

ORDINANCE NO. \_\_\_\_\_

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,

STATE OF CALIFORNIA

\*\*\*\*\*

**AN ORDINANCE ADDING CHAPTER 2.206 (REPORTING OF IMPROPER  
GOVERNMENTAL ACTIVITY) TO TITLE 2 OF THE SAN MATEO COUNTY  
ORDINANCE CODE**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

**Section 1.** Chapter 2.206, Sections 2.206.010 to 2.206.30, is hereby added to Title 2 of the San Mateo County Ordinance Code as follows:

**Chapter 2.206 Reporting of Improper Governmental Activity**

**Section 2.206. 010 Purpose**

The County of San Mateo has a paramount interest in protecting the integrity of its governmental institutions. To further this interest, individuals should be encouraged to report to the Controller, the District Attorney and the County Counsel possible violations of laws, regulations and rules governing the conduct of County officers and employees.

This ordinance also protects all County officers and employees from retaliation for filing a complaint with, or providing information about improper government activity by County officers and employees.

**Section 2.206.020 Complaints Of Improper Governmental Activity**

Any person who believes that a County employee or officer has engaged in improper governmental activity, as set forth below, should report improper financial activity to the Controller and other improper activities to the District Attorney or the County Counsel. Each office will provide the complainant with the necessary complaint forms. Upon the filing of the complaint, each office will determine an appropriate course of action. If the allegations in the complaint concern activities within one of these three offices, the complainant may file the complaint directly with one of the other offices.

The complaint shall provide information that a County officer or employee has

engaged in improper governmental activity in violation of state or federal law, County ordinance or administrative memoranda. Examples of such improper conduct include but are not limited to: violating local campaign finance laws, conflict of interest laws, or governmental ethics; misusing County resources; or using a County position to advance a private interest.

### **Section 2.206.030 Investigation**

Upon receipt of a complaint, each named office shall promptly plan and conduct an appropriate investigation and notify the other offices and the Board of Supervisors as appropriate. Depending on the nature of the alleged violation, the investigation may involve departmental management, Employee Relations and/or appropriate law enforcement agencies.

(a) Throughout the investigative process, all involved parties will treat the complaint and related information, including but limited to information gathered and prepared in the course of the investigation of the complaint, as confidential unless otherwise necessary to conduct the investigation or if disclosure is required by state law.

(b) In situations potentially warranting involvement from law enforcement and or licensing agencies, the District Attorney and/or the County Counsel shall determine what action or referral should be made.

(c) At the conclusion of the investigation, the Controller, District Attorney, County Counsel and/or the Department will take the necessary steps to address the improper governmental activity, including any necessary systemic changes to minimize or prevent reoccurrence of any improper activity.

### **Section 2.206.030 No Retaliation**

Any retaliation or reprisal by any County officer or employee against any complainant or informant is strictly prohibited; provided, however, if it is determined that a complaint was filed by a County employee in bad faith, said employee may be subject to appropriate disciplinary action. This prohibition against retaliation is in addition to the protections contained in Labor Code section 1102.5, and any amendment thereto.

**Section 2.** This Ordinance shall be effective thirty (30) days from the passage date thereof.

\*\*\*\*\*