

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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AN ORDINANCE REPEALING TITLE 2, CHAPTERS 2.04 THROUGH 2.206 OF THE
SAN MATEO COUNTY ORDINANCE CODE AND ADDING TITLE 2, CHAPTERS 2.00
THROUGH 2.95

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

SECTION 1. Chapters 2.04 through 2.206 of Title 2 of the San Mateo County Ordinance Code are hereby repealed.

SECTION 2. Title 2, Administration, Chapters 2.00 through 2.95 are enacted as Title 2 of the San Mateo Ordinance Code to read as follows:

TITLE 2 ADMINISTRATION

Article 2.0 COUNTY STRUCTURE

Chapter 2.00 GENERAL PROVISIONS.

2.00.010 DECLARATION OF POLICY

The Board of Supervisors of the County of San Mateo declares that efficient and responsible administration of County government requires the organization of County departments into that number thereof which results in the greatest benefits and accountability to the people of the County of San Mateo at the least expense, both in terms of cost and time. It is to this end that the following organization is enacted, with the full realization that subsequent events may require the amendment and alteration thereof. (Prior code § 2000; Ord. 2393 adopted 09/20/76)

2.00.020 COUNTY DEPARTMENTS

The departments of the County are hereby declared to be as follows:

- (a) Assessor-County Clerk-Recorder
- (b) Child Support Services
- (c) Controller
- (d) Coroner
- (e) County Counsel
- (f) County Manager/Clerk of the Board of Supervisors
- (g) District Attorney-Public Administrator

- (h) Employee and Public Services
- (i) Environmental Services Agency
- (j) Health Department
- (k) San Mateo Medical Center
- (l) Housing
- (m) Human Services Agency
- (n) Information Services
- (o) Probation
- (p) Public Works
- (q) Sheriff
- (r) Tax Collector-Treasurer
- (s) Five departments, one for each Office of Supervisor

(Prior code § 2001; Ord. 2393, 09/20/76; Ord. 2724, 02/24/81; Ord. 3113, 06/16/87; Ord. 3142, 04/26/88; Ord. 3178, 05/16/89; Ord. 3214, 04/24/90; Ord. 3225, 05/15/90; Ord. 3362, 01/07/92; Ord. 3511, 10/05/93; Ord. 3611, 11/15/94; Ord. 4093, 01/29/02; Ord. 4114, 05/14/02; Ord. 4170, 04/22/03)

2.00.030 OFFICE OF MEMBERS OF BOARD OF SUPERVISORS

Each member of the Board of Supervisors shall be entitled to such personal staff and office support as the Board of Supervisors may by resolution or ordinance determine. In all matters pertaining to the staff of an individual supervisor, that supervisor shall have all of the powers, duties, and obligations of a department head. The President of the Board of Supervisors shall exercise all such authority as to staff and office support assigned to the Board of Supervisors generally, and not to an individual Supervisor. (Prior code § 2001.5; Ord. 3224, 05/15/90)

2.00.040 DIVISIONS OF DEPARTMENTS

The County Manager, in cooperation with the various department heads, and subject to approval by the Board of Supervisors, may organize the various departments into divisions for the more convenient operation thereof. Divisions may be altered, merged, or otherwise modified at any time by the department head, thereof, subject to approval of the County Manager for organizational structure and by the Board of Supervisors for staffing changes. (Prior code § 2002; Ord. 2393, 09/20/76)

2.00.050 ORGANIZATIONAL STRUCTURE

Department heads are responsible for the supervision and administration of the Department. All department heads other than elected officials, or those specifically exempted by the Board of Supervisors, shall report directly to and be supervised by the County Manager. In order to permit effective coordination of County activities, elected department heads and those appointed by the Board of Supervisors and Superior Court shall ordinarily report and respond to the Board of Supervisors through the County Manager. (Prior code § 2003; Ord. 2393, 09/20/76)

2.00.060 DUTIES OF DEPARTMENT HEADS

Duties of department heads shall include the effective management of assigned areas of responsibility as well as those duties provided by applicable State law, County Charter, County ordinance or resolution, order of the Board of Supervisors or appointing authority. Nothing set forth in this section shall diminish, alter or relieve any County officer or employee, of whatever position, from the duties and responsibilities imposed by Federal or State law, County Charter, ordinance or resolution. (Prior code § 2004; Ord. 2393, 09/20/76)

2.00.070 BOARDS AND COMMISSIONS—DUTIES, STRUCTURE

The duties and responsibilities of the various County boards and commissions shall be as set forth in the laws, ordinances or resolutions creating or providing for the same. (Prior code § 2005; Ord. 2393, 09/20/76)

Chapter 2.01 BOARD OF SUPERVISORS.

2.01.010 REGULAR MEETINGS

The Board of Supervisors shall hold its regular meetings at the Hall of Justice and Records according to such schedule as is annually established by the Board. Except for duly convened closed sessions, all such meetings shall be open and public as provided by State law. (Prior code § 2235; Ord. 1116, 06/07/55; Ord. 1562, 01/22/63; Ord. 1923, 08/06/68; Ord. 2059, 07/07/70; Ord. 2269, 09/10/74; Ord. 2269, 09/10/74; Ord. 2409, 12/28/76; Ord. 2528, 08/15/78; Ord. 3305, 03/12/91)

2.01.020 SPECIAL MEETINGS AND CLOSED SESSIONS

Special meetings may be held and shall be noticed, as provided by law, to be held at the times and at the places in the County as determined by the Board. Closed Sessions may be ordered and held as provided by State law. (Prior code § 2236; Ord. 1024, 08/04/53; Ord. 1923, 08/06/68; Ord. 2269, 09/10/74; Ord. 2269, 09/10/74; Ord. 3305, 03/12/91)

2.01.030 ADJOURNMENT OF MEETINGS

Any regular or adjourned regular meeting may be adjourned by the Board by public pronouncement to a date certain. Any adjourned regular meeting shall be held in the City of Redwood City. Any adjourned meeting shall be deemed to be and is thereby declared a part of the original meeting so adjourned. (Prior code § 2237; Ord. 1024, 08/04/53; Ord. 2269, 09/10/74; Ord. 2269, 09/10/74; Ord. 3305, 03/12/91)

2.01.040 FILING WITH CLERK OF THE BOARD

Any and all matters to be presented to and acted upon by the Board of Supervisors at its regular meeting must be filed in the Office of the Clerk of said Board prior to the meeting in which the action will be taken. (Prior code § 2238; Ord. 1024, 08/04/53; Ord. 2018, 01/27/70; Ord. 2269, 09/10/74; Ord. 2269, 09/10/74; Ord. 3305, 03/12/91)

2.01.050 MEETINGS PROCEDURE

At the opening of each meeting the members of the Board shall take their regular stations in the Board Chambers. Those members of the Board who are in attendance will be recorded present. Thereupon, unless otherwise ordered by the President, or by vote of the majority, business shall be taken up for consideration and disposition in the order specified in the agenda. (Prior code § 2239; Ord. 1024, 08/04/53; Ord. 2269, 09/10/74; Ord. 2269, 09/10/74; Ord. 3308, 03/12/91)

2.01.060 QUORUM—MAJORITY OF ENTIRE MEMBERSHIP NECESSARY FOR ACTION

A majority of the members of the Board constitutes a quorum for the transaction of business. The concurrence of the majority of the entire membership of the Board is necessary in order for any action to be valid or binding. (Prior code § 2240; Ord. 1024, 08/04/53; Ord. 2269, 09/10/74; Ord. 2269, 09/10/74)

2.01.070 PUBLIC PARTICIPATION AT MEETINGS

Any person interested may address the Board during the course of a public hearing. The President may regulate the order of such presentations and limit the time allowed to each person desiring to speak. When acknowledged by the President, the speaker shall approach the podium and be asked to state his or her name and address for the record and proceed with his or her remarks. However, a member of the public shall not be required, as a condition to attending the meeting, to register his or her name or to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance. (Prior code § 2241; Ord. 1024, 08/04/5; Ord. 2269, 09/10/74; Ord. 2269, 09/10/74; Ord. 3308, 03/12/91)

2.01.080 MAINTENANCE OF ORDER AT THE MEETINGS

The President is responsible for maintaining order at meetings and has all the authority to maintain order. (Prior code § 2242; Ord. 1024, 08/04/53; Ord. 1153, 01/10/56; Ord. 2269, 09/10/74; Ord. 2269, 09/10/74; Ord. 3308, 03/12/91)

2.01.090 RESULT OF FAILURE TO VOTE

Any member of the Board of Supervisors who is present at the time a vote is taken on any motion, proposition, or question and who fails or refuses to vote thereon, shall by such failure or refusal be deemed to have voted neither for nor against the motion, proposition or question. In such cases the Clerk of the Board shall note the Minutes of the said meeting and on documents where appropriate, that such member or members "abstained". (Prior code § 2245; Ord. 1024, 08/04/53; Ord. 2269, 09/10/74; Ord. 2269, 09/10/74)

2.01.100 ELECTION OF A PRESIDING OFFICER

In accordance with state law, the members of the Board of Supervisors shall elect one of their number who shall preside at all meetings of the Board. The Presiding Officer shall be designated as the President of the Board of

Supervisors, shall have all duties and responsibilities of the Chairman of the Board of Supervisors as set forth in the Government Code or the County Ordinance Code, and is responsible for maintaining order at meetings and has all the authority to maintain order as called for in state law. (Prior code § 2248; Ord. 1024, 08/04/53; Ord. 2269, 09/10/74; Ord. 3052, 01/21/86; Ord. 3093, 01/20/87)

2.01.110 APPOINTMENTS AND REMOVALS

All appointments and removals made by the Board of Supervisors and all appointments and removals which are required to be ratified by the Board of Supervisors shall be by a majority vote of the membership of said board except as otherwise specified herein or in the Charter. (Prior code § 2113; Ord. 1024, 08/04/53)

Chapter 2.02 SUPERVISORIAL DISTRICTS.

2.02.010 FIVE DISTRICTS

The County of San Mateo, State of California, is districted and divided into five Supervisorial Districts, to be respectively known as and called the "First Supervisorial District", "Second Supervisorial District", "Third Supervisorial District", "Fourth Supervisorial District" and "Fifth Supervisorial District". (Prior code § 2390; Ord. 1024, 08/04/53)

2.02.020 FIRST SUPERVISORIAL DISTRICT

The First Supervisorial District of the County of San Mateo, State of California, is hereby established and declared to be and contain all that territory of San Mateo County depicted in the map entitled "Map of Supervisorial District One," an enlargement of which can be viewed in either the Department of Information Services or Public Works. (Prior code § 2391; Ord. 1024, 08/04/53)

2.02.030 SECOND SUPERVISORIAL DISTRICT

The Second Supervisorial District of the County of San Mateo, State of California, is hereby established and declared to be and contain all that territory of San Mateo County depicted in the map entitled "Map of Supervisorial District Two," an enlargement of which can be viewed in either the Department of Information Services or Public Works. (Prior code § 2392; Ord. 1024, 08/04/53)

2.02.040 THIRD SUPERVISORIAL DISTRICT

The Third Supervisorial District of the County of San Mateo, State of California, is hereby established and declared to be and contain all that territory of San Mateo County depicted in the map entitled "Map of Supervisorial District Three," an enlargement of which can be viewed in either the Department of Information Services or Public Works. (Prior code § 2393; Ord. 1024, 08/04/53)

2.02.050 FOURTH SUPERVISORIAL DISTRICT

The Fourth Supervisorial District of the County of San Mateo, State of California, is hereby established and declared to be and contain all that territory of San

Mateo County depicted in the map entitled "Map of Supervisorial District Four," an enlargement of which can be viewed in either the Department of Information Services or Public Works. (Prior code § 2394; Ord. 1024, 08/04/53)

2.02.060 FIFTH SUPERVISORIAL DISTRICT

The Fifth Supervisorial District of the County of San Mateo, State of California, is hereby established and declared to be and contain all that territory of San Mateo County depicted in the map entitled "Map of Supervisorial District Five," an enlargement of which can be viewed in either the Department of Information Services or Public Works. (Prior code § 2395; Ord. 1024, 08/04/53)

Chapter 2.03 CAMPAIGN CONTRIBUTIONS.

2.03.010 DEFINITIONS

(a) The definitions and other provisions of the applicable provisions of the California Political Reform Act of 1974 (Government Code sections 81000 et seq.) and any amendments thereto and the regulations of the Fair Political Practices Commission shall govern the interpretation and application of this section to the extent practicable.

