person appointed to fill the office of County Health Officer shall take the oath and give the bond required for that office (if any), and discharge all the duties pertaining to the office of County Health Officer, except, in accordance with section 33201 of the Government Code, for the direction and administration of health functions, which are to be performed by the Health & Human Services Agency Director pursuant to section 2.28.020(F) of this Code. The person appointed to fill the office of County Health Officer is further authorized to perform the duties identified in section 2.28.040 of this Code if appointed as a deputy to perform such duties.

2.28.080 Organization of the Health & Human Services Agency

- A. The Health & Human Services Agency Director shall have the discretion to organize the services and functions consolidated and integrated into the Health & Human Services Agency in such manner that the Health & Human Services Agency Director determines to be in the best interest of performing those services and functions.
- B. Such discretion shall be exercised in accordance with any then existing laws, as well as County policies established by ordinance or resolution concerning any reorganization or restructuring of the functions and operations of a County department or division of a County department.
- C. Such discretion may not be used to impede the County Health Officer from carrying out the duties, services or functions required by law to be performed or discharged by the County Health Officer.
- D. Such discretion may not be used to impede the Director of Mental Health Services, appointed pursuant to Section 2.28.020(B)(2) of this Code, from carrying out the duties, services or functions required by law to be performed or discharged by the Director of Mental Health Services.
- E. In connection with the public health nursing functions of the Health & Human Services Agency, the final determination regarding issues of professional nursing practice shall be made by a person who is licensed as a registered nurse and certified as a public health nurse.
- F. The county alcohol and drug program shall be placed at the same administrative level and have responsibility similar to other major health programs in the county.

SECTION II. Repeal of Chapter 2.68 of the Shasta County Code

Chapter 2.68 of the Shasta County Code is hereby repealed in its entirety.

SECTION III.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance or its application to any person or circumstance is held invalid for any reason, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause, phrase, or provision thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions be declared unconstitutional or invalid.

SECTION IV.

All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this ordinance are hereby superseded by the Ordinance. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION V.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 28th day of March, 2023, by the Board of Supervisors of the County of Shasta, by the following vote:

AYES: Supervisors Garman, Rickert, Jones, Kelstrom, and Crye
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None



PATRICK JONES, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

MARY WILLIAMS
Acting Clerk of the Board of Supervisors

By:  _____
Deputy