

# San Mateo County Charter



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# **SAN MATEO COUNTY CHARTER**

## **Forward**

The general purpose of a county charter is to provide a measure of home rule to the counties of the state. Authority to adopt charters is conferred upon counties by Article XI, Section 7 1/2, of the Constitution of the State of California.

Such charters, when ratified by the voters of the county and accepted and filed by the Secretary of State, become the organic law of the counties relative to matters therein which are authorized by the State Constitution, and supersede all laws inconsistent therewith.

As provided by the Government Code of the State of California, the Clerk of the Board of Supervisors, or the County Clerk, if serving as ex-officio Clerk of the Board of Supervisors, is the official custodian of the County Ordinance Code and the County Charter in Counties that have adopted a County Charter.

It is the responsibility of the Clerk to insure that any and all amendments, additions and deletions are properly made and incorporated into the Charter, and that the Secretary of State be properly notified, within thirty (30) days of any changes to the Charter, and that the Secretary of State's Certification of Change be filed in the Clerk's office.

The Charter of the County of San Mateo was duly ratified by the qualified electors of the county at an election held on the 8th day of November 1932, was approved by the State Legislature and filed in the office of the Secretary of State of California on the 28th day of January 1933. Since that time, the Charter has been amended by the electorate in November 1936; June 1937; November 1940; November 1942; November 1946; November 1948; November 1956; April 1961; April 1965; November 1966; June 1970; June 1972; November 1972; June 1974; March 1977 and June 1978.

The first complete revision of the Charter was ratified by the voters November 7, 1978, and filed with the Secretary of State on November 30, 1978. Since that time, the Charter was amended by the electorate in November 1980, November 1987, and June 1993. A second complete revision of the charter was ratified by the voters on November 7, 1995. After this second revision, the Charter was amended by the electorate in November 2004, November 2010, and November 2012.

## **Preamble**

We, the people of San Mateo County, adopt this Charter to provide a local government responsive to our social, economic, physical and environmental needs and goals in a democratic, just and efficient manner.

## **ARTICLE I - POWERS OF THE ELECTORS**

### ***101. Elections.***

Except as otherwise provided in this Charter, all elections to nominate or elect candidates and to vote on ballot questions shall be conducted pursuant to the general law of the State of California.

Candidates shall pay for the cost of their statement of qualifications in the ballot pamphlet unless the Board of Supervisors determines otherwise.

### ***102. Initiative, Referendum, Recall and Charter Change.***

The electors of the County may by majority vote and pursuant to general law:

- a. Exercise the powers of initiative and referendum.
- b. Recall an elected officer who has held office for six months.
- c. Amend, revise or repeal this Charter.

## **ARTICLE II - BOARD OF SUPERVISORS**

### ***201. Governing Body.***

The Board of Supervisors is the governing body of the County of San Mateo. The Board consists of five members.

### ***202. Election.***

Supervisors are elected by district. The five supervisorial districts shall be apportioned by ordinance pursuant to general law.

Candidates for the office of Supervisor shall be electors in the district which they seek to represent. If a Supervisor ceases to reside in that district, the seat becomes vacant.

Except as otherwise provided in this Charter, Supervisors shall be nominated and elected pursuant to general law for a term of four years. Supervisors shall not be eligible for election to nor serve more than three consecutive terms in office. (Amended November 2012.)

### ***203. Vacancies.***

If a vacancy occurs on the Board of Supervisors at any time on or before October 15th of the third calendar year of a term, the Board shall, within 30 days of the effective date of the vacancy, order the calling of a special election to fill the vacancy. If the Board does not call a special election within 30 days, the county officer responsible for conducting elections shall

immediately order a special election to be called to fill the vacancy. For purposes of this section, the special election may be conducted as an all-mailed ballot election, at the discretion of the Board or the county officer responsible for conducting elections, as applicable. The special election shall be held not less than 102 days and not more than 131 days from the order calling the election, except that it may be held on an election date regularly established by general law if that date falls within 180 days from the order calling the special election. The election shall be conducted pursuant to the general law governing the direct primary so far as applicable, except the county officer responsible for conducting county elections may prescribe the periods for securing signatures in lieu of a filing fee, for circulating and filing nomination papers, for publishing the notice of election and for applying for absentee ballots. The candidate receiving the highest number of votes, irrespective of whether a majority of votes are received, is elected for the remainder of the term.