(b) "County office" means the office of member of the Board of Supervisors, Assessor-County Clerk-Recorder, Controller, District Attorney, Sheriff, Coroner, Treasurer-Tax Collector.

2.03.020 LIMITATION OF CAMPAIGN CONTRIBUTIONS TO CANDIDATES IN COUNTY ELECTIONS

(a) No person or entity shall make to any candidate for County office or the candidate's controlled committee and no candidate or the candidate's controlled committee shall accept from any person or entity a contribution or contributions totaling more than one thousand dollars (\$1,000) for each election in which the candidate is attempting to be on the ballot or is a write in candidate.

(b) The provisions of this section do not apply to a candidate's contributions of his or her personal funds to his or her own campaign.

Article 2.1 COUNTY ADMINISTRATION

Chapter 2.10 COUNTY MANAGER.

2.10.010 ADMINISTRATIVE SUPERVISION AND CONTROL

It shall be the duty of the County Manager to execute on behalf of said Board of Supervisors its administrative supervision and control of the affairs of the County placed in his charge by said Board; and of all departments, services, institutions, and districts of the County for whom or for which the Board of Supervisors of the County is required by law to adopt an annual budget; to attend meetings of the Board of Supervisors with the right to report on or to discuss any matter before

said Board concerning the affairs of the departments, services, institutions or districts under his supervision. (Prior code § 2390; Ord. 1024, 08/04/53)

2.10.020 SUPERVISION OF EXPENDITURES

The County Manager shall, as agent of the Board of Supervisors, supervise the expenditures of all departments, services, institutions or districts placed under his supervision by this code, and shall report to the Board as to whether such expenditures are necessary in his opinion for the current needs of such offices or districts. He shall also report to the Board on any proposed purchase by any office or district from funds appropriated thereto for capital outlay purposes. (Prior code § 2391; Ord. 1024, 08/04/53)

2.10.030 COORDINATION OF DEPARTMENTAL ADMINISTRATION

It shall be the duty of the County Manager to coordinate the administration of all departments, services, institutions and any districts under his supervision, and to accomplish said purpose he is hereby given the power and authority to transfer equipment, machinery, furnishings or supplies from one department to another. (Prior code § 2392; Ord. 1024, 08/04/53)

2.10.040 RECOMMENDATIONS REGARDING POSITIONS

The County Manager shall recommend to the Board of Supervisors the creation or abolition of positions in all departments, services, institutions or districts of the County. It is hereby declared to be the policy of the Board of Supervisors that no new positions shall be created in any fiscal year after the adoption of the final budget, except such as may be made necessary by unforeseen or unanticipated emergencies. (Prior code § 2393; Ord. 1024, 08/04/53)

2.10.050 SERVICES TO BE PERFORMED BY COUNTY OFFICERS OR EMPLOYEES

The County Manager may call upon any officer or employee in any department, service, institution or district to perform any service which such officer or employee is legally authorized or required to perform, to assist in carrying out any of the powers and duties herein vested by the County Manager. (Prior code § 2394; Ord. 1024, 08/04/53)

2.10.060 POWERS OF OTHER COUNTY OFFICERS NOT DIVESTED

No provision of this code shall be deemed or construed to grant any authority to, or impose any duty upon, the County Manager which is vested or imposed by the Charter, this code, or general law in or on any other County officer, board, commission, department or employee. (Prior code § 2395; Ord. 1024, 08/04/53)

2.10.070 COUNTY CLAIMS

The County Manager or his designee shall examine such claims against the County as he may be directed from time to time by the Board of Supervisors to examine, and shall endorse his approval or disapproval thereon, with his recommendation for the allowance or disallowance thereof, prior to action

thereon by the Board. If the County Manager or his designee refuses or neglects to approve or disapprove any of such claims for thirty days after the same has been submitted to him by the Board, such refusal or neglect may, at the option of the Board, be deemed equivalent to a final action and disapproval of the claim by the County Manager and the Board may thereafter pass upon the same without further submission thereof to the County Manager. (Prior code § 2396; Ord. 1024, 08/04/53; Ord. 2128, 02/01/72; Ord. 3304, 03/12/91)

2.10.080 CHARGE OF COUNTY BUILDING AND GROUNDS

(a) The County Manager shall have charge of all County buildings and grounds.

(b) Public buildings and grounds under the charge of the County Manager shall be closed to the public during other than normal working hours except where the County Manager has approved after-normal-working hours use of such buildings or grounds.

(c) During the normal working hours, public buildings and grounds under the charge of the County Manager may be closed for the public safety or to ensure the orderly conduct of government business.

(d) When public buildings or grounds, or a portion thereof, are closed to the public, admission to the closed property will be restricted to authorized persons. Authorized persons shall include, but not be limited to, persons who have been granted permission by the County Manager to enter or occupy the public property after normal working hours.

(e) The County Manager shall have the power to prescribe all rules and regulations, including fees and charges necessary for the administration and protection of the County buildings and grounds under his or her charge. In enacting or enforcing such rules or regulations, the County Manager shall not discriminate against any person or group of persons because of race, creed, sex, color, national origin, or sexual preference. Copies of any rule or regulations prescribed by the County Manager shall be available at the County Manager's office. (Prior code § 2310; Ord. 3511, 10/05/93; Ord. 3580, 6/28/94)

Chapter 2.11 CLERK OF BOARD OF SUPERVISORS.

2.11.010 OFFICE OF CLERK OF BOARD OF SUPERVISORS

There is an office of the Clerk of the Board of Supervisors, which is separate from the office of the County Clerk. The powers, functions and duties of the Clerk of the Board of Supervisors shall be exercised by the County Manager. Whenever there is reference to the term "Clerk of the Board of Supervisors" in this Code and/or any other ordinance of the County of San Mateo, the same shall mean and shall be construed to mean the County Manager.

2.11.020 DUTIES OF CLERK OF BOARD OF SUPERVISORS

The Clerk of the Board of Supervisors shall perform those duties prescribed by general law, by the Charter and by ordinances of the Board of Supervisors, for the County Clerk as ex-officio Clerk of the Board of Supervisors, or for the Clerk of the Board of Supervisors, and all other duties prescribed by the Board of Supervisors. The Clerk of the Board of Supervisors shall act as Executive Officer of the Board of Supervisors and shall be responsible for the supervision, control and direction of the office of the Clerk of the Board.

Chapter 2.12 COUNTY HEARING OFFICER.

2.12.010 ESTABLISHMENT OF OFFICE OF COUNTY HEARING OFFICER

(a) In accordance with the applicable provisions of the Government Code, there is established the office of County Hearing Officer, to be located within the office of the County Manager and to be staffed by a panel of attorneys at law chosen by the County Manager as he or she deems necessary.

(b) On behalf of the County of San Mateo, the County Manager is authorized to enter into contracts for the services of attorneys selected for the County Hearing Officer panel.

(c) Any person acting as a County Hearing Officer or any deputy or assistant hearing officer, shall be an attorney at law having been admitted to practice before the courts of the state of California for at least five (5) years prior to selection. (Prior code § 2670; Ord. 2852, 07/19/83; Ord. 4117, 12/17/02)

2.12.020 DUTIES AND AUTHORITY OF COUNTY HEARING OFFICER

(a) The County Hearing Officers shall conduct such hearings for the County or any board, commission or committee as are assigned by the County Manager.

(b) When a state law, local ordinance, or local rule provides that a hearing be held or that findings of fact or conclusions of law be made by any county board, agency, commission or committee, a County Hearing Officer is authorized to conduct such hearing if so assigned by the County Manager. The assigned Hearing Officer is further authorized to issue subpoenas; to receive evidence; to administer oaths; to rule on questions of law and the admissibility of evidence; and to prepare a record of proceedings. (Ord. 4147, 12/17/02)

2.12.030 DECISION OR RECOMMENDATION OF THE COUNTY HEARING OFFICER

(a) If the Hearing Officer is authorized by any law to decide a matter upon which a hearing has been held, the officer shall render a written decision, including any findings or conclusions required for that decision, and submit the decision and the record to the clerk of the body on whose behalf the hearing was held.

(b) If the Hearing Officer is not authorized to decide a matter upon which a hearing has been held, the officer shall prepare a recommended decision, including any findings or conclusions required for that decision, and shall submit that recommendation and the record to the clerk of the local body on whose behalf the hearing was held. The local body may reject the recommendation and enter its own findings, conclusions, and decision after a review of the record. (Ord. 4147, 12/17/02)

**2.12.040 OTHER PUBLIC ENTITY’S EMPLOYMENT OF OFFICER;
REIMBURSEMENT TO COUNTY**

Any other local public entity may contract with the County to employ the services of a County Hearing Officer. Reimbursement to the County for the services of a county hearing officer shall be made as provided in the contract. If no provision for reimbursement is contained in the contract, reimbursement shall be made on a pro rata basis of actual cost to the County in providing the service including compensation, benefits, overhead, and any travel expense. The County Manager shall have authority to execute any such contract. (Ord. 4147, 12/17/02)

2.12.050 EFFECT OF OTHER PROVISIONS OF LAW

The provisions of this chapter provide an alternative to, and do not supersede, any other provisions of law including other provisions of this ordinance code, providing for any matter to be heard or determined by a hearing officer. (Ord. 4147, 12/17/02)

Chapter 2.13 COUNTY COUNSEL.

2.13.010 OFFICE OF COUNTY COUNSEL

There is a separate office of County Counsel. The County Counsel shall be a duly qualified and licensed attorney admitted to practice in all of the Courts of the State of California. The County Counsel shall act as legal advisor and counsel for the Board of Supervisors, the County Manager, county elected officials, various county offices, departments and boards and commissions as prescribed by general laws, and independent districts and/or agencies which are authorized to request legal services from the County Counsel. The County Counsel shall also act as attorney for the Public Administrator in the matter of all the estates under the jurisdiction of the Public Administrator, and in every such matter collect the attorney fees allowed by law and pay same into the County Treasury. The County Counsel shall represent the county in proceedings under Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.

2.13.020 COUNTY COUNSEL FEES

The County Counsel shall, and is hereby authorized to charge hourly fees for each hour or pro-rata portion thereof of professional services in any fiscal year, rendered to any independent district or agency which is entitled to request legal services from the County Counsel. Fees shall not be charged to any agency for

which the Board of Supervisors is the governing board or ex-officio governing board of the agency.

2.13.030 LEGAL DOCUMENTS TO BE TRANSMITTED TO COUNTY COUNSEL

It shall be the duty of any Supervisor or other County officer, deputy, assistant or employee in the service of the County, or any member of a County board or commission, to transmit immediately to the County Counsel any and all pleadings or papers served upon him in any action or proceeding against him in his official capacity or against the County. (Prior code § 2130; Ord. 1024, 08/04/53; Ord. 3214, 04/24/90)

2.13.040 USE OF OUTSIDE COUNSEL FOR LEGAL SERVICES, ADVICE OR REPRESENTATION

Notwithstanding any other provision of this code, the Board of Supervisors has sole authority to retain the services of any attorney or law firm outside the County Counsel's Office for the purpose of providing legal services, advice, or representation to any County employee or Department. Any contract with or use of outside counsel must first be reviewed by the County Counsel and approved by the Board of Supervisors. The Controller shall not pay any bills for outside legal services unless the Board of Supervisors has approved the use of outside counsel. (Prior code § 2446.5; Ord. 3418, 10/27/92)

2.13.050 NOTICE OF MOTIONS TO COUNTY COUNSEL

Pursuant to Penal Code section 1305, the County Counsel is hereby designated as the county officer upon whom notice in any matter related to bail forfeiture must be served. (Prior code § 2286.1; Ord. 3386, 04/21/92)

2.13.060 REPORTING IMPROPER ACTIVITY--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 possible violations of laws, regulations and rules governing the conduct of County officers and employees. (Ord. 4227, 7/27/04)

It is the intent of Sections 2.13.060 – 100 to protect all complainants or informants from retaliation for filing a complaint with, or providing information about, improper government activity by County officers and employees.

2.13.070 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 file a report. Reports concerning improper financial activity should be filed with the Board of Supervisors and reports concerning other improper activity should be filed with the District Attorney or the County Counsel. Complaint forms shall be available from the County Counsel's office.

