



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

DATE: February 12, 2003

BOARD MEETING DATE: February 25, 2003

TO: Honorable Board of Supervisors

FROM: Adrienne Tissier, Chair of the Charter Review Committee

SUBJECT: Report of the Charter Review Committee

The San Mateo County Charter requires that every eight years the Board of Supervisors convene a Charter Review Committee to review the County Charter and make recommendations for amendment or revision of the Charter. In accordance with the Charter requirement, the Board took action in April to convene a Charter Review Committee and appointed ten members. The membership list is attached. The Committee began meeting in May, and I was elected as Chair of the Committee. The Committee met eight times and received input from Supervisors, County management, and employee organizations. Submitted herewith are eight recommended amendments to the County Charter which are summarized below:

1. Section 203. Provide that a person appointed to fill a Board vacancy would hold office only until the next regularly scheduled Board election at least 102 days from the date of appointment rather than until the end of the term.
2. Section 206a.(5). Provide that salaries for members of the Board of Supervisors be set at \$95,000 per year, adjusted annually based on the cost of living, and reviewed every four years by the Grand Jury. The Board could increase salaries up to the Grand Jury recommendation.
3. Section 303. Delete the requirement that appointment of an Acting County Manager must be an existing County officer or employee.
4. Section 408. Add a new Section providing that the Board shall establish qualifications for positions of elected Department Heads, consistent with state law.


6. Section 501. Revise County personnel policy to require that personnel appointments serve the County's diverse population and to prohibit discrimination on the basis of disability or sexual orientation.

7. Section 502b.(3). Limit the unclassified status of persons employed for professional, scientific, technical, expert services or associated services on a temporary basis for a specific project to three consecutive years.

8. Section 502b.(9). Extend the provision allowing each elected Department Head to have one unclassified confidential appointment to all Department Heads.

The Committee believes that these suggested Charter amendments will improve the County Charter and recommends that the Board seriously consider the proposed changes.

On behalf of the Committee members, I would like to thank the Board for this opportunity to serve the citizens of San Mateo County and we look forward to your thoughtful deliberation on our recommendations.


Adrienne Tissier, Chair
Charter Review Committee

Enclosures

RECOMMENDED

COUNTY MANAGER

Charter Review Committee - 2002

Nan Chapman
Woodside

Herman Christensen, Jr.
Atherton

Kathy Everitt
San Mateo

Larry Franzella
San Bruno

Zoe Kersteen-Tucker
Moss Beach

Shelley Kessler
Foster City

Guillermo Morantes
Menlo Park

Randy Smith
Redwood City

Adrienne Tissier
Daly City

Dave Warden
Belmont

Section 203. Vacancies

If a vacancy occurs on 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 elections shall immediately order a special election to be called to fill the vacancy.

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.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for county supervisor which is at least 102 days from the effective date of the appointment whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs.

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Section 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:

(5) Establish by ordinance or resolution the compensation of officers and employees and by ordinance the compensation of Supervisors. The members of the Board of Supervisors shall receive an annual salary of \$95,000 increased each year by $\frac{1}{2}$ provided however that the compensation of a Supervisor shall not increase during the term of office for which the supervisor was elected above the percentage of increase in the cost 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. However, once every four years, the Board of Supervisors shall request that the Grand Jury investigate and recommend on the need for an increase in the compensation of Supervisors. The Grand Jury shall be requested to recommend an increase in the amount of compensation which the Board of Supervisors may thereafter accept or reject but in no event may the Board of Supervisors set its compensation at an amount above the recommendation.

Section 303. *Vacancy.*

In the event of a vacancy or disability, the Board of Supervisors shall immediately appoint a ~~County officer or employee to serve as~~ ^{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.

Section 408. *Qualifications for Elected Department Heads.*

The Board of Supervisors shall by ordinance establish the qualifications for elected Department Heads which qualifications shall not be inconsistent with state law.

Section 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 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 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.

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.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for county supervisor which is at least 102 days from the effective date of the appointment whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs.

Section 501. *Personnel Policy.*

It shall be the policy of the County to recruit, select, ~~and 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. ~~and affirmative action.~~

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, ~~handicap~~ **disability, sexual orientation,** religious or political opinion or affiliation, or union membership.

Section 502b.(3). *Classified and Unclassified Services*

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) ~~Part-time physicians and~~ Resident physicians employed in clinics, institutions and hospitals.

Section 502b.(9) *Classified and Unclassified Services*

b. The unclassified service consists of:

(1)...

(2)...

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...

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(9) One person holding a confidential position to each elected department head.