

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO
AMENDING CHAPTER 2.44 OF THE MENDOCINO COUNTY CODE CONCERNING THE
DEPARTMENT OF PUBLIC HEALTH TO ESTABLISH THE POSITION OF DIRECTOR OF
HEALTH SERVICES AND TO UPDATE TO CURRENT LAW AND PRACTICES**

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

SECTION I

Chapter 2.44 of Title 2 of the Mendocino County Code is amended to read as follows:

CHAPTER – 2.44 – DEPARTMENT OF PUBLIC HEALTH

Sec. 2.44.010 – County Department of Public Health—Established.

In compliance with Section ~~450~~ 101025, California Health and Safety Code, the full-time Mendocino County Department of Public Health (“Public Health Department”) is hereby established, and its personnel, services, functions, and administration shall conform to the minimum requirements of the State of California ~~Department of Public Health~~ Regulations governing State and Federal Financial assistance to local health departments. ~~In accordance with directives from, including the State of provision of basic services identified in Title 17, California Division of Local Health Services, setting forth minimum requirements~~ Code of Regulations, section 1276, as to personnel, standards it now reads and services and recommending minimum salaries, travel allowances, laboratory services, capital outlay, maintenance and operational expenses, the following sections of this Chapter are herein authorized, ordained and provided for as it may be amended.

Sec. 2.44.020 – Qualifications for the Position of County Health Officer; Tenure.

A. _____ There shall be a County Health Officer, who shall ~~hold the degree be a graduate of Doctora medical school of Medicine, licensed good standing and repute and shall be eligible for a license to practice medicine and surgery in the State of California; he. The County Health Officer shall serve full-time as provided for in the Title 17, California Administrative Code of Regulations, Section 1250; he shall be responsible to the Board of Supervisors for the over-all administration of the County Health Department, and he shall not engage in the private practice of medicine. The County Health Officer shall make every effort to provide qualified persons to fill all and no other positions of employment hereinafter provided for. A properly certified and otherwise qualified applicant shall be appointed upon receipt of his or her application whenever a vacancy occurs or exists, in accordance with employment procedures herein set forth.~~ activities shall interfere with performance of the County Health Officer’s official duties. The County Health Officer shall be appointed by the Board of Supervisors and shall serve at its pleasure.

B. _____ The person appointed to fill the office of County Health Officer shall discharge all duties pertaining to the office of County Health Officer, except, in accordance with section 33201 of the Government Code, the direction and administration of the Department of Public Health, which duties are to be performed by the Director of Health Services pursuant to section 2.44.025 of this Code.

Sec. 2.44.025 — ~~Public Health~~ Director of Health Services.

A. There shall be a County ~~Public Health~~ Director of Health Services who shall direct and administer the Public Health Department, pursuant to section 33201 of the Government Code.

B. The County Director of Health Services shall also direct and administer the County Department of Behavioral Health and Recovery Services.

C. Pursuant to Sections 5607 and 5608 of the Welfare and Institutions Code, there is the office of the local director of mental health services.

1. If the County Director of Health Services satisfies the standards established by state statute and regulation, in accordance with Welfare and Institutions Code Section 5607, as now enacted and as may hereafter be amended, then the duties of the office of the local director of mental health services shall be consolidated with the position of County Director of Health Services. The person appointed by and serve to fill the position of County Director of Health Services shall serve as the local director of mental health services.

2. If the County Director of Health Services does not satisfy the aforementioned standards, the board of supervisors shall appoint a separate local director of mental health services who satisfies the standards, upon the recommendation of the County Director of Health Services, and who shall report to the board of supervisors through the County Director of Health Services. The person so appointed shall serve in the capacity of local director of mental health services at the pleasure and will of the County Chief Executive Officer, and shall perform those duties and responsibilities assigned by board of supervisors. The salary for the position shall be fixed by ordinance or resolution of the board of supervisors.

D. The County Director of Health Services shall be appointed by and serve at the pleasure and will of the Board of Supervisors. The salary for the position shall be fixed by ordinance or resolution of the Board of Supervisors acting through the County Chief Executive Officer. The County Director of Health Services shall report to the Board of Supervisors through the Chief Executive Officer.

E. The County Director of Health Services may organize the administrative functions of the Public Health Department and County Department of Behavioral Health and Recovery Services in such a manner that the County Director of Health Services determines to be in the best interest of performing such administrative functions, subject to the following:

1. The Public Health Department and the County Department of Behavioral Health and Recovery Services shall remain as separate County departments.

2. The organization of administrative functions shall be performed in accordance with any then-existing laws, as well as County policies established by ordinance or resolution concerning the organization of the functions and operations of County departments.

3. Pursuant to Government Code section 33202, the organization of administrative functions 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.

4. The organization of administrative functions may not be used to impede the local director of mental health services, appointed pursuant to Section 2.44.025(C)(2) of this code, from

carrying out the duties, services or functions required by law to be performed or discharged by the local director of mental health services.