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. (Ord. 4227, 7/27/04)

2.13.080 INVESTIGATION

Upon receipt of a complaint, the office receiving the complaint shall promptly plan and conduct an appropriate investigation and notify the other offices and the Board of Supervisors or refer the complaint as appropriate. In the case of complaints filed with the Board of Supervisors, the President of the Board shall act on behalf of the Board unless the Board otherwise directs. The President of the Board may direct the County Counsel to plan and conduct the investigation. Depending on the nature of the alleged violation, the investigation may involve departmental management, the Division of 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 not 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 unless 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 Board of Supervisors, 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. (Ord. 4227, 7/27/04)

2.13.090 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 California Labor Code section 1102.5, and any amendment thereto.

Any person may file a complaint under section 2.13.060 for violation of this section, provided the filing of such complaint does not excuse compliance with applicable provisions of any Memorandum of Understanding or Rule of the Civil Service Commission. (Ord. 4227, 7/27/04)

2.13.100 PROCEDURAL RULES

The County Manager shall promulgate such rules and procedures as are necessary and appropriate to ensure efficient and informed compliance with this chapter. (Ord. 4227, 7/27/04)

Chapter 2.14 MISCELLANEOUS ADMINISTRATIVE REGULATIONS.

2.14.010 DEFINITIONS

(a) "Appointing Officer" shall mean the employee, officer, board, commission or body having the power of appointment to any position in the service of the County.

(b) "Unclassified Service" shall consist of those person not in the classified service. "Classified Service" shall have the same meaning as given it by the Charter.

(c) "Extra help" shall be those persons working for the County as extra help as specified in the Civil Service Rules.

(d) "Month" shall mean a calendar month.

(e) "Officers and Employees" shall include all incumbents, officers and employees and their officers, assistants, deputies and employees.

(f) "Year" shall mean a fiscal year.

(g) "Supervisor" shall mean a member of the Board of Supervisors of the County of San Mateo.

(h) Other terms. All other words, phrases or terms shall have the meaning determined by the laws of this State and the decisions of the courts of this State. (Prior code § 2101; Ord. 1024, 08/04/53)

2.14.020 GENERAL RULES

The following rules in this chapter shall be general in their nature and shall apply to and govern all offices, departments and institutions, including commissions and boards, in the service of the County, and all officers and employees. (Prior code § 2110; Ord. 1024, 08/04/53)

2.14.030 POWERS AND DUTIES

Every County officer, board, and commission shall have the powers and perform the duties prescribed by this chapter and other ordinances not inconsistent herewith, in addition to those prescribed by the Charter and by general laws which are not inconsistent with the provisions of the Charter and ordinances adopted pursuant thereto. (Prior code § 2111; Ord. 1024, 08/04/53)

2.14.040 OFFICE HOURS

Except as established by the Department Head with the approval of the County Manager, County offices shall be open for the transaction of business during the hours of 8:00 o'clock a.m. to 5:00 o'clock p.m. every day except Saturdays, Sundays and holidays. Offices of elected officials shall be open during hours specified by the elected official. (Prior code § 2116; Ord. 1024, 08/04/53; Ord. 3507, 08/17/93)

2.14.050 ACCIDENT REPORTS

(a) Personal Injuries to Employees. Every officer and employee of the County shall forthwith report in writing to the Risk Manager and to the head of his office or institution, all of the details concerning any accident in which he has been involved while acting in the scope of his employment and in which he has suffered personal injuries. In the case of serious injuries or death resulting to an employee and arising out of any such accident, there shall be made by any officer or employee of the County having knowledge thereof an immediate telephone report to the Director of Employee and Public Services which telephone report shall be in addition to any other report required by this section.

(b) Property Damage and Injuries to Others. Every officer and employee of the County involved in an accident, while acting in the scope of his employment, in which accident damage to property of the County or to the person and/or property of others, however slight, is incurred, shall forthwith report in writing to the Risk Manager and to the head of his office, department or institution, all of the details thereof. In cases of serious injury or death arising out of any such accident, an immediate telephone report shall be made to his department head by the officer or employee of the County having knowledge thereof which telephone report shall be in addition to any other report required by this section. The written reports required by this section shall include the date, time, and place of the accident, a description of any property damaged, the names and addresses of all persons involved in such accident or injured therein, the names and addresses of all witnesses thereto and all other information required by law or which may be required by the County Counsel, the Director of Employee and Public Services or the Risk Manager. In the case of any accident involving a motor vehicle, such report shall include the license number of every vehicle involved, and the name and address of every registered owner of every vehicle involved. In those accidents involving a motor vehicle such reports shall contain information relative to vehicles which, although not directly involved in the accident, may be classified as contributory to such accident.

(c) The Risk Manager or his designee shall notify the County's insurance company of every accident of the type hereinabove mentioned and furnish said company with a complete report thereof. (Prior code § 2122; Ord. 1024, 08/04/53; Ord. 3214, 04/24/90; Ord. 3308, 03/12/91; Ord. 3511, 10/05/93)

2.14.060 PUBLICATION OF REGULATORY LAWS

Any officer, board, commission or the head of any office, department or institution of the County who administers regulatory laws established by ordinance or State law is authorized to cause such regulatory laws or extracts therefrom to be printed in convenient form and sold to the public at cost, provided that the expenditure for such printing and the price at which the pamphlet is to be sold are first approved by the Board. (Prior code § 2125; Ord. 1024, 08/04/53)

2.14.070 LOST, ABANDONED OR UNCLAIMED PROPERTY

Should any officer or employee of the County find or save any money, goods or other personal property which has been lost, abandoned or misplaced on County property, such finder shall immediately notify his department head of such fact, giving information concerning the time when and the place where the property was found, a description of the property, the circumstances under which it was found, and the name of the owner of the property if known. The property shall thereupon be placed in the possession of the department head. Thereafter, the property shall be handled according to the provisions of section 2080 et seq. of the Civil Code of the State of California and of section 2.100.010 of this Ordinance Code.

Any reward for finding such property shall inure to the benefit of the officer or employee of the County who found same.

Should such property remain unclaimed by the owner at the end of the storage period prescribed by law, it shall be sold at public auction. (Prior code § 2126; Ord. 1024, 08/04/53; Ord. 2028, 02/24/70)

2.14.080 ACCEPTANCE OF GIFTS

Each board or commission and the head of each office, department and institution of the County may receive on behalf of the County, gifts, devises, bequests and trusts for any purpose in connection with or incidental to his office, department or institution in accordance with procedures established by the County Manager. Title to all such property, gifts, devises, bequests and trusts shall be taken in the name of the County of San Mateo and shall vest in said County. Upon acceptance of any gift, devise, bequest or trust by the Board or the ratification of such acceptance by the Board, the Controller shall be notified of such acceptance and shall make the necessary entries on their respective accounts and property records to insure that the property which is the subject of such gift, devise, bequest or trust will be charged to the County property officer. (Prior code § 2127; Ord. 1024, 08/04/53; Ord. 3308, 03/12/91; Ord. 3511, 10/05/93)

2.14.090 NON-COMPLIANCE WITH ADMINISTRATIVE CODE

Failure of a County officer or employee to comply with the provisions of this chapter may constitute grounds for suspension or dismissal from his

employment. Such failure on the part of an elective official may constitute malfeasance or nonfeasance in office. (Prior code § 2137; Ord. 1024, 08/04/53)

2.14.100 DESIGNATION OF COURTHOUSE

(a) The Courthouse of the County of San Mateo shall consist of the following structures, each of which is located in the City of Redwood City, County of San Mateo, State of California, each of which is hereby designated as the San Mateo County Courthouse for purposes of official County purposes and official acts of the County, its boards, commissions, officers, assistants, deputies and employees, and all of which shall be known as the County Government Center for address purposes:

1. Hall of Justice and Records: That certain structure sometimes referred to as the "Hall of Justice and Records" or "400 County Center", and bounded on the west by Winslow Street, on the south by Marshall Street, and on the east by Hamilton Street.

3. San Mateo County Office Building: That certain structure sometimes referred to as the "San Mateo County Office Building" or "455 County Center" situated adjacent to and northerly of the Hall of Justice and Records, and bounded on the west by Winslow Street and on the east by the building whose address is 555 County Center.

(b) Private sales hereafter conducted at the "Courthouse" shall be conducted at the Marshall Street entrance of the structure described in subsection (a) (1) of this section. (Prior code § 2139; Ord. 1174, 07/24/56; Ord. 1590, 05/28/63)

2.14.110 EMPLOYEE GRIEVANCE PROCEDURE

The Board of Supervisors may from time to time by resolution adopt an employee grievance procedure for the presentation by County employees of complaints or grievances relating to employment or working conditions except where otherwise provided for by County Charter, rules and regulations of the Civil Service Commission, or general law. (Prior code § 2140; Ord. 1860, 11/07/67)

Article 2.2 HEALTH SERVICES

Chapter 2.20 HEALTH DEPARTMENT.

2.20.010 HEALTH DEPARTMENT

There is hereby established a Health Department under the administrative supervision of the Director of the Health Department. (Prior code § 2350; Ord. 1024, 08/04/53; Ord. 3000, 06/19/84; Ord. 3008, 09/04/84; Ord. 4093, 01/29/02)

2.20.020 DUTIES OF DIRECTOR OF THE HEALTH DEPARTMENT

The Director of the Health Department shall be charged with the enforcement of all County ordinances and State laws and applicable State regulations and shall

administer all programs pertaining to the local Emergency Medical Services Agency, environmental health services, mental health, sanitation, public health, vital statistics, and aging and adult services. The Director shall also formulate policies and procedures for the operation of the various health programs and services rendered by the Department. The Director shall also supervise and control the issuance of any permits required under County ordinance or State laws relating to health and sanitation programs rendered by the Department. (Ord. 4093, 01/29/02)

2.20.030 DIRECTOR OF THE HEALTH DEPARTMENT AS PUBLIC GUARDIAN

There is hereby created the office of Public Guardian of the County of San Mateo, State of California. The Director of the Health Department is hereby appointed Public Guardian and shall have the powers and duties prescribed by general law for said office of Public Guardian. The Director of the Health Department may designate the Director of Aging and Adult Services as Public Guardian. (Prior code § 2360; Ord. 1024, 08/04/53; Ord. 1353, 07/07/59; Ord. 3008, 09/04/84; Ord. 4093, 01/29/02)

Chapter 2.21 COMMUNITY MENTAL HEALTH SERVICES.

2.21.010 COMMUNITY MENTAL HEALTH SERVICE

There is hereby established in the County of San Mateo a program of Community Mental Health Services, covering all County-supported mental health services in the entire area of the County of San Mateo, to be subject to, and administered in a manner consistent with, the Bronzan-McCorquodale Act (Stats 1991 ch 89 §63) the following services:

1. Precrisis and Crisis Services.
2. Comprehensive Evaluation and Assessment
3. Individual Service Plan
4. Medication Education and Management
5. Case Management
6. Twenty-four Hour Treatment Services
7. Rehabilitation and Support Services
8. Vocational Rehabilitation
9. Residential Services
10. Services for Homeless People.

2.21.020 DIRECTOR OF MENTAL HEALTH SERVICES

The Community Mental Health Services program shall be administered by the Director of Health Services of the County of San Mateo. (Prior code § 2268; Ord. 1024, 08/04/53; Ord. 1252, 12/03/57; Ord. 1252, 12/03/57; Ord. 3308, 03/12/91)

Chapter 2.22 SAN MATEO MEDICAL CENTER.

2.22.010 SAN MATEO MEDICAL CENTER

There is hereby created a department entitled the San Mateo Medical Center under the management of the Chief Executive Officer, San Mateo Medical Center and any clinics established and operated by the County are under the management of the Chief Executive Officer, San Mateo Medical Center. It is the duty of the Chief Executive Officer to formulate policies and procedures and enforce all rules and regulations relative to the operation of said institutions. (Ord. 4093, 01/29/02; Ord. 4170, 04/22/03)

2.22.020 POLICIES AND PROCEDURES

The Chief Executive Officer, San Mateo Medical Center, shall be responsible for the development and implementation of rules and regulations concerning policies and procedures in the administration of all programs. Such rules and regulations shall be presented for review and approval to the San Mateo Medical Center governing board and/or the Board of Supervisors, where applicable. (Prior code § 2354; Ord. 1110, 05/17/55; Ord. 2273, 10/08/74; Ord. 3000, 06/19/84; Ord. 3008, 09/04/84; Ord. 4093, 01/29/02)

2.22.030 REPAYMENT OF AID

Procedures for securing payment for care shall be established to implement the statutes contained in the Welfare and Institutions Code.