If the vacancy occurs after October 15th of the third calendar year of a term, the Board shall within 45 days of the effective date of the vacancy, either call a special election, make an appointment, or determine to leave the office vacant until the end of the term. If a special election is called, it shall be held on the earliest date that is administratively possible as determined in consultation with the county officer responsible for conducting elections. Any appointment or calling of the special election must be by a minimum of three votes of the remaining members of the Board of Supervisors. In the event three votes cannot be obtained, the vacancy shall remain unfilled for the remainder of the term.

For purposes of determining the number of consecutive terms that a member of the Board of Supervisors may serve under Section 202 of this Charter, any person elected to fill a vacancy on the Board will be considered to have served one full term if there are two or more years remaining in the term determined as of the date of election to fill the vacancy; and any person appointed to fill a vacancy, or elected to fill a vacancy on the Board with less than two years remaining in the term as of the date of election to fill the vacancy, will not be considered to have served a term.

Any written letter of resignation from a member of the Board of Supervisors shall be delivered to the Clerk of the Board of Supervisors, and shall be irrevocable when delivered. The process to fill a vacancy under this Section may be commenced immediately on the date the resignation is filed, irrespective of whether a deferred effective date is specified in the resignation. In any instance where a successor is elected or appointed to by the Board under this section prior to the deferred effective date specified in the letter of resignation, the successor shall take office when the deferred resignation becomes effective by the terms of the letter of resignation. (Amended November 2010.)

#### ***204. Ineligibility for Appointments.***

No Supervisor during the term of office or for one year thereafter is eligible for appointment to any County office, position or employment carrying compensation except for reimbursement of authorized expenses.

## ***205. Meetings.***

The Board shall provide by ordinance for the manner, time and place of holding all regular meetings and for the procedure for calling special meetings.

## ***206. Powers and Duties.***

The Board of Supervisors shall have all the powers and shall perform all the duties vested in it by the Constitution, general law and this Charter.

- a. The Board shall:
  - (1) Appoint, suspend or remove the County Manager and at least once each year review and appraise the Manager's performance.
  - (2) Appoint or remove for cause members of boards, commissions, and advisory committees. A member of a board, commission or advisory committee may be removed without cause upon a four-fifths (4/5) vote of the Board of Supervisors.
  - (3) Adopt the annual budget.
  - (4) Provide for the number, powers and duties of all appointed officers and employees.
  - (5) Establish by ordinance or resolution the compensation of officers and employees and by ordinance the compensation of Supervisors, provided however that the compensation of a Supervisor shall not increase during the term of office for which the supervisor was elected, nor within ninety (90) days preceding the election, above the percentage of increase in the costs of living, to be determined by the Controller as of November 1st of each year as shown in the Bureau of Labor Statistics Consumer Price Index for the San Francisco-Oakland Bay Area, not to exceed five percent (5%) per year; any amount of increase in the cost of living in excess of five percent (5%) may be accumulated and applied to increases in salary in future years.
  - (6) Provide for publication of the powers, duties, procedures and rules of operation of all County offices and departments and for public access to such publications.
  - (7) Take such measures as may be necessary to implement this Charter.

- b. The Board may:
- (1) Create, abolish, consolidate, segregate, assign or transfer the powers and duties of any appointive office, department, division, board or commission to the extent not in conflict with this Charter.
  - (2) Consolidate, segregate, assign or transfer the powers and duties of any elective office or division thereof to the extent authorized by general law and not in conflict with this Charter.
  - (3) Appoint, suspend and remove a Clerk of the Board of Supervisors.
  - (4) Require periodic or special report of expenditures and costs of operation, examine all records and accounts and inquire into the conduct of any office, commission, department or other entity to which the County contributes funds.
  - (5) Require the attendance of any officer or employee of the County at any meeting of the Board for the purpose of information, advice and assistance.
  - (6) Provide or request the Civil Service Commission to provide for the hiring of unemployed persons in the classified or unclassified service under federal or other special programs designed to relieve unemployment.
  - (7) Provide for the assumption by the County of any function of a public agency when requested to do so by the agency and provide or request the Civil Service Commission to provide for the manner in which employees of the agency may become county employees and the rights, if any, which shall accrue to them for their service with the agency.

***207. Communication with Employees.***

A Supervisor shall communicate recommendations or instructions to officers and employees under the County Manager's supervision only through the Manager. This section does not limit a Supervisor's right to obtain information.

**ARTICLE III - COUNTY MANAGER**

***301. Chief Administrative Officer.***

The County Manager is the chief administrative officer of the County.



### ***302. Appointment and Removal.***

The County Manager shall be appointed by the Board of Supervisors on the basis of executive and administrative qualifications and experience.