5. In connection with public health nursing functions, 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. Any and all references in Mendocino County ordinances, resolutions, policies, rules, regulations, contracts, and all other official Mendocino County acts, to "Director of Public Health", "Director of Behavioral Health and Recovery Services," "Director of Mental Health," and similarly worded titles, shall be construed as a reference to the County Director of Health Services.

Sec. 2.44.030 – Other Public Health Department Positions; Qualifications; Powers and Duties.

~~All other Health Department positions hereinafter set forth shall be filled or vacated as follows: All recommendations for appointment or dismissal shall be submitted by the County Health Officer to the Board of Supervisors who shall act as a Health Department personnel board; they shall act to confirm or deny said recommendations at their first regular meeting thereafter. All Health Department employees shall have first priority in the filling of vacancies occurring in a higher position, provided said employees meet the State minimum educational, professional and experience requirements for the position. All actions of the board in appointments, promotions or dismissals relative to Health Department positions shall be in writing, and due notice by letter shall be delivered, mailed or handed to those persons or employees concerned. Subject to the aforementioned terms and conditions, the following positions of employment are hereby created and provided for:~~

~~(a) — Director of Sanitation; who shall be a registered sanitarian meeting the minimum requirements of Section 541, State of California Health and Safety Code; he shall perform duties of supervision over activities relating to food products, food establishments, water supplies, sewage disposal, housing and animal regulations and in the development of departmental food handler training programs; he shall also serve as a field inspector in a regular district in addition to his supervisory duties.~~

~~(b) — Director of Public Health Nursing; who shall hold at least a Bachelor of Science degree in Public Health Nursing, plus a certificate of Public Health Nursing from the State of California Department of Public Health; in addition, she shall have had three (3) years experience as a public health nurse, two (2) of which shall have been in a recognized health department having a generalized nursing program. She shall supervise a generalized State approved public health nursing program, and in addition, she shall work in a district as a field staff nurse when necessary.~~

~~(c) — A Staff Sanitarian; who shall hold a certificate of registration as a sanitarian from the State of California Department of Public Health; he shall reside in or near to the city of Fort Bragg; his duties shall be in the field of environmental sanitation as assigned, but shall be confined to a district set upon the west side of the County. The west side sanitarian shall keep adequate records of his activities on file in the west side office, with carbon copies to the main office in Ukiah.~~

~~(d) — Two (2) Public Health Nurses; who shall be registered nurses, and each shall possess a valid certificate of Public Health Nursing from the State of California Department of Public Health; they both shall do general duty field work as assigned; provided, however, that one of these public health nurses shall live in or near the city of Fort Bragg, and she shall be assigned to a generalized~~

~~public health nursing program under the direction of the Director of Nurses, in a district set upon the west side of the County; she shall keep adequate records on file in the west side office. The other position shall be to assist the Director of Nurses, and she shall reside in or near Ukiah for the purposes of east side duty assignments.~~

~~(e) — Senior Clerk; who shall be a qualified stenographer; she shall be responsible for the filing and safekeeping of all office records, and she shall perform other clerical duties as assigned by the health officer or his authorized representative.~~

~~(f) — Junior Clerk; whose principal duties shall be to assist the nurses and sanitarians in preparing laboratory specimens for mailing or transportation, and she shall prepare and file all necessary records in connection therewith, and as time permits shall perform other clerical duties as assigned by the Health Officer or his authorized representative.~~

The Board of Supervisors may, by ordinance or resolution, create such subordinate positions in the Public Health Department, and set the salaries thereof, as may be necessary, and consistent with the state regulations for local health service, commencing with Title 17, California Code of Regulations, section 1250 et seq., as they now read and as they may be amended.

Sec. 2.44.035 – Power of ~~Registered Sanitarians~~ Environmental Health Specialists to Issue Citations.

Any person holding a position in the ~~Mendocino County Public Health~~ Department ~~of Public Health~~, who is also a registered ~~sanitarian under Section 541~~ environmental health specialist under Sections 106600, et seq. of the Health and Safety Code of the State of California, is authorized to issue citations to any person whom ~~he~~ the registered environmental health specialist has reasonable cause to believe has committed a misdemeanor in ~~his~~ the registered environmental health specialist's presence which is a violation of any of the following statutes and ordinances:

- (1) Statutes relative to public health.
- (2) Such rules and regulations of the State ~~Board of Public Health~~ and any local ordinances of a city, county, or local health district that relate to activities under subdivision (e) of Section 106615 of the inspection of food products, water supplies, sewage disposal, food establishments, general sanitation, or housing Health & Safety Code, as it now reads and as it may be amended.
- (3) Orders, rules, and regulations of the Mendocino County Air Pollution Control District.

Sec. 2.44.040 – Automobile Work Required.

~~The County Health Officer, Director of Nurses, Director of Sanitation, Sanitarian, and the two (2) Public Health Nurses shall each be required to own and have full possession of an automobile in serviceable condition, and each such automobile shall be available at all times for use by its owner in carrying on, or performing necessary County Health Department official business. Each such employee required to own and furnish an automobile for official business shall be paid his or her mileage and expenses incurred by him or her while so traveling as provided for by minute order of the Board of Supervisors.~~

2.44.050 — Full-Time Work Required.

