

[Administrative Code - Public Administrator/Public Guardian Representative Payee Fee]

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Ordinance amending the Administrative Code to increase the monthly fee for representative payee services to \$39 dollars per month; and making environmental findings.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strike through normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are exempt from the California Environmental Quality Act (California Public Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 130542 and is incorporated herein by reference.

Section 2. The Administrative Code is hereby amended by amending Section 2A.211-A, to read as follows:

SEC. 2A.211-A. Public Administrator/Public Guardian Representative Payee Program.

(a) Findings. The Board of Supervisors finds that there are residents of the City and County of San Francisco who are recipients of Social Security Administration benefits, Department of Veteran's Affairs benefits, General Assistance, and other income from public and private sources who are unable to manage such income to their best advantage.

There are also residents of the City and County of San Francisco who are denied the payment of Social Security Administration benefits, Department of Veteran's Affairs benefits, General Assistance, and other income from public and private sources

1 because of mental and/or physical disability who would benefit from assistance in applying for
2 and managing funds.

3 Therefore, the Board of Supervisors authorizes the Public Administrator-Public
4 Guardian, pursuant to permission of the client, to receive, manage, and disburse income and
5 benefits from public and private sources for those persons who receive such aid, but are
6 unable to manage their funds.

7 And, further, that the Public Administrator-Public Guardian is authorized,
8 pursuant to permission of the client, to provide assistance in applying for public and private
9 resources to which the client may be entitled, but which are withheld or not paid because of a
10 determination from the funding source that the recipient is incapable of managing such funds.

11 **(b) Public Guardian Representative Payee Program.** There shall be a
12 program called the Public Guardian Representative Payee Program (hereinafter, "Program")
13 created in the Office of the Public Administrator-Public Guardian. Upon agreement with the
14 client, the Program may provide the following services:

15 (1) Collect and deposit entitlement checks and other income into
16 accounts managed by the Public Administrator-Public Guardian.

17 (2) Redirect the client's bills including, but not limited to, rent and utility
18 bills to the Program and pay these bills with the client's funds.

19 (3) Make disbursements from the client's share of funds for the client's
20 personal needs.

21 (4) The Public Administrator-Public Guardian shall charge each client a
22 monthly fee for services provided through the Representative Payee Program as authorized
23 by California Government Code Section 27436 and the Social Security Independence and
24 Programs Improvement Act of 1994, (P.L. 103-296) 42 U.S.C. 1007, unless such client is otherwise
25 legally exempt from payment of the fee. Clients demonstrating an inability to pay may qualify

1 for a discretionary waiver of the fee as determined by the Public Administrator-Public
2 Guardian or their designee.

3 (c) Fee for Services. For fiscal years 2013-14 and 2014-15, the fee shall be \$39 per
4 month. The dollar fee limits are subject to increase by the cost-of-living adjustment, with the resulting
5 amounts rounded to the nearest whole dollar amount.

6 **(d) Refunds.** Upon discharge or withdrawal from the Program, any and all
7 amounts on deposit in the name of the client shall be refunded to him or her, or the
8 succeeding fiduciary, if applicable.

9 **(e) Records.** The Public Administrator-Public Guardian shall cause full, true
10 and correct records to be maintained, on a current basis, regarding the receipt and
11 disbursement of all moneys belonging to any such client on deposit in accounts managed by
12 the Public Administrator-Public Guardian. Clear and current records must be maintained
13 showing all credits to and debits from the account for each individual client, as well as each
14 client's current share and balance in the account.

15 **(f) Fiduciary.** The Public Administrator-Public Guardian shall keep records as
16 befits a fiduciary entrusted with a client's funds.

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18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

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21 By: _____
22 ALEETA M. VAN RUNKLE
23 Deputy City Attorney

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