



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: August 18, 2015

Subject: Introduce Ordinance No. 2015-20 to separate the Office of the Public Administrator from the Office of the District Attorney

### **RECOMMENDATION(S):**

CONSIDER introducing Ordinance No. 2015 - 20, to amend the County Ordinance Code to separate the Office of the Public Administrator from the Office of the District Attorney and change the Office of the Public Administrator to an appointive office, effective October 1, 2015; WAIVE reading; and FIX August 25, 2015 for adoption.

### **FISCAL IMPACT:**

There is no fiscal impact to this specific Board action. However, we anticipate separating the Public Administrator functions from the District Attorney's Office will result in a request for a general fund allocation to cover expenses such as staffing support and shared software and information technology infrastructure, previously provided through the District Attorney's Office. An appropriation adjustment will be submitted at a later date, tentatively for the September 15, 2015 Board of Supervisors meeting.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/18/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

#### **VOTE OF SUPERVISORS**

AYE: John Gioia, District I  
Supervisor  
Candace Andersen, District II  
Supervisor  
Mary N. Piepho, District III  
Supervisor  
Karen Mitchoff, District IV  
Supervisor

ABSENT: Federal D. Glover, District V  
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 18, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Enid Mendoza, (925)  
335-1039

cc:

## BACKGROUND:

State law establishes numerous county officers, including a public administrator and a public guardian. A county public administrator administers the estates of people who die without a will, any known relatives, or any other qualified person willing or able to administer their estates. A county public guardian acts as the legally appointed guardian or conservator for people found to be unable to properly care for themselves or their finances.

Before 2014, Government Code section 24011 allowed eight counties to consolidate the offices of public administrator and public guardian: Solano County, Glenn County, Sonoma County, Lassen County, Monterey County, Ventura County, Kings County, and Amador County. The same statute authorized ten counties to separate the consolidated offices of district attorney and public administrator: Mendocino County, Lake County, Madera County, Trinity County, Tuolumne County, Glenn County, Napa County, Lassen County, and Amador County.

Currently in Contra Costa County, the public administrator function resides with the District Attorney's Office, while the public guardian function resides with the Health Services Department. In 2014, the Legislature enacted SB 803, to amend Government Code section 24011 to allow Contra Costa County to separate the offices of district attorney and public administrator, and to convert the office of public administrator from an elected to an appointed position in order to allow the County to appoint the same person to the offices of the public administrator and public guardian.

The County Administrator's Office recognizes that the Public Guardian and the Public Administrator perform closely related and similar duties. Both officials protect and manage the estates of descendants and at-risk individuals who are unable to make decisions. Both offices' duties and routines are governed by the same or similar laws, court rules and procedures; and both are regulated by and appear before the Probate Court.

If this action is approved, the County Administrator's Office will:

1. Submit a Board Order with the attached Ordinance (2015-20), including any revision(s) requested by the Board, for adoption at the August 25, 2015 Board meeting.
2. Once this Ordinance is adopted, the County Administrator's Office will submit a future Board Order and Resolution, tentatively for the September 15th Board of Supervisors agenda with the following actions to officially transition the functions of the Public Administrator to the Health Services Department:
  - Adopt a resolution to appoint the Health Services Director as the Public Guardian and as the Public Administrator pursuant to Government Code sections 27431 and 24011 and Ordinance No. 2015-20, and rescind and supersede Resolution 84/346 that appointed William B. Walker, M.D., as the Public Guardian;
  - Approve appropriation and revenue adjustments to transfer Public

Administrator specific revenues and appropriations from the District Attorney's Office to the Health Services Department, and adjust the Public Administrator budget to fully fund their operations;

- Adopt a Position Adjustment Resolution to establish new Public Administrator classifications (represented and unrepresented) in the Health Services Department, reclassify the incumbents to the new Public Administrator classifications and positions assigned to the Health Services Department, and abolish the existing Public Administrator classifications.

## ATTACHMENTS

Ordinance 2015-20