All County Health Department employees shall work full time, and All Public Health Department employees shall not engage in any business or other enterprise that curtails or interferes with their service to the County of Mendocino. Their conduct while on duty shall be of high standards

commensurate with ~~Business and Professional Code~~ all legal requirements for their respective positions or professions. They shall also perform their required tasks in such a manner as to meet all State of California minimum requirements necessary to keep the CountyPublic Health Department in a state of continuous eligibility for State and Federal financial aid.

Sec. 2.44.0~~60~~50 – Contracts for Laboratory Services.

The Board of Supervisors ~~shall~~may negotiate contract agreements annually for full coverage of laboratory services necessary in carrying out the duties of the CountyPublic Health Department ~~in accordance with Title 17, California Code of Regulations, section 1084, as it now reads and as it may be amended.~~ Said contracts for laboratory services ~~shall be at the ratio of Ten Cents (\$.10) per capita as outlined by the California State Department of Public Health and~~ may be negotiated with a State Health Department laboratory, or with a local or privately owned laboratory if such laboratory meets the standards of personnel and equipment required by State Health Department Regulations. ~~If and when the~~ County of Mendocino Public Health Department provides ~~their~~its own laboratory and technician, these contract agreements will no longer be required

Sec. 2.44.0~~70~~60 – Contracts with Cities Within Mendocino County.

~~In compliance with regulations for State and Federal financial aid Pursuant to the County Health Department & Safety Code sections 101400 and 101410, the Board of Supervisors agrees to may~~ negotiate contract agreements with the governing bodies of the incorporated cities within Mendocino County for ~~full-time Public Health Service, free of charge; the performance by the County Health Officer and other county employees of any and all enforcement functions within the city related to ordinances of public health and sanitation, and all inspections and other related functions and~~ said contracts to be drawn separately with each city at any time the said governing bodies thereof so request. ~~These contract agreements for health services shall provide that all County Health Department personnel, facilities, or equipment shall be available to the cities in exactly the same manner and to the same extent as are provided in the unincorporated areas of the County.~~

Sec. 2.44.0~~80~~70 – Office Space and Housing in Fort Bragg and Ukiah

~~Provision shall be made for office space in Fort Bragg sufficient to carry on the full-time Health Department activities of one (1) sanitarian and one (1) public health nurse; said office space is to be provided in existing publicly-owned structures if possible. All other office space or housing necessary to carry on the full-time activities of the County Health Department shall be provided within or adjacent to the City of Ukiah, in existing County owned structures until such time as the Board of Supervisors elect to provide other quarters.~~

~~The Public Health Department shall maintain and operate a central office and headquarters on a full-time basis during the normal work week of the County, in accordance with Title 17, California Code of Regulations, section 1251, as it now reads and as it may be amended.~~

Sec. 2.44.0~~90~~80 – Budget Contingent Upon State and/or Federal Aid.

All budgetary commitments herein provided for by the Board of Supervisors are contingent upon the receipt of State of California and/or Federal Financial Aid to the County Public Health Department. If subsequent State or Federal legislation should ever cause the curtailment of, or the complete cessation of financial aid, the Board of Supervisors may, at their pleasure, revise

this Chapter to conform to the County's ability to pay for the basic needs as may be indicated at that time.

Sec. 2.44.100090 – Certain Sections of the California Health and Safety Code Incorporated by Reference; Penalties.

All clauses, sections, sentences, or phrases of the State of California Health and Safety Code now in effect, or that may hereinafter be enacted, which places the responsibility for their enforcement upon the County Health Officer, are hereby made a part of this Chapter, and ~~the violations of it shall be a misdemeanor to violate~~ the provisions thereof, by any person, firm, corporation, or partnership, ~~shall, upon conviction, be punishable by not to exceed a fine of Five Hundred Dollars (\$500.00), or by imprisonment in the County jail for a term not to exceed six (6) months, or by both fine and imprisonment.~~ The Health Officer and ~~his~~ their authorized deputies, agents, and inspectors are charged with the enforcement of this section, and they shall take whatever steps ~~as are~~ necessary to bring about reasonable and just enforcement of those portions of State statutes that are incorporated herein.

SECTION II.

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 III.

All former ordinances and resolutions, or parts thereof, 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 or deposited pursuant to such ordinance.

SECTION IV.

This ordinance shall take effect and be in full force and effect 30 days after its passage. This ordinance shall be made operative retroactive to June 4, 2024. The Clerk shall cause this ordinance to be published as required by law.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2025, by the following roll call vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted
and **SO ORDERED**.

ATTEST: DARCIE ANTLE
Clerk of the Board

Deputy

APPROVED AS TO FORM:
CHARLOTTE E. SCOTT,
County Counsel

, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the
provisions of Government Code section
25103, delivery of this document has
been made.

BY: DARCIE ANTLE
Clerk of the Board

Deputy