Applicants for the position of County Manager shall be solicited widely and shall be screened by the usual personnel procedure. The Board of Supervisors shall select a panel competent to evaluate the qualifications of the candidates. The panel shall interview the screened candidates and submit to the Board of Supervisors a list of from five to seven of the best qualified candidates. The Board shall make its selection from this list.

The County Manager is evaluated by the Board, serves at its pleasure and may be removed by an affirmative vote of three of its members.

### ***303. Vacancy.***

In the event of a vacancy or disability, the Board of Supervisors shall immediately appoint an Acting County Manager until the Board either determines that the Manager is able to resume the duties of the office or appoints a new County Manager.

### ***304. Compensation.***

The County Manager's compensation shall be commensurate with the responsibilities of a chief administrative officer. The Manager may not engage in any other business or occupation.

### ***305. Duties.***

The County Manager is responsible to the Board of Supervisors for the proper and efficient administration of the County government. The Manager shall:

- a. Coordinate the work of all offices and departments, both elective and appointive, and devise ways and means to achieve efficiency and economy in all County operations.
- b. Appoint, suspend or remove subject to confirmation by the Board of Supervisors all department heads except those for whose election or appointment this Charter makes other provision. Appointments shall be on the basis of executive and administrative qualifications as determined by screening and selection procedures comparable to those used for classified management personnel.
- c. Formulate and present to the Board plans to implement policies and accomplish goals established by the Board.
- d. Recommend an annual budget after reviewing requests of all departments and agencies for which the Board is responsible or which request County funds.
- e. Have responsibility for the administration of the budget after its adoption by the Board.

- f. Provide for in-depth analysis and review of all County programs on a regular basis in such a manner that the Board may make policy decisions.
- g. Provide and implement systems of adequate checks and controls to safeguard County money and property.
- h. Work with all other government entities, federal, state, regional and local, in the best interest of the entire County.

The County Manager shall have such other powers and shall perform such other duties as are consistent with this Charter.

***306. Board Meetings.***

The County Manager may attend any meeting of the Board of Supervisors, except that attendance at a meeting at which the Manager's evaluation or removal is considered shall be at the Board's discretion.

The County Manager may participate in the deliberations of the Board but may not vote.

**ARTICLE IV - DEPARTMENT HEADS,  
BOARDS AND COMMISSIONS**

***401. Powers and Duties.***

Department heads, boards and commissions shall have all the powers and shall perform all the duties vested in them by this Charter, by ordinance, and by general law when not in conflict with ordinances adopted pursuant to the Charter.

All department heads and officers of the County, both elected and appointed, shall cooperate with the County Manager so that the Manager may achieve complete coordination of all County activities.

***402. Assessor-County Clerk-Recorder.***

The Assessor-County Clerk-Recorder shall be elected. The Board of Supervisors, at any time by ordinance, may transfer all non-court related County Clerk duties as authorized by General Law. (Amended June 1993)

***403. Controller.***

The Controller shall be elected.

**404. Coroner.**

The Coroner shall be elected.

**405. County Clerk-Recorder** (Repealed June 1993)

**406. District Attorney.**

The District Attorney shall be elected.

**407. Sheriff.**

The Sheriff shall be elected.

**408. Superintendent of Schools.** (Repealed November 1987)

**409. Treasurer-Tax Collector.**

The Treasurer-Tax Collector shall be elected.

**410. County Counsel.**

The Board of Supervisors shall appoint a County Counsel. (Amended November 1987)

**411. Separation of Offices of Coroner and Sheriff.**

The offices of Coroner and Sheriff may not be combined.

**412. Term of Elective Offices.**

The term of office of all elected officers is four years. The officers shall serve until their successors are qualified unless sooner removed as provided by this Charter or general law.

**413. Department Heads.**

The position of department head shall be designated by ordinance. Department heads shall have and may delegate the power to appoint, supervise, suspend and remove all persons employed in their departments subject to the provisions of Article V.

**414. Boards and Commissions.**

County boards and commissions are those required by general law and those established by ordinance.

Members of boards and commissions shall be County residents. If a member ceases to reside in the County, the seat becomes vacant. However, the Board of Supervisors may provide that less than a quorum of any advisory committee may be composed of members who are not County residents.

The Board of Supervisors, by ordinance, shall establish terms of office and may provide for the qualifications of members of boards and commissions and for their compensation. Qualifications for members of the Civil Service Commission are prescribed in Article V.