San Mateo County may require recipients of care to sign an agreement to reimburse the County for care provided. A recipient may be required to execute a lien on any real property, owned or acquired by said recipient, to secure the repayment of monies expended by the County for the recipient's support.

The Chief Executive Officer, San Mateo Medical Center, shall adopt a scale for determining the amount of payment required, based on the following factors:

1. Amount of the account or sums due the County;
2. The actual market value of the debtor's real property; and
3. Liabilities and responsibilities of the debtor. Such liens may not be enforced during the life of the recipient, unless the property securing same is sold, conveyed, or otherwise disposed of, but any income from such property shall be applied to the cost of said aid. In those cases in which the recipient is survived by a dependent spouse or child, the lien may not be enforced until the death of that spouse or child, or until such time as said spouse or dependent child has achieved self-maintenance, or until the property is sold, conveyed, or otherwise disposed of. (Prior code § 2357; Ord. 1024, 08/04/53; Ord. 3008, 09/04/84; Ord. 4093, 01/29/02)

2.22.040 FIXING OF HOSPITAL RATES

The Board of Supervisors may fix, by resolution, the rates to be charged for services rendered by any San Mateo Medical Center facility to those persons or responsible relatives who are able to pay all or a portion of the cost of such services. Such determination shall be based upon a study of the cost to the County of rendering such services. (Prior code § 2363; Ord. 1088, 12/21/54; Ord. 3008, 09/04/84; Ord. 4093, 01/29/02)

2.22.050 APPLICANT FOR HOSPITAL CARE TO MAKE WRITTEN STATEMENT

Before any medical or hospital care at San Mateo Medical Center, except emergency care, shall be given to or for any person, such person may be required to make a written verified statement of all monies and income which such person receives each month, and the nature, location, and value of all property and assets in which such person has any interest, legal, equitable, or otherwise, and the names, places of residence, and income of all family members who have a legal obligation to support the patient. (Prior code § 2365; Ord. 2097, 06/08/71; Ord. 3008, 09/04/84; Ord. 4093, 01/29/02)

2.22.060 FEE SCHEDULE AND PAYMENT SCHEDULE FOR INDIGENTS RECEIVING CARE AND SERVICES AT SAN MATEO MEDICAL CENTER

(a) The amount of the hospital charge and the method of payment of that charge to be paid by each patient eligible for services pursuant to Welfare and Institutions Code section 17000 shall be determined according to a fee schedule and a payment schedule established by the Chief Executive Officer, San Mateo Medical Center, and approved by the San Mateo Medical Center governing board and Board of Supervisors. The fee schedule and the payment schedules shall be based upon the patient's income and the size of the patient's family unit, which shall be defined as the number of persons in the unit which the patient has the legal obligation to support, or the number of persons in the unit which have a legal obligation to support the patient.

(b) Upon determination of the charges owed by the patient, the patient shall be billed for that amount.

(c) All patients, other than those who are determined to be able to pay for the full cost of services shall be advised in writing that should they come into possession of assets, other than funds received under a program of public assistance, that would render them financially able to pay either in whole or in part for the services furnished them at less than full charges, they will be billed for the amount of charges which were discounted. (Prior code § 2366; Ord. 3008, 09/04/84; Ord. 4093, 01/29/02)

2.22.070 COUNTY OFFICER AUTHORIZED TO COMPROMISE HOSPITAL CHARGES

Pursuant to Health and Safety Code section 1473, the Chief Executive Officer, San Mateo Medical Center, is designated as the County officer authorized to adjust or compromise San Mateo Medical Center charges. The Chief Executive Officer may adjust or compromise hospital charges for any of the reasons stated in Health and Safety Code section 1473. (Prior code § 2369; Ord. 3008, 09/04/84; Ord. 4093, 01/29/02)

Chapter 2.23 HEALTH COMMISSION.

2.23.010 SAN MATEO COUNTY COMMISSION ON PUBLICLY ASSISTED MEDICAL CARE

There is hereby created the San Mateo County Commission on Publicly Assisted Medical Care. The purpose of the Commission is to negotiate exclusive contracts with the California Medical Assistance Commission, to provide health care services authorized by state and federal law, and to arrange for the provision of health care services to qualifying individuals who lack sufficient annual income to meet the cost of health care, and whose other assets are so limited that their application towards the cost of health care would jeopardize the person or family's future minimum self-maintenance and security, pursuant to chapter 7 of part III of division IX of the Welfare and Institutions Code. (Prior code § 2380; Ord. 3067, 05/20/86; Ord. 4059, 08/07/01)

2.23.020 MEMBERSHIP OF COMMISSION

(a) The Commission shall consist of nine (9) voting members, who shall either be legal residents of the County of San Mateo, or shall work for an employer whose primary place of business is located in the County of San Mateo.

(b) Members of the Commission should have an abiding commitment to, and interest in quality publicly assisted health care delivery systems.

(c) The nine voting members shall include:

1. Two members of the San Mateo County Board of Supervisors
2. The County Manager or his designee;
3. A physician;
4. Three public members, including:
 - a. A beneficiary or representative of beneficiaries served by the Commission;
 - b. A representative of the senior and/or minority communities in San Mateo County; and
 - c. A public member at large;

5. A representative of San Mateo County General Hospital physicians;
and
6. A pharmacist;

(d) Commissioners shall be appointed by majority vote of the Board of Supervisors and shall serve at the pleasure thereof.

(e) All Commissioners appointed by the Board shall serve terms of office of four (4) years. At the conclusion of a term, a member may be reappointed to another term. Unless specific exception is made by the Board of Supervisors or state law, no appointed member appointed by the Board of Supervisors may serve more than three complete terms. (Prior code § 2381; Ord. 3067, 05/20/86; Ord. 3313, 04/09/91; Ord. 3361, 01/07/92; Ord. 3484, 04/20/93; Ord. 3768 4/22/97; Ord. 4079, 11/06/01; Ord. 4245, 01/04/05)

2.23.030 PURPOSE

The Board of Supervisors declares that the individuals appointed to the San Mateo County Commission on Publicly Assisted Medical Care are intended to represent and further the interests of physicians, health care practitioners, hospitals, pharmacies, and other health care organizations and that such representation and furtherance will ultimately serve the public interest. Accordingly, the Board of Supervisors finds that for purposes of such individuals, the physicians, health care practitioners, hospital administrators, pharmacists, and other health care organizations are tantamount to and constitute the public generally within the meaning of section 87103 of the Government Code. (Prior code § 2382; Ord. 3114, 07/07/87; Ord. 3209, 03/27/90; catchline editorially created, 6/94)

Chapter 2.24 FIRST FIVE COMMISSION.

2.24.010 FIRST 5 SAN MATEO COUNTY

Under the authority of the California Children and Families First Act of 1998, there is hereby established a county commission known as First 5 San Mateo County, which shall be an agency of the County with independent authority over the Strategic Plan and the Local Trust Fund. (Ord. 3889, 03/09/99; Ord. 4011, 01/09/01; Ord. 4151, 01/07/03)

2.24.020 FIRST 5 SAN MATEO COUNTY TRUST FUND

There is hereby established a First 5 San Mateo County Trust Fund which shall consist of money allocated and appropriated to the Commission. All moneys shall be expended only for the purposes authorized by the Act and in accordance with the County Strategic Plan approved by the County Commission and approved through and in accordance with County budget processes. (Ord. 3889, 03/09/99; Ord. 4151, 01/07/03)

2.24.030 COMMISSION MEMBERSHIP

The Commission shall consist of nine members who shall be (a) one member of the Board of Supervisors, (b) the Director of the Human Services Agency, (c) the County Superintendent of Schools, (d) the Chief of Pediatrics, San Mateo Medical Center, (e) the County Manager, or his or her designee, and (f) four members appointed by the Board of Supervisors from among the following categories: recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency or a local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting nurturing and early childhood development; representatives of local school districts; and representatives of local medical pediatric or obstetric associations or societies. (Ord. 3889, 03/09/99; Ord. 3910, 06/01/99; Ord. 3914, 06/29/99; Ord. 4151, 01/07/03; Ord. 4219, 6/29/04)

2.24.040 TERMS, VACANCIES AND REMOVAL

(a) The members appointed pursuant to section 2.24.030(f) shall, with the exception of the first appointees as provided below, serve 3-year terms and shall serve at the pleasure of the Board of Supervisors. At its first meeting, the members of the Commission described in section 2.24.030(f) shall classify themselves by lot so that two members shall serve an initial term which concludes on December 31, 2001 and two members shall serve an initial term which concludes on December 31, 2002. Members serving pursuant to sections 2.24.030(a) through (e) shall serve without term limit but only as long as they hold their specified county offices.

(b). A vacancy on the Commission shall occur automatically upon the end of the incumbent's term and on the happening of any of the following events before the expiration of the term.

1. Removal of the incumbent for any reason by the Board of Supervisors, including ceasing to be a representative from the category for which they were chosen.
2. Death of the incumbent.
3. Resignation of the incumbent. Vacancies shall be filled for the unexpired portion of the term in the same manner used to select members chosen under section 2.24.030(f).

(c) Members of the Commission selected pursuant to section 2.24.030(f) may serve no more than two consecutive full terms of service. (Ord. 3889, 03/09/99; Ord. 3910, 06/01/99; Ord. 4056, 07/31/01)

2.24.050 COMPENSATION

Members of the Commission shall not be compensated for their services, provided that members may be paid reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the Commission, including necessary expenses such as childcare to enable a member to attend the meetings. The amount of payment shall be established by the Commission. (Ord. 3889, 03/09/99)

2.24.060 ADOPTION AND ANNUAL REVIEW OF THE STRATEGIC PLAN

The Commission shall adopt an adequate and complete Strategic Plan for the support and improvement of early childhood development within the County which is consistent with and in furtherance of the purposes of the California Children and Families First Act of 1998 and any guidelines previously adopted by the California Children and Families First Commission. The Commission shall on at least an annual basis conduct a periodic review of the Strategic Plan and revise the plan as it deems necessary or appropriate. Prior to the adoption of the plan and prior to the adoption of any revision to the plan under its periodic review, the Commission shall conduct at least one public hearing on the plan. Upon adoption of the County Strategic Plan or any revision of the plan, the Commission shall submit the plan to the State Commission. (Ord. 3889, 03/09/99)

2.24.070 CONTENTS OF THE STRATEGIC PLAN

The Strategic Plan adopted by the Commission shall include at a minimum a description of the goals and objectives proposed to be attained; a description of the programs, services, and projects proposed to be provided, sponsored, or facilitated; and a description of how measurable outcomes of such programs, services and projects will be determined by the Commission using appropriate reliable indicators; and a description of how programs, services and projects relating to early childhood development within the County will be integrated into a consumer-oriented and easily accessible system. (Ord. 3889, 03/09/99)

2.24.080 ANNUAL AUDIT

The Commission shall prepare and adopt an annual audit and issue a written report on the implementation and performance of its functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, the progress toward and the achievement of program goals and objectives, and the measurement of specific outcomes through appropriate reliable indicators. The Commission shall conduct at least one public hearing prior to adopting its annual audit and report and shall, in addition, conduct at least one public hearing on each annual report issued by the state commission. The Commission's audit and report shall be transmitted to the state commission and shall be available to members of the general public on request and at no cost. (Ord. 3889, 03/09/99)

Chapter 2.25 REPORTING OF ADVERSE EVENTS IN COUNTY OPERATED HEALTH CARE FACILITIES.

2.25.010 PURPOSE

The County of San Mateo has a paramount interest in protecting the health and safety of the public and in providing the highest standard of health care. To further this interest, employees of the Health Services Agency, the San Mateo Medical Center and clinics, and contractors who perform health care services at County operated health care facilities should be encouraged to report to their supervisor adverse events in health care facilities operated by the County. Members of the public also should be encouraged to report adverse events occurring in the hospital or its clinics to San Mateo Medical Center's Quality Management and to report adverse events occurring at the Public Health labs or clinics to the Director of the Health Services Agency.

This chapter describes the kinds of adverse events that should be reported and sets forth the reporting and investigative process to be followed. These reports and investigations shall be done in such a manner as to not violate state or federal laws regulating the privacy of protected health care information and are in addition to any other statutory reporting requirements.

