



Yolanda Baldovinos  
Agency Director

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June 7, 2010

Honorable Board of Supervisors  
Administration Building  
Oakland, CA 94612

Dear Board Members:

SUBJECT: Amending Chapter 2.56 and Chapter 2.102 of the Alameda County Administrative Code, Repealing Section 2.56.130 of Title 2 of the Ordinance Code Relating to the Public Administrator making the designated Alameda County Public Guardian also the Public Administrator, and Changing Official Name of the Sheriff's Department to Sheriff's Office

**RECOMMENDATION:**

To transfer responsibilities of the Public Administrator from the Sheriff's Department to the Social Services Agency (SSA), it is recommended that your Board:

1. Approve the attached ordinance amending Chapter 2.56 and Chapter 2.102 of the Administrative Code of Alameda County.
2. Repeal Section 2.56.130 of Title 2 of the Ordinance Code relating to the Public Administrator.

**SUMMARY/DISCUSSION:**

This letter requests action by your Board to approve changes to County Ordinance necessary to transfer Public Administrator responsibilities and associated trust accounts from the Sheriff's Department to the SSA.

All California counties have a designated Public Administrator (PA) and Public Guardian Conservator (PG-C). The Public Administrator is responsible for administering the estates of decedents when there is no executor or when there is no other person qualified or willing to serve as administrator. Public Guardian-Conservators oversee health care and manage estates for persons who have been adjudicated by Superior Court to lack the capacity to make their own health care decisions, manage money, or who are gravely disabled. This change will consolidate the PA and PG-C programs within the Social Services Agency as a means of providing more efficient county services.

Nearly one-half of California counties have consolidated Public Administrator and Public Guardian-Conservator programs, including San Francisco, Santa Clara, and Sacramento Counties. In each of these three large counties, the program is in human or social services departments.

Public Administrator fiduciary responsibilities are compatible with Public Guardian-Conservator duties. Given the level of expertise, stability, and numbers of PG-C staff, the volume of PA cases can be increased to better serve the community. The PG-C program is fully staffed with a stable and professional workforce.

The change in the official name to Sheriff's Office was requested by the Sheriff's Department.

All recommended amendments to the County Ordinance have been drafted and signed off by County Counsel.

**FINANCING:**

The financial impacts resulting from the Board's approval of the recommended changes are reflected in the two agencies' proposed budgets.

Sincerely,



Yolanda Baldovinos  
Social Services Agency Director



Gregory J. Ahern  
Sheriff-Coroner

Attachments: Revised Ordinance

cc: Auditor  
County Administrator  
County Counsel

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTERS 2.56 AND 2.102 AND REPEALING  
SECTION 2.56.130 OF TITLE 2 OF THE ORDINANCE  
CODE OF THE COUNTY OF ALAMEDA RELATING  
TO THE PUBLIC ADMINISTRATOR**

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

**SECTION I**

The title of Chapter 2.56 of the Administrative Code of the County of Alameda is amended to read:

Chapter 2.56 – SHERIFF'S OFFICE

The text of Section 2.56.010 of the Administrative Code of the County of Alameda is amended to read:

There is in the county a Sheriff's Department, hereafter in this chapter referred to as the Sheriff's Office.

The text of Section 2.56.020 of the Administrative Code of the County of Alameda is amended to read:

The executive officer of the Sheriff's Office is the Sheriff-Coroner elected as provided in the Charter and state law.

Section 2.56.130 of the Administrative Code of the County of Alameda is repealed.

**SECTION II**

The title of Chapter 2.102 of the Administrative Code of the County of Alameda is amended to read:

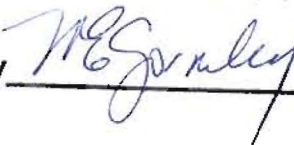
Chapter 2.102 – SOCIAL SERVICES AGENCY – PUBLIC ADMINISTRATOR

The title and text of Section 2.102.050 of the Administrative Code of the County of Alameda are amended to read:

2.102.050 – Public Guardian and Public Administrator

Pursuant to state law, the director of social services or his/her designee is designated as Alameda County Public Guardian. The person so designated is hereby also appointed Public Administrator.

APPROVED AS TO FORM  
RICHARD E. WINNIE

By 

Section 2.102.070 is added to the Administrative Code of the County of Alameda to read:

**2.102.070 – General powers and duties—Public Administrator.**

The public administrator shall be vested with the powers and perform the duties as prescribed by state law and ordinances not inconsistent therewith which shall include, but not by way of limitation:

- A.** To take immediate charge of the property located within the county belonging to persons who have died and when no next of kin entitled to act resides in California, or when no executor or administrator has been appointed by the court, or when persons legally entitled refuse to act, or none such can be located, and in consequence thereof, the property, or any part thereof, is, or appears to be, in danger of being wasted, uncared for or lost, and of all estates ordered into his/her hands by the court;
- B.** To apply for letters of administration upon the estates of decedents who have no known heirs, and such letters upon any other estate which he/she is entitled by law to administer;
- C.** To search for and, when found, to safeguard assets of such estates;
- D.** To locate and notify heirs, search for wills and, when found, to file same with county clerk and notify named executors; if executor cannot be located, or has died, to take appropriate action;
- E.** To make arrangements with consent of the heirs, or, if there be no known heirs, to exercise the best judgment as to the wishes of the decedent regarding burial;
- F.** To take care of, and petition the court for authority to act in matter concerning the property belonging to indigent or unclaimed dead;
- G.** Upon request of the board of supervisors, to take charge of property of alien indigents who are returned, or are being returned, by the county to their native lands;
- H.** To perform all other acts necessary to legally administer proper estates coming into his/her charge as set forth by state law and/or as ordered by the Superior Court.



**SECTION III**  
**Effective Date**

A. This ordinance shall take effect and be in force thirty (30) days from and after the date of passage.

B. Before the expiration of fifteen (15) days after its passage, it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on \_\_\_\_\_, 2010 by the following called vote:

AYES:

NOES:

EXCUSED: \_\_\_\_\_

\_\_\_\_\_  
ALICE LAI-BITKER  
President of the Board of Supervisors  
County of Alameda, State of California

ATTEST: CRYSTAL K. HISHIDA  
Clerk of the Board of Supervisors, County of Alameda

By \_\_\_\_\_