#### ***415. Vacancies.***

The Board of Supervisors shall provide for public notice of vacancies on boards and commissions and of the method by which citizens may apply for appointments. If a vacancy occurs in an elective office other than the Board of Supervisors, the Board shall within 30 days of the effective date of the vacancy, either make an appointment or order the calling of a special election to fill the vacancy. If the Board does not make an appointment or call a special election within 30 days, the county officer responsible for conducting county elections shall immediately order a special election to be called to fill the vacancy. The appointee shall hold office for the remainder of the term. For purposes of this section, the special election may be conducted as an all-mailed ballot election, at the discretion of the Board or the county officer responsible for conducting elections, as applicable.

The special election shall be held not less than 102 days and not more than 131 days from the order calling the election, except that it may be held on an election date regularly established by general law if that date falls within 270 days from the order calling the special election. The election shall be conducted pursuant to the general law governing the direct primary so far as applicable, except the county officer responsible for conducting county elections may prescribe the periods for securing signatures in lieu of a filing fee, for circulating and filing nomination papers, for publishing the notice of election and for applying for absentee ballots. The candidate receiving the highest number of votes is elected for the remainder of the term.

Any written letter of resignation from an elected officer shall be delivered to the Clerk of the Board of Supervisors, and shall be irrevocable when delivered. The process to fill a vacancy under this Section may be commenced immediately on the date the resignation is filed, irrespective of whether a deferred effective date is specified in the resignation. In any instance where a successor is elected or appointed by the Board under this section prior to the deferred effective date specified in the letter of resignation, the successor shall take office when the deferred resignation becomes effective by the terms of the letter of resignation. (Amended November 2010.)

#### ***416. First Appointment.***

The first appointment to any office which had previously been elective shall be effective at the conclusion of the term for which the office was last filled by election.

## **ARTICLE V - PERSONNEL**

### ***501. Personnel Policy.***

It shall be the policy of the County to recruit, select, retain and promote the best qualified officers and employees and to effect equal opportunity for all persons at all levels of County employment to serve the County's diverse population.

Appointments and promotions shall be made on the basis of merit and in conformity with the principles of equal opportunity.

Equality of employment rights shall not be abridged or denied to persons employed or seeking employment on the basis of race, color, sex, age, national origin, disability, sexual orientation, religious or political opinion or affiliation, or union membership.

### ***502. Classified and Unclassified Services***

- a. The classified service consists of all positions except those designated in subsection 502.b. Persons in the classified service who have served a prescribed probationary period are permanent employees.
- b. The unclassified service consists of:
  - (1) The County Manager and one principal assistant.
  - (2) Department heads.
  - (3) Persons employed to render professional, scientific, technical, expert services or associated services on a temporary basis for a specific project. If any person is so employed for three consecutive years of unclassified service, the position occupied by the person shall become part of the classified service.
  - (4) Resident physicians employed in clinics, institutions and hospitals.
  - (5) Persons required to possess a license to practice law.
  - (6) Two deputy sheriffs in the office of the Sheriff.
  - (7) Special officers or investigators in the offices of the Sheriff and the District Attorney.
  - (8) One person holding a confidential position to each elected board or commission, including the Board of Supervisors.
  - (9) One person holding a confidential position to each elected department head.

- (10) Legislative staff to members of the Board of Supervisors. Such staff shall not acquire permanent status or tenure as County employees.

### ***503. Status of Present Employees.***

Incumbents in positions which are removed from the classified service shall remain in the classified service if they have permanent status in the position on the effective date of the change.

Incumbents in positions which become classified shall have permanent status if they have occupied the position for one year unless the Civil Service Commission establishes a different probationary period. If they have occupied the position for three months but are not yet eligible for permanent status, they shall be probationary employees.

### ***504. Civil Service Commission.***

The Civil Service Commission consists of five electors of the County appointed by the Board of Supervisors for four-year terms. There shall be one member from each supervisorial district. No commissioner may be a County employee. The Board of Supervisors may remove members of the Civil Service Commission for cause or the Board of Supervisors may remove a member without cause upon a four-fifths (4/5ths) vote of the Board of Supervisors.

Commission rules shall provide for regularly scheduled public meetings and for the procedure for calling special meetings. (Amended November, 1987)

### ***505. Civil Service Commission Rules.***

The Commission shall prescribe rules to insure the selection and retention of employees in the classified service on the basis of merit and fitness. The rules are binding on all officers, boards, commissions and employees. The Commission may inspect the records of any county office or department to insure adherence to this Article and the rules of the Commission. It shall hold public hearings before adopting or amending rules.

- a. The rules shall include provision for:
  - (1) Standardization and classification of all positions in the classified service.
  - (2) Examination of candidates for appointment and promotion.
  - (3) Establishment of appropriate eligible lists.
  - (4) Certification of eligible candidates to the appointing authority.
  - (5) Length of probationary periods.