This chapter also protects all those employees who make such reports from retaliation from reporting the event or providing information about the event.

2.25.020. DEFINITION AND DESCRIPTION OF ADVERSE EVENTS

An adverse event is an unintended situation that arises from an error in medical diagnosis, procedure, equipment, product, medication or other patient care that results in death or serious injury. Serious injury includes loss of limb or function. Examples of such unintended situations include, but are not limited to, those events listed below which have been derived from the National Quality Forum's List of 27 Serious Reportable Events.

(a) Surgical Events such as, but not limited to, surgery performed on the wrong person or body part, performing the wrong surgical procedure, leaving foreign objects in patients, and death during or immediately after surgery.

(b) Product Or Device Events such as, but not limited to, deaths or serious injuries associated with malfunctioning devices, contaminated drugs, devices or biologics, and intravascular air embolism.

(c) Patient Protection Events such as, but not limited to, switched babies, patient disappearances where the patient lacks decision-making capacity, and suicides and attempted suicides of patients while admitted.

(d) Care Management Events such as, but not limited to, patient deaths or serious injuries resulting from medication errors, administration of incompatible

blood or blood-products, labor or delivery, hypoglycemia, severe ulcers acquired after admission, and spinal manipulation therapy.

(e) Environmental Events such as, but not limited to, patient deaths or serious injuries resulting from electrical shock, gas line errors, burns, falls, and the use of restraints or bedrails.

(f) Criminal Events such as, but not limited to, impersonation of physicians or other providers, patient abductions, sexual assaults on patients, and patient or staff deaths or significant injuries due to physical assaults.

Section 2.25.030 REPORTING OF ADVERSE EVENTS REGARDING THE PROVISION OF HEALTH CARE

Reporting of adverse events regarding the provisions of health care shall be reported as follows:

(a) Reporting by Employees. Any employee of the Health Services Agency, the San Mateo Medical Center and clinics who believes, observes or otherwise becomes aware of an adverse event involving the provision of health care that has occurred at a County operated health care facility must immediately report the event to his/her supervisor/manager.

(b) Reporting by Contractors. Any contractor who performs health care services at County operated health care facilities, who believes, observes or otherwise becomes aware of an adverse event involving the provision of health care that has occurred at a County operated health care facility must immediately report the event to the applicable manager.

(c) Reporting by Members of The Public. A patient, healthcare professional (who is not an employee or contractor), or any other member of the public who believes that an adverse event involving the provision of health care has occurred at a County operated health care facility, should be encouraged to report the event to staff. Staff should then immediately report the incident to his/her manager/supervisor. For those incidents that occur in the hospital or its clinics the reports should be directed to San Mateo Medical Center's Quality Management. For those occurring at the Public Health labs or clinics, the reports should be directed to the Director of the Health Services Agency.

Section 2.25.040 PROCESS TO BE USED AFTER RECEIVING A REPORT MADE PURSUANT TO SECTION 2.25.030

Upon receipt of a report made pursuant to section 2.207,030, the recipient manager/supervisor shall promptly report the matter to his or her Department Head.

The Department Head or his/her designee, within twenty-four hours of receiving notice of the matter, shall report the event to the County Manager. The County

Manager shall notify the County Counsel who, in consultation with the County Manager, shall provide the Board of Supervisors with a summary of the event, as appropriate.

For all adverse events occurring at the San Mateo Medical Center, the Department Head, in consultation with the County Manager, County Counsel, and the President of the Hospital Board of Trustees, shall determine if the Hospital Board shall convene a special meeting to address the incident. The Hospital Board of Trustees may take any action it deems necessary, including, where appropriate, a recommendation to the Board of Supervisors.

All adverse events shall immediately be reported and disclosed to the patient or patient's legal representative. In addition, the results of any investigation pursuant to Section 2.207.050 below shall also be disclosed to the patient or patient's legal representative.

These reports shall be done in such a manner as to not violate state or federal laws regulating the privacy of protected health care information.

Section 2.25.050. INVESTIGATION

Upon notification of an adverse event, the Department Head, or his/her designee, shall promptly refer the matter to the appropriate quality/safety individual, and/or interdisciplinary team, which shall, if appropriate, promptly plan and conduct an investigation. Depending on the nature of the incident, the investigation may involve departmental management, Employee Relations, the Coroner, and/or appropriate licensing and law enforcement agencies.

The investigation shall be conducted in accordance with all existing policies, including the Integrated Patient Safety Plan for those facilities covered by such plan. The investigation will determine the existence of system-based causes of adverse events. The investigation will include recommendations of potential improvements that would reduce the likelihood of similar adverse events.

Throughout the investigative process, all involved parties will treat the report and related information, including but not limited to information gathered and prepared in the course of the investigation of the incident, as confidential unless otherwise necessary to conduct the investigation. Any disclosure of information shall be done in such a manner as to not violate state or federal laws regulating the privacy of protected health care information.

At the conclusion of the investigation, the Department Head will take the necessary steps to address the incident, including any necessary systemic changes to minimize or prevent reoccurrence of any such incident. The Department Head shall also notify the person who filed the report that investigation has been completed.

Section 2.25.060 SEMI-ANNUAL REPORT OF ACTIONS TAKEN

The Chief Executive Officer of the San Mateo Medical Center and the Director of the Health Services Agency shall submit a semi-annual summary report to the Board of Supervisors delineating the types of reports that have been made under this chapter as well as the implementation of any significant new program, policy or facility improvements that have been made as a result of such reports.

Section 2.25.070 NO RETALIATION

Any retaliation or reprisal by any County officer or employee against any complainant or informant for reporting an adverse event is strictly prohibited and any act of retaliation or reprisal is subject to appropriate disciplinary action, which may include dismissal; 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.

Article 2.3 HUMAN SERVICES AND HOUSING

Chapter 2.30 HUMAN SERVICES AGENCY.

2.30.010 DIRECTOR OF THE HUMAN SERVICES AGENCY

There is hereby established a Human Services Agency under the administrative supervision of the Director of the Human Services Agency. (Prior code § 2330; Ord. 2743, 07/21/81; Ord. 3377, 03/24/92)

2.30.020 DUTIES OF DIRECTOR OF THE HUMAN SERVICES AGENCY

The Director of the Human Services Agency shall administer the provision of youth and family services, including shelter care and dependent children under Welfare and Institutions Code section 300, programs of community services, self-sufficiency programs, job training, alcohol, tobacco and other drug treatment, and homeless services and other special social service programs, in conformity with the State and Federal statutes and regulations and in accordance with the provisions of the San Mateo County Charter, this code and such other applicable laws, ordinances and regulations as may be hereinafter promulgated. (Prior code § 2331; Ord. 2743, 07/21/81; Ord. 3377, 03/24/92; Ord. 4248, 01/25/05)

2.30.030 RECORDS

The Director of the Human Services Agency is hereby directed to keep full and complete records of all requests for assistance, investigation of such requests, and all public assistance, granted or denied, and services rendered; also records of the investigation of all applications for licenses and the issuance or denial of the same. (Prior code § 2332; Ord. 2743, 07/21/81; Ord. 3377, 03/24/92)

2.30.040 CONFIDENTIAL NATURE OF RECORDS

All records and information concerning recipients of public assistance or services provided by the Human Services Agency shall, to the extent permitted by state and federal law, be confidential within the Agency and no information may be released except to duly authorized agencies or individuals for purposes pertaining solely to the administration of aid or to persons within the Agency for purposes of administration of the programs of the Agency; except that such records may be made available for research purposes provided that such research will not result in the disclosure of the identity of the applicants or recipients of public assistance or social services. (Prior code § 2333; Ord. 1024, 08/04/53; Ord. 2273, 10/08/74; Ord. 2724, 02/14/81; Ord. 2743, 07/21/81; Ord. 3377, 03/24/92)

2.30.050 POLICIES AND PROCEDURES

The Director of the Human Services Agency shall be responsible for the formulating of rules and regulations concerning policies and procedures in the administration of all Social Service programs in the County of San Mateo. Such rules and regulations shall be presented by him for review to the Board of Supervisors through the County Manager. Said rules and regulations shall be final and binding thirty (30) days from the receipt of said regulations by the Board of Supervisors unless within thirty (30) days of receipt thereof by that Board, the County Manager or a member of the Board of Supervisors places the regulations or amendments on the agenda of any meeting of the Board of Supervisors for that Board's formal consideration. Regulations brought before the Board of Supervisors in this manner, and thereafter formally approved or amended by the Board of Supervisors, will become effective thirty (30) days from that approval or amendment. (Prior code § 2334; Ord. 2743, 07/21/81; Ord. 3377, 03/24/92)

2.30.060 AID TO INDIGENT RESIDENTS

The policies and procedures provided for in this code shall establish eligibility for aid to indigent residents in the County of San Mateo through an adult general assistance program, and also shall provide for care to indigent minors. Persons eligible for adult general assistance shall be defined as all indigent adults or legally married indigent minors who are lawful residents of San Mateo County as defined in Welfare and Institutions Code 17105 and who are not supported by their own means, by relatives or friends, or by State hospitals or other State or private institutions, or who are not eligible for any other program of assistance. Adult indigents may be incompetent, incapacitated by age, disease, or accident, or be unemployed. Eligible indigent minors are those persons who are under 18 years of age, not legally married, and who would be eligible for adult general assistance except for the fact that they are under 18 years of age. (Prior code § 2335; Ord. 2743, 07/21/81)

2.30.070 AID TO NON-RESIDENT INDIGENTS

Indigent non-residents in the County of San Mateo, who otherwise qualify, may receive adult general assistance, or care as indigent minors, in one of the

following situations: (1) on an emergency basis only while awaiting authorization for return to their place of legal residence; or (2) upon an agreement entered into with the County of residence providing for reimbursement from said County. (Prior code § 2336; Ord. 2743, 07/21/81)

2.30.080 EMERGENCY AID

Recognizing the possibility of other emergency situations not covered by the eligibility requirements set forth herein, the Director of the Human Services Agency or the Director's designee is hereby authorized to grant temporary assistance, in the most appropriate manner, where the circumstances indicate an urgent need for such relief. The policies and procedures referred to in this code shall provide for such emergency relief, setting out the criteria for its availability, and the nature of such relief. (Prior code § 2337; Ord. 2743, 07/21/81; Ord. 3377, 03/24/92)

2.30.090 APPLICATIONS FOR GENERAL ASSISTANCE

All applications for general assistance shall contain, in addition to the usual identifying information, a sworn statement of assets, real and personal, possessed by the applicant, a record of his employment and prior residence, and the immediate cause of indigency. Anyone applying for general assistance shall complete such application, and if it is determined that the applicant is a minor, said applicant shall be referred to Children's Services for the provision of care to indigent minors, as set out in the policies and procedures formulated by the Director of the Human Services Agency pursuant to section 2.30.050 of this code. (Prior code § 2338; Ord. 2743, 07/21/81; Ord. 3377, 03/24/92)

2.30.100 REPAYMENT OF AID

Procedures for securing repayment of aid shall be established to implement the statutes contained in the Welfare and Institutions Code. San Mateo County may require recipients of adult general assistance, as a condition of aid, to sign an agreement to reimburse the County for aid advanced. An adult general assistance recipient may be required to execute a lien on any real property, owned or acquired by said recipient, to secure the repayment of monies expended by the County for the recipient's support. The Director of the Human Services Agency shall adopt a scale for determining the amount of repayment required, based on the following factors:

1. Amount of the account or sums due the County;
2. The actual market value of the debtor's real property; and;
3. Liabilities and responsibilities of the debtor.

Such liens may not be enforced during the life of the recipient, unless the property securing same is sold, conveyed, or otherwise disposed of, but any income from such property shall be applied to the cost of said aid. In those cases in which the recipient is survived by a dependent spouse or child, the lien may not be enforced until the death of that spouse or child, or until such time as said

spouse or dependant child has achieved self-maintenance, or until the property is sold, conveyed, or otherwise disposed of. (Prior code § 2339; Ord. 2743, 07/21/81; Ord. 3377, 03/24/92)

2.30.110 AID TO INDIGENT ALIENS

In order to establish eligibility for General Assistance, an alien must be indigent, otherwise qualified for aid as established by pertinent sections of this chapter and have been lawfully admitted to the United States for permanent residence or permanently residing in the United States pursuant to the Immigration and Nationality Act. Any alien who is otherwise qualified for aid shall be eligible to receive General Assistance, if he certifies under penalty of perjury that to the best of his knowledge, he is in the United States legally and is entitled to remain indefinitely, or if he certifies that he is not under order of deportation. Such certification by the alien may be forwarded to the United States Immigration and Naturalization Service for verification.

Sponsors of aliens may be contacted to determine their willingness to support the alien, if the alien has been residing in the United States for less than five (5) years. (Prior code § 2340; Ord. 2743, 07/21/81)

2.30.120 MANAGEMENT OF DEPENDENT CHILDREN'S HOME

The home for dependent children shall be operated and managed by the Director of the Human Services Agency. Admission to said home shall be made upon recommendation of the Probation Department, by request of parents or other persons having custody of dependent non-delinquent children having need of such placement, and, in emergencies, directly by the Human Services Agency. Notwithstanding any other provision of law, a minor who presents himself/herself as indigent and not being provided for by any other individual or institution may be placed in the home for dependent children pending investigation of the minor's status.

Payments for said care shall be made by the parents, or other legally responsible individuals, when it is determined that funds are available for this purpose.

It is the intent and express policy of the Board of Supervisors that said home shall be for temporary care of dependent and neglected children pending return to their own homes, or placement in another suitable home or institution in accordance with law. (Prior code § 2342; Ord. 2743, 07/21/81; Ord. 3377, 03/24/92)

2.30.130 FISCAL DUTIES OF THE ACCOUNTING SECTION OF THE HUMAN SERVICES AGENCY

The Accounting section of the Human Services Agency is hereby authorized to assume responsibility for all financial recording and accounting necessary in the administering of the programs heretofore enumerated in this chapter, upon the

request and with the approval of the County Controller. (Prior code § 2343; Ord. 2743, 07/21/81; Ord. 3377, 03/24/92)

Chapter 2.31 DEPARTMENT OF HOUSING AND THE COMMUNITY DEVELOPMENT COMMISSION.

2.31.010 DEPARTMENT OF HOUSING

There is hereby established a Department of Housing under the administrative supervision of the Director of the Department of Housing. (Ord. 4248, 01/25/05)

2.31.020 DUTIES OF THE DEPARTMENT OF HOUSING

The Department of Housing shall be responsible for the Housing Authority and housing and community development. (Ord. 4248, 01/25/05)

2.31.030 COMMUNITY DEVELOPMENT COMMISSION; DECLARATION OF NEED; BOARD AS COMMISSION

The Board of Supervisors of the County of San Mateo, by and through the authority vested in it by the Health and Safety Code of the State of California, hereby declares that there is and continues to be a need for a Community Development Commission to function in the County of San Mateo and hereby further declares that it shall be and shall continue to be the Community Development Commission of the County of San Mateo. (Prior code § 2020; Ord. 2503, 05/09/78)

2.31.040 POWERS AND DUTIES VESTED IN BOARD OF SUPERVISORS

All powers and duties vested in a Community Development Commission, Redevelopment Agency, and Housing Authority are hereby and continue to be vested in the Board of Supervisors, and this Commission shall continue to succeed to and discharge, from the effective date of the ordinance codified in this chapter, all duties, powers and responsibilities of the Housing Authority of the County of San Mateo and the Redevelopment Agency of the County of San Mateo. All pre-existing legal obligations of contract by the Housing Authority and the Redevelopment Agency with the United States Department of Housing and Urban Development, and all other persons and legal entities, outstanding as of the original effective date of the ordinance codified in this chapter are hereby accepted, affirmed and vested in the County of San Mateo, save and except any contract, memorandum of understanding or other agreement of any nature whatsoever with any employee representative, organization or association. (Prior code § 2021; Ord. 2503, 05/09/78)

2.31.050 CONTINUATION OF COMMUNITY DEVELOPMENT COMMITTEE

There is hereby created a Community Development Committee to advise the Community Development Commission. Membership of, and duties applicable to, such committee shall be as provided in Health and Safety Code section 34120.5 and by resolution of this Commission. The Commission reserves the authority to

designate other community groups to advise it with regard to local housing and redevelopment programs. (Prior code § 2022; Ord. 2503, 05/09/78)

2.31.060 DELEGATION OF POWERS AND FUNCTIONS TO COUNTY

Pursuant to authority granted by Health and Safety Code section 34152, this Commission does hereby delegate to the County of San Mateo all of the powers and functions of the Commission. (Prior code § 2023; Ord. 2503, 05/09/78)

2.31.070 COUNTY TO DISCHARGE POWERS THROUGH DEPARTMENT OF HOUSING

The powers and duties of the Community Development Commission delegated to the County of San Mateo shall be discharged through the Department of Housing. The Director of the Department of Housing shall, subject to approval of the Board of Supervisors, promulgate appropriate rules and regulations to govern the implementation and discharge of the powers and functions so delegated. (Prior code § 2024; Ord. 2503, 05/09/78; Ord. 3377, 03/24/92; Ord. 4248, 01/25/05)

Article 2.4 PUBLIC SAFETY AND THE ADMINISTRATION OF JUSTICE

Chapter 2.40 COURT FACILITY SECURITY.

2.40.010 COURT FACILITY DEFINED

As used in this chapter, "court facility" includes any building at which court hearings, court calendars, court or jury trials, or any other court proceedings are conducted including but not limited to the Hall of Justice and Records at 400 County Center in Redwood City, the court building located at 1050 Mission Road in South San Francisco, the court building located at 800 N. Humboldt Street in San Mateo, the Juvenile Court building located at 21 Tower Road in San Mateo, and any building at which sessions of traffic court or any other court hearings, court calendars, court or jury trials or any other court proceedings are conducted. Any such building is a court facility regardless of whether said building is owned or leased by the County. (Ord. 3847, 8/4/98)

2.40.020 COURT FACILITY SECURITY MEASURES

The Sheriff and his deputies, other peace officers who come to their aid, and contractors who are engaged for the purpose of implementing court facility security, may conduct pat-down, electronic or magnetometer searches of persons entering court facilities for weapons, and may examine for weapons the contents of any purses, parcels, and other items carried by such persons, as may be reasonably necessary to ensure the security of court facilities. If any person refuses to submit to a search, he or she shall have the option of leaving the court facility without a search, unless a search is otherwise permitted by law. (Ord. 3847, 8/4/98)

2.40.030 BREACHING COURT FACILITY SECURITY MEASURES

(a) It is unlawful for any person to breach, defeat, bypass or tamper with any mechanism, system, or equipment designed to prevent or restrict access to any court facility with the intent to circumvent court facility entry screening, or to aid another in such breach, defeat, bypass or tampering.

(b) It is unlawful for any person to enter, with the intent to circumvent court facility entry screening, or to exit any court facility by way of any access door, hallway or entryway which is posted as "restricted" or "no access," unless authorized to do so by a peace officer. (Ord. 3847, 8/4/98)

2.40.040 INFRACTIONS AND MISDEMEANORS

(a) Any person who violates the provisions of this chapter is guilty of an infraction punishable by a fine in an amount not to exceed one hundred dollars (\$100.00.)

(b) Any person who violates this chapter, having been convicted of one or more violations of this chapter within the twelve-month period preceding the commission of the offense alleged in the accusatory pleading is guilty of a misdemeanor. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged. (Ord. 3847, 8/4/98)

Chapter 2.41 DEPARTMENT OF CHILD SUPPORT SERVICES.

2.41.010 DIRECTOR OF DEPARTMENT OF CHILD SUPPORT SERVICES

There is established a Department of Child Support Services. The department shall be under the direction and management of the Director of the Department of Child Support Services who shall appoint all employees of the department. (Ord. 4114, 05/14/02)

2.41.020 DUTIES OF THE DEPARTMENT

The department shall be responsible for the performance of child support enforcement activities required by law and regulation in a manner prescribed by the State Department of Child Support Services. As a state program with state funding and budget oversight, the Department will not be funded from the County General Fund. To the extent such services are funded by state funds, the department shall be responsible for securing, modifying, and enforcing child and spousal support obligations, including medical support, and for determining paternity in a case of a child born out of wedlock, and for all further responsibilities delegated to the local child support agency pursuant to Division 17 (commencing with Section 17000) of the California Family Code. (Ord. 4114, 05/14/02)

Chapter 2.42 DISTRICT ATTORNEY AND PUBLIC ADMINISTRATOR.

2.42.010 DISTRICT ATTORNEY

There is an office of District Attorney. The District Attorney shall be elected consistent with applicable provisions of state law, and the District Attorney shall discharge all functions assigned to the office under state law.

2.42.020 CONSOLIDATION OF OFFICES

The office of the District Attorney is hereby consolidated with the office of the Public Administrator and the powers, functions and duties of the Public Administrator shall be exercised by the District Attorney. Whenever there is a reference to the term "Public Administrator" in this code and/or any other ordinance of the County of San Mateo, the same shall mean and shall be construed to mean the District Attorney. (Prior code § 2382; Ord. 3611, 11/15/94)

Chapter 2.43 PROBATION.

2.43.010 CHIEF PROBATION OFFICER; SELECTION AND DUTIES

There is an office of Chief Probation Officer, who shall be selected and appointed in accordance with state law and who shall discharge those duties required by state law, including but not limited to:

- (a) administration of the Probation Department and probation programs within the County;
- (b) management and control of the internal affairs of the Juvenile Hall and Juvenile Camps in accordance with general law; and
- (c) appointment of deputies consistent with the County Charter and Civil Service system. (Prior code § 2421; Ord. 1024, 08/04/53)

2.43.020 USE OF DEPENDENT CHILDRENS HOME

Dependent or neglected children who are not delinquent may be placed by the Probation Officer in the home for dependent children, temporarily, if and when said home is approved for such purposes by the Juvenile Court. (Prior code § 2422; Ord. 1024, 08/04/53)

2.43.030 JUVENILE CAMP PROGRAMS

There is hereby created and established pursuant to the provisions of sections 880 to 891 inclusive of the Welfare and Institutions Code a Juvenile Camp Program, to which persons made wards of the court on the ground of fitting the description in Section 602 may be committed. The Probation Department shall manage and control the internal affairs of the Juvenile Camp Program.

Chapter 2.44 SHERIFF.

2.44.010 SHERIFF TO MAINTAIN BRANCH COUNTY JAILS

The Sheriff shall be the supervisor of any branch County Jail in the County designated by him with the approval of the Board of Supervisors, and the Sheriff shall be in charge of and responsible for all activities at said branch County Jail. (Prior code § 2478; Ord. 1533, 08/14/62)

2.44.020 AUTHORITY TO DEPUTIZE SHERIFF'S DEPARTMENT EMPLOYEE

The Chief Probation Officer may, with the agreement of the Sheriff, deputize an employee of the Sheriff's Department to perform duties in connection with section 1203.1a of the California Penal Code. (Prior code § 2479; Ord. 2609, 10/02/79; catchline editorially created, 6/94)

2.44.030 FULL PEACE OFFICER POWERS CONFERRED UNDER SPECIALLY TRAINED RESERVE DEPUTIES

San Mateo County reserve deputy sheriffs who are assigned to the general enforcement of the laws of this state by San Mateo County, and, who have either completed the basic course, or, possess the reserve officer certificate issued by Peace Officer Standards, shall receive full peace officer powers as provided in California Penal Code § 830.1 and authorized by California Penal Code § 830.6(a)(2). (Prior code § 2481; Ord. 3562, 04/05/94)

2.44.040 SHERIFF SHALL ENFORCE PROVISIONS OF OUTDOOR ADVERTISING ACT ON COUNTY HIGHWAYS

Pursuant to the authority contained in section 5227 of the Business and Professions Code of the State of California, the Sheriff of San Mateo County is designated as the County officer authorized to enforce all of the provisions of the Outdoor Advertising Act which is contained in chapter 2, division 3 of the Business and Professions Code, in the portions of the County of San Mateo. (Prior code § 2477; Ord. 1425, 09/27/60)

2.44.050 REMOVAL OF PRISONERS FOR MEDICAL, DENTAL, ETC. CARE

The Sheriff may remove any prisoner in his custody who has been assigned to him as a sentenced misdemeanor or felon, serving time as a condition of probation, from any County industrial farm, industrial road camp, or honor camp where such prisoner has been placed by the Sheriff, without court order under custody, for such purposes as: private medical health care, vision or dental care, psychological care, vocational services, educational services, and attendance at funerals. (Prior code § 2476.1; Ord. 2155, 08/08/72)

2.44.060 USE OF JAIL PRISONERS ON PUBLIC WORKS

It is the intent of this section to make possible the substitution of rehabilitative and constructive labor for confinement in the County Jail in order that those individuals who are convicted of public offenses and deprived of their liberty may become better citizens through such rehabilitative and constructive work

experiences. Accordingly, all offenders confined to the adult correctional facilities of San Mateo County who are by State law permitted to engage in such work effort may be required by the Sheriff to work on public property or works for the benefit of the public. Any inmate of said facilities who appears physically or mentally unable to perform such work without impairment of his mental or physical health, at the time of classification, shall be referred to the jail physician. All inmates ordered to work on public property or works as herein provided shall, at all times while engaged in such activity, be and work under the direct supervision of a deputy sheriff, or under the direct supervision of a person deputized by the Sheriff to perform such supervision, and all work to be done must be at the direction of the public body having jurisdiction over the property or public work whereon the work is being performed. The number of prisoners assigned to any given task shall be by agreement of the Sheriff and the director of the agency having jurisdiction over the property or public work whereon such task is being performed. The Sheriff shall be directly responsible for the custody and safekeeping of inmates so engaged in such tasks, and for the protection of the public in connection with the activities contemplated hereunder. (Prior code § 2476; Ord. 1024, 08/04/53; Ord. 2184, 02/06/73)

2.44.070 WORK FURLOUGH LAW

The provisions of the Work Furlough Rehabilitation Law (Cobey Work Furlough Law) commencing at section 1208 of the Penal Code are hereby made operative in the County of San Mateo, the Board of Supervisors of the County of San Mateo hereby finding that, on the basis of employment conditions, education conditions, and job training conditions, the state of the County jail facilities, and other pertinent circumstances considered by this Board, that the operation of said Work Furlough Rehabilitation Law insofar as it relates to employment, job training, and education, in the County of San Mateo, is feasible. (Prior code § 2811; Ord. 1717, 09/07/65; Ord. 3113, 06/16/87)

2.44.080 DESIGNATION OF THE SHERIFF AS WORK FURLOUGH ADMINISTRATOR

The Sheriff is hereby designated as the Officer who shall perform the functions of the Work Furlough Administrator within the County of San Mateo. (Prior code § 2800; Ord. 1717, 09/07/65; Ord. 1931, 09/17/68)

2.44.090 FEES FOR CARRYING A CONCEALED WEAPONS LICENSE

Each applicant for a new concealed weapon license or for the renewal or amendment of an existing license shall pay the application, renewal or amendment fee determined by the Department of Justice in accordance with Penal Code Section 12054, and shall pay to the County an additional application, renewal or amendment fee in the maximum amount permitted by Penal Code Section 12054. (Ord. 3898, 04/20/99)

2.44.100 DISPOSITION OF LOST AND UNCLAIMED PROPERTY

The disposition of lost and unclaimed property shall be administered by the Sheriff's Department in accordance with the Civil Code of the State of California at section 2080 et seq. and in addition shall be governed by the following administrative provisions:

- (a) At the time an item of lost or unclaimed property is presented to the Sheriff's Department pursuant to the provisions of the Civil Code such item shall be received by the Sheriff if, and only if, in his judgment it has the value of ten dollars (\$10.00) or more. If, in the judgment of the Sheriff, the value of the item is less than ten dollars (\$10.00), the Sheriff's Department shall not take possession of said property, but it shall remain in the possession of the finder.
- (b) If the finder of an item of lost property which, in the judgment of the Sheriff has a value of less than ten dollars (\$10.00), refuses to retain possession thereof and deposits said item with the Sheriff's Department, such property shall be deemed not to be public property, and the Sheriff may (1) give such property to a charity or may (2) accumulate such property and dispose of it in a manner approved by the Board of Supervisors.
- (c) At any time after an item of lost or saved property is taken into possession by the Sheriff pursuant to the provisions of this code, said item of property may be destroyed or otherwise disposed of, if in the opinion of the Sheriff its continued storage would be inimical to the health, safety, or welfare of the County.
- (d) If, after the prescribed storage period has passed and the prescribed notice has been given, lost property remains unclaimed by the owner, general law provides that title vests in the finder unless such finder is a public employee. When a finder in whom title vests relinquishes his claim and interest in the property, the Sheriff may give away, sell at public auction, or otherwise dispose of said property in whatever manner he deems to be in the public interest.
- (e) Unclaimed property, as described in subsection (d) of this section, found by an employee of any public agency, shall be sold by the Sheriff at public auction.
- (f) Any personal property with a value of not more than five hundred dollars (\$500) in the possession of the sheriff which has been unclaimed for a period of at least 90 days may, instead of being sold at public auction to the highest bidder pursuant to the provisions of section 2080.5 of the Civil Code, be turned over to the probation officer, to the welfare department of the county, or to any charitable or nonprofit organization which is authorized under its articles of incorporation to participate in a program or activity designed to prevent juvenile delinquency and which is exempt from income taxation under federal or state law, or both, for use in any program or activity designed to prevent juvenile delinquency. Before any property subject to this section is turned over to the probation officer, to the welfare department of the County, or to any charitable or nonprofit organization,

the Sheriff's Office shall notify the owner, if his or her identity is known or can be reasonably ascertained, that it possesses the property, and where the property may be claimed. The owner may be notified by mail, telephone, or by means of a notice published in newspaper of general circulation which it determines is most likely to give notice to the owner of the property.

(g) Whenever the Sheriff conducts a public auction for the purpose of selling unclaimed property in his possession, he shall give notice of such sale by publishing notice thereof once in a newspaper of general circulation published in the County, at least five (5) days before the time fixed for the sale.

The public auction shall be held not less than five (5) days after the publication of the notice of sale. Each item shall be separately sold at auction to the highest bidder, except in cases where there may be several of the same kind of article of little value, in which case the several articles may be sold by lot or parcel.

The expenses connected with the sale shall be a proper charge against the funds of the Sheriff's Department, and the receipts and proceeds of the sale shall first be applied to reimburse the Sheriff's Department for such expenses. The balance of the proceeds shall be deposited in the County Treasury.

Any items advertised for sale at public auction and remaining unsold after said auction, shall be disposed off by the Sheriff in whatever manner he deems to be in the public interest.

(h) Other than personal property abandoned by prisoners, which shall be handled in the same manner as other unclaimed property, this section has no application to things which have been intentionally abandoned by their owner.

(i) In the case of certain deadly weapons, disposition of which is governed by other law, such law shall prevail over the provisions of this section.

(k) If the Sheriff or the Purchasing Agent determines that any property which would otherwise be sold under the provisions of this section is needed for a public use, including but not limited to law enforcement purposes, such property may be retained for said public use and need not be sold. However, upon the determination that said property should be retained for public use, it shall be inventoried as with other county property. (Prior code § 2475; Ord. 1024, 08/04/53; Ord. 1632, 01/14/64; Ord. 2028, 02/24/70; Ord. 4230, 8/31/04)

2.44.110 FINGERPRINTING FEE

Each individual who applies to have fingerprints scanned and processed by the Sheriff's Office for employment or other non-criminal-proceedings purposes shall pay a fee of \$18.00, payable at the time the fingerprints are taken, and the Sheriff's Office shall retain said fee to offset the costs of said service. (Ord. 3655, 06/06/95; Ord. 3765, 04/08/97; Ord. 3882, 01/19/99; Ord. 4121, 06/25/02)

Chapter 2.45 CORONER.

2.45.010 OFFICE OF CORONER

The coroner shall be vested with the powers and perform the duties prescribed by state law and ordinances not inconsistent therewith which shall include, but not by way of limitation:

- (a) To inquire into and determine the circumstances, manner and cause of all violent, sudden or unusual deaths; unattended deaths, deaths wherein the deceased has not been attended by a physician in the ten days before death; deaths related to or following known or suspected self-induced or criminal abortion, known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, alcoholism, drug addiction, strangulation or aspiration; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death or inquiry by the coroner;
- (b) Upon being informed of a death and finding it to fall into the classification of deaths requiring his inquiry, to proceed to where the body lies, examine the body, make identification, and, as the circumstances warrant, either order its removal for further investigation or disposition, or release the body to the next of kin;
- (c) In any death into which he is to inquire, to take charge of any and all personal effects, valuables and property of the deceased at the scene of death and hold or safeguard them until lawful disposition thereof can be made;
- (d) If deemed necessary, to lock and seal the door or doors prohibiting entrance to the premises, pending arrival of a legally authorized representative of the deceased;
- (e) At his discretion, to take possession of the body which shall include the authority to exhume such body, order it removed to a convenient place, and make, or cause to be made a post-mortem examination or autopsy thereon, and make or cause to be made an analysis of the stomach, stomach contents, blood, organs, fluids or tissues of the body;
- (f) To retain only such tissues as necessary to determine the cause of death;

(g) To maintain and safeguard such records as required by state law or by ordinance not inconsistent therewith;

(h) To certify the cause of death in conformity with facts ascertained from inquiry, autopsy and other scientific findings, or from statements of relatives, persons last in attendance or persons present at the time of death, after due medical consultation and opinion has been given by one qualified and licensed to practice medicine and so recorded in the records of death, providing such information affords clear grounds to establish the correct medical cause of death within accepted medical practice and within the requirements for accuracy prescribed by the Division of Vital Statistics of the State Department of Public Health;

(i) To hold inquest into a death if, in his discretion, the circumstances warrant, or if requested to do so by the Attorney General, the District Attorney, Sheriff, city prosecutor, city attorney, or a chief of police of a city in the county in which the coroner has jurisdiction;

(j) In accordance with state law, and the absence or willful refusal of any person legally required to perform the service, to take charge of and decently inter the body of all indigent or unclaimed dead within his jurisdiction, and, if those legally required to perform the service willfully refuse to do so, to take such action as necessary to legally recover county funds expended for the purpose;

(k) To turn over to the public administrator for action any assets in his possession allegedly belonging to the indigent or unclaimed dead to initiate legal proceedings to liquidate and recover for the county funds expended for the purpose of an indigent or unclaimed dead disposal;

(l) To perform other duties prescribed by law or ordinance not inconsistent therewith.

2.45.020 CORONER'S FEES

Except as otherwise specifically provided by other Ordinance or state law, the following fees shall be charged for services rendered by the Coroner as specified:

Final Full Autopsy Report	\$35.00 each
Autopsy Report (Summary Only)	\$10.00 each
All other testing and consultation reports	\$5.00 each report
Death Investigation Report	\$15.00 each
Mail out of Decedent Property & Records(Pick-up by next of kin-no charge)	\$25.00 plus cost of postage
Civil Deposition of Coroner at Office	\$150.00/hour

Civil Deposition of Coroner at Court	\$300.00 plus \$150 per hour after 2 hours Mileage @ .48/mile
Deputy Coroner Consultation	\$75.00 per hour
Deputy Coroner Civil Court Deposition of Appearance	\$150.00 plus \$75.00 per hour plus mileage @\$0.485 per mile
Photographs – set	\$25.00 plus photo processing cost
Warehouse/Archive Files Records Search	\$25.00
Pick-Up and Storage of Remains (Coroner Case, 1 day storage after notification of next of kin)	\$250.00
Storage of Remains after 1 day	\$50.00 per day
“Courtesy”(non-Coroner) Pick up and Storage	\$250.00 plus \$50.00/day storage
Body Wrap and Bag Fees Wrap	\$25.00 Plastic Sheet \$45.00 Light weight bag \$65.00/ BioHazard bag \$125.00/ Large BioHazard bag
Autopsies and related testing not pursuant to law, at voluntary request of next of kin or Executor	\$3,000 plus cost of related tests
Other Special Services Requested	Fees to be determined based on costs

Ordinance 4300, March 14, 2006

Chapter 2.46 EMERGENCY, ORGANIZATION AND FUNCTIONS.

2.46.010 PURPOSE

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this County in the event of an emergency, the direction of the emergency organization and the coordination of the emergency functions of this County with all other public agencies and affected private persons, corporations and organizations consistent with state law. (Prior code § 2750; Ord. 930, 02/20/51; Ord. 2129, 02/01/72)

2.46.020 DEFINITIONS

(a) Emergency. As used in this chapter, “emergency” shall mean the actual or threatened existence of conditions of disaster or extreme peril to the safety of persons and property within this County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, actual or imminent enemy attack, or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this County, requiring the combined forces of other political subdivisions to combat.

(b) State of War Emergency. As used in this chapter “state of war emergency” shall mean the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

(c) State of Emergency. As used in this chapter, “state of emergency” shall mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake or other conditions, other than conditions resulting from a labor controversy or conditions causing a “state of war emergency”, which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single County, City and County, or City and require the combined forces of a mutual aid region or regions to combat.

(d) Local Emergency. As used in this chapter, “local emergency” shall mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of this County, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, actual or imminent enemy attack, or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this County and require the combined forces of other political subdivisions to combat. (Prior code § 2751; Ord. 930, 02/20/51; Ord. 2129, 02/01/72)

2.46.030 DISASTER COUNCIL MEMBERSHIP

The Emergency Services Council is hereby created to serve as the San Mateo County Disaster Council, and shall consist of the following:

(a) The President of the Board of Supervisors or other member of the Board of Supervisors who shall be appointed by the President of the Board of Supervisors. This member shall serve as Chair of the Emergency Services Council.

(b) The mayor of each city in the County, or the mayor’s designated representative, with the understanding that any representative shall be member of the City Council of the city whose mayor he or she is representing.

The Emergency Services Council shall be advised by an administrative committee, which shall include the following:

(a) The County Manager, acting in the capacity as Director of Emergency Services.

(b) Four city managers from cities in the county, to be selected by the City Managers' Association or any successor organization representing their interests.

2.46.040 DISASTER COUNCIL POWERS AND DUTIES

It shall be the duty of the San Mateo County Emergency Services Council, and it is hereby empowered, to work in coordination with local government entities within and neighboring the County of San Mateo to review, approve, and recommend for adoption by the Board of Supervisors and other legislative agencies, such emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Emergency Services Council shall meet upon call of the Chairman or, in his absence from the County or inability to call such meeting, upon the call of the Vice Chairman. (Prior code § 2753; Ord. 930, 02/20/51; Ord. 2129, 02/01/72)

2.46.050 DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES

There is hereby created the position of Director of Emergency Services. The County Manager shall be Director of Emergency Services, and the Manager may appoint such designees or assistants as are necessary to discharge the duties of Director of Emergency Services.

2.46.060 POWERS AND DUTIES OF THE DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES

(a) The Director is hereby empowered and it shall be his duty to:

1. Request the Board of Supervisors to proclaim the existence or threatened existence of a "local emergency", if the Board of Supervisors is in session, or to issue such proclamation if the Board of Supervisors is not in session. Whenever a local emergency is proclaimed by the Director, the local emergency shall not remain in effect for a period in excess of seven days thereafter unless the proclamation has been ratified by the Board of Supervisors within said seven day period. The Board of Supervisors shall review, at least every fourteen days until such local emergency is terminated, the need for continuing the local emergency, and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant.
2. Request the Governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.
3. Control and direct the effort of the emergency organization of this County for the accomplishment of the purposes of this chapter.

4. Direct cooperation between and coordination of services and staff of the emergency organization of this County, and resolve questions of authority and responsibility that may arise between them.
5. Represent the County in all dealings with public or private agencies pertaining to emergencies as defined herein.
6. In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency", the director is hereby further empowered:
 - a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations shall be submitted to the Board of Supervisors for confirmation at the earliest practicable time.
 - b. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the County for the fair value thereof and, if required immediately, to commandeer the same for public use.
 - c. To require emergency services of any County officer or employee and, in the event of the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services in this County or in the mutual aid region within which this County is located, or in the event of a "state of war emergency", to command the aid of as many citizens of this County as he deems necessary in the execution of his duties. Such persons shall act as disaster service workers, and shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers.
 - d. To requisition necessary personnel or material of any County department or agency.
 - e. To execute all of his ordinary powers as County Manager, all of the special powers conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the Board of Supervisors, all powers conferred upon him by any statute, by any agreement approved by the Board of Supervisors, and by any other lawful authority.

(b) The Assistant Director, shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans and

manage the emergency programs of this County, and shall have such other powers and duties as may be assigned by the Director. (Prior code § 2755; Ord. 930, 02/20/51; Ord. 2129, 02/01/72; Ord. 3301, 03/12/91)

2.46.070 DIRECTOR’S AUTHORITY TO DECLARE CURFEW

If a “local emergency” has been proclaimed in accordance with the provisions of section 2.46.060(a)(1) the Director is authorized to declare a general curfew for not more than 72 hours and limited to the area(s) wherein the emergency conditions have been proclaimed to exist, and limited to the hours the Director finds and publicly declares to be necessary for the protection of persons and property. The Director may extend the curfew beyond the initial 72 hours upon recommendation by the Board of Supervisors, but subject to immediate termination at any time upon the Board’s written order.

If a “local emergency” has been proclaimed in accordance with the provisions of section 2.46.060(a)(1), the Director is authorized to declare a special curfew for not more than 24 hours. Such curfew may be extended only upon recommendation of the Board of Supervisors, but the duration of such curfew is absolutely restricted to 20 hours in any 24 hour period after the passing of the initial 24 hour period. (Prior code § 2756; Ord. 930, 02/20/51; Ord. 2129, 02/01/72)

2.46.080 THE GENERAL CURFEW AND THE SPECIAL CURFEW

During the effective hours of a general curfew, it shall be unlawful for any person to remain in or upon any public street, road, highway, alley, park, playground, pathway or sidewalk, or other public ground or building or place of public amusement or entertainment or vacant lot in the curfew area(s) unless the presence of such person in such place(s) is required by some legitimate business in which such person is engaged.

During the effective hours of a special curfew, it shall be unlawful for any person to be or appear outside a dwelling house or other building within the curfew area(s) unless compelled to do so by an emergency or unless authorized by a law enforcement officer. (Prior code § 2757; Ord. 930, 02/20/51; Ord. 2129, 02/01/72)

2.46.090 SUCCESSION TO POSITION OF DIRECTOR OF EMERGENCY SERVICES

If for any reason the Director of Emergency Services is unable to carry out his duties as provided in this chapter, then the Assistant County Manager shall serve as Acting Director of Emergency Services, with all of the powers and duties provided in this chapter, until such time as the Director of Emergency Services is able to carry out such duties. If for any reason the Assistant County Manager is unable to serve as Acting Director, then the Sheriff or, if he or she is unable to serve, the Director of Public Works, or, if he or she is unable to serve, the District Attorney, or, if he or she is unable to serve, any other County officer or employee

duly appointed by the Board of Supervisors shall serve as Acting Director with all of the powers and duties provided in this chapter. (Prior code § 2758; Ord. 930, 02/20/51; Ord. 2129, 02/01/72; Ord. 2530, 09/05/78; Ord. 2687, 12/02/80; Ord. 3511, 10/05/93)

2.46.100 EMERGENCY ORGANIZATION

All officers and employees of this County, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons pressed into service as disaster service workers under the provisions of section 2.46.060(a)(6)(C) of this chapter, be charged with duties incident to the protection of life and property in this County during such emergency, shall constitute the emergency organization of the County of San Mateo. (Prior code § 2759; Ord. 2129, 02/01/72; Ord. 3303, 03/12/91)

2.46.110 EMERGENCY PLAN

(a) The San Mateo County Emergency Services Council shall be responsible for the development of the County of San Mateo Emergency Plan, which plan shall provide for the effective mobilization of all of the resources of this County, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, establishment and designation of divisions and services, the assignment of functions, powers and duties, and the designation of the staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the Board of Supervisors and other local legislative agencies.

(b) The County of San Mateo and the political subdivisions thereof, pursuant to the California Emergency Services Act, are designated an operational area. The operational area shall be organized and structured as provided by agreement between the governing bodies of the County and the cities therein. (Prior code § 2760; Ord. 2129, 02/01/72)

2.46.120 PUNISHMENT OF VIOLATION

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500.00), or by imprisonment for not to exceed six months, or both, for any person, during a state of war emergency, state of emergency, or local emergency, to:

(a) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter.

(b) Do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give,

assistance to the enemy, or to imperil the lives or property of inhabitants of this County, or to prevent, hinder, or delay the defense or protection thereof.

(c) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state. (Prior code § 2761; Ord. 2129, 02/01/72)

Chapter 2.47 MISCELLANEOUS PROVISIONS.

2.47.010 COMPENSATION OF GRAND JURORS

Grand Jurors of the County of San Mateo shall be reimbursed as follows:

(a) For committee meetings, \$15.00 per meeting.

(b) For general meetings, \$25.00 per meeting.

(c) Reimbursement at the same rate provided to County employees for each mile actually traveled in attending general meetings of the Grand Jury. (Prior code § 2985; Ord. 2746, 09/01/81; Ord. 3341, 10/01/91; catchline editorially created, 6/94; Ord. 3966, 6/6/00)

2.47.020 LAW LIBRARY

The provisions of the act entitled "An Act to Establish Law Libraries" of the laws of 1891 of the State of California, approved March 31, 1891, and amendments and codifications thereof, and sections 4190 and 4204, inclusive, of the Political Code of the State of California, are hereby made applicable to the County of San Mateo. (Prior code § 2720; Ord. 277, 04/03/16; catchline editorially created, 6/94)

2.47.030 DELINQUENCY PREVENTION COMMISSION

(a) The County Delinquency Prevention Commission shall undertake to cooperate with and assist in coordinating on a County-wide basis the work of those community agencies engaged in activities designed to prevent juvenile and adult delinquency; and said commission may cooperate with any such public or community committees, agencies, or councils at their invitation. (Prior code § 2610; Ord. 1759, 03/08/66)

(b) Those persons who now serve or who may hereafter be appointed to serve as members of the Juvenile Justice Commission of San Mateo County shall be and are hereby designated to be the members of the County Delinquency Prevention Commission. (Prior code § 2611; Ord. 1759, 03/08/66)

(c) The members of the County Delinquency Prevention Commission shall be allowed reimbursement for actual and necessary expenses incurred in the performance of their duties. (Prior code § 2612; Ord. 1759, 03/08/66)

Article 2.5 PUBLIC WORKS AND COUNTY PROPERTY

Chapter 2.50 DEPARTMENT OF PUBLIC WORKS.

2.50.010 DUTIES OF DIRECTOR OF PUBLIC WORKS

The duties and responsibilities of the County Engineer set forth in state law and in this chapter shall be performed by the Director of Public Works or the Director’s duly qualified representative. All references in state law and this Ordinance Code to “County Engineer” shall pertain to the Director of Public Works or the Director’s duly qualified representative. The Director of Public Works or the Director’s duly qualified representative shall be ex-officio Surveyor and Road Commissioner. (Prior code § 2289; Ord. 2552, 12/12/78; Ord. 3308, 03/12/91; catchline editorially created, 6/94)

2.50.020 SPECIAL DISTRICTS

The Director of Public Works shall be ex-officio engineer of any and all sewer maintenance, water maintenance, drainage, street lighting, flood control or sanitation districts or service areas formed to provide heretofore described services, for which the Board of Supervisors is the governing body.

For those entities for which the Director serves as ex-officio engineer, the Director shall collect all revenues, pay all bills and generally administer the affairs and coordinate the administration. To accomplish said purpose, the Director is hereby given the authority pursuant to orders of the Board of Supervisors to transfer equipment, machinery, furnishings or supplies from one district to another. Subject to the approval of the Board of Supervisors, the Director may create and abolish positions in any of the districts under the Director’s supervision, or use County Public Works employees to perform the duties required therein and charge the respective districts therefore on a prorata basis.

2.50.030 PERMIT REQUIRED FOR CONSTRUCTION IN PUBLICLY MAINTAINED ROADS IN UNINCORPORATED AREA

Any town, city, sanitary district, sewer maintenance district, water maintenance district, public service company, private corporation or individual, or any other district, person, corporation not herein specified, before installing pipes, conduits, culverts, cables, catch basins, or any other form of construction, temporary or otherwise, in the county maintained streets or roads in the unincorporated areas of San Mateo County, shall first obtain a permit, with specifications from the Director of Public Works. (Prior code § 3420; Ord. 727, 03/18/47; Ord. 3113, 06/16/87)

2.50.040 PROHIBITING DISCRIMINATION IN EMPLOYMENT AND PROVIDING FOR AN EQUAL EMPLOYMENT PROGRