

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 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 Regulations governing State and Federal Financial assistance to local health departments, including the provision of basic services identified in Title 17, California Code of Regulations, section 1276, as it now reads and 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 be a graduate of a medical school of good standing and repute and shall be eligible for a license to practice medicine and surgery in the State of California. The County Health Officer shall serve as provided for in Title 17, California Code of Regulations, Section 1250 and no other 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 – Director of Health Services.

A. There shall be a County 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 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 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. 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.

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 Environmental Health Specialists to Issue Citations.

Any person holding a position in the Public Health Department, who is also a registered 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 the registered environmental health specialist has reasonable cause to believe has committed a misdemeanor in 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 and any local ordinances of a city, county, or local health district that relate to activities under subdivision (e) of Section 106615 of the 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 – Work Required.

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 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 Public Health Department in a state of continuous eligibility for State and Federal financial aid.

Sec. 2.44.050 – Contracts for Laboratory Services.

The Board of Supervisors may negotiate contract agreements annually for full coverage of laboratory services necessary in carrying out the duties of the Public 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 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 Public Health Department provides its own laboratory and technician, these contract agreements will no longer be required.

Sec. 2.44.060 – Contracts with Cities Within Mendocino County.

Pursuant to Health & Safety Code sections 101400 and 101410, the Board of Supervisors may negotiate contract agreements with the governing bodies of the incorporated cities within Mendocino County for 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.

Sec. 2.44.070 – Office Space

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. 2.44.080 – 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 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. 2.44.090 – 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 it shall be a misdemeanor to violate the provisions thereof, by any person, firm, corporation, or partnership. The County Health Officer and their authorized deputies, agents, and inspectors are charged with the enforcement of this section, and they shall take whatever steps 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