- (6) Temporary appointments not to exceed six months in the absence of an eligible list.
  - (7) Criteria and procedures for demotion, reduction in force, and reemployment.
  - (8) Criteria and procedures for suspension, dismissal and other disciplinary action.
- b. The rules may, at the request of the Board of Supervisors, include provisions for:
- (1) The hiring of unemployed persons in the classified or unclassified service under federal or other special programs designed to relieve unemployment and their suspension, disciplining or removal.
  - (2) The manner in which employees of an agency, the functions of which are absorbed by the county, may become county employees and the rights, if any, which shall accrue to them for their service with the agency.

### ***506. Disciplinary Action.***

Employees in the classified and unclassified service may be suspended without pay, demoted or dismissed. No permanent employee in the classified service may be suspended, demoted or dismissed except for reasonable cause. (Amended November 1980)

### ***507. Hearings and Appeals***

- a. Employees in the classified service may appeal to the Commission any action contrary to this Article or the rules of the Commission which is detrimental to their employment status.
- b. Within five days of a demotion, suspension or dismissal, the appointing authority shall provide the employee with a written statement of charges and file a copy with the Commission. Within fourteen days of the receipt of the written charges, the employee may reply in writing and ask the Commission for a hearing.
- c. Upon receipt of the request, the Commission shall order a hearing. The employee may appear in person and has the right to be represented by himself or herself, by counsel or by another person. If the Commission sustains the employee, it shall order reinstatement and may order payment of all or part of the compensation withheld.
- d. The Commission may subpoena witnesses, require the production of records and information pertinent to an investigation, and administer oaths.

- e. Agreements between the County and recognized employee organizations may provide procedures for appeal of disciplinary action other than to the Commission and for resolving other grievances, to be exercised at the employee's option.
- f. Decisions rendered pursuant to this section are binding on all officers, boards, commissions and employees.

**508. *Compensation.***

The Board of Supervisors shall by ordinance or resolution establish the pay and benefits of employees. When applicable, such compensation shall be determined after meeting and conferring with recognized employee organizations.

**509. *Attention to Duties.***

No appointive officer or employee serving with compensation may engage in any other business or occupation during working hours.

**510. *Conflicts of Interest.***

All laws pertaining to conflicts of interest shall be applicable to all officers, employees and members of boards and commissions.

**511. *Nepotism.***

A person may not be appointed to any position which is under the line of supervision of a relative to the third degree by blood or marriage.

**512. *Political Activities.***

County officers and employees shall not engage in political activities during working hours nor engage in political activities on County premises. The Board of Supervisors shall, by ordinance, adopt rules for implementation of this provision. (Amended November, 1987)

**ARTICLE VI - FINANCE**

**601. *Fiscal Provisions.***

General law shall govern the assessment of property, the levy and collection of taxes, the adoption of the County budget, and the appropriation, accounting and transfer of funds unless otherwise provided for in this Charter or by ordinance.



### ***602. Controller.***

The Controller is the chief accounting and auditing officer of the County. The Controller shall:

- a. Exercise general control over all accounting systems and the financial activities of all County officers and agencies.
- b. Establish a financial reporting system.
- c. Prepare reports at least monthly on the financial activities of the County and the balance of all funds.
- d. Conduct internal audits.
- e. Department heads shall furnish to the Controller the information required under this section. (Amended November, 1987)

### ***603. Annual Audits.***

The Board of Supervisors shall have an annual audit made by a certified public accountant. The auditor shall report on the County's financial transactions and records and the effectiveness of internal controls.

### ***604. Deposits.***

All monies received by a County office or agency shall be reported to the Controller and deposited with the Treasurer not later than the business day following receipt unless a later date is authorized by ordinance.

### ***605. Travel Expenses.***

The Board of Supervisors shall establish by ordinance a maximum reimbursement for authorized travel expenses. An itemized account of expenses shall be filed with and approved by the Controller before payment is made.

### ***606. Preference to County Products.***

When the combinations of price, quality, terms and conditions of sale are substantially equal, the County shall give preference in purchasing to San Mateo County goods, services and suppliers.

## **ARTICLE VII - JUDICIARY**

The court system of the County is that provided by the general law of the State.

## **ARTICLE VIII - GENERAL**

### ***801. Charter Review.***

The Board of Supervisors shall convene a Charter review committee within eight years of the last complete Charter review. The committee shall review the Charter and, after public hearings, make appropriate recommendations for amendment or revision to the Board.

### ***802. Constitutionality.***

If any provision of this Charter or its application to any person or circumstance is held invalid, the remainder of the Charter and the application of the provision to other persons or circumstances shall not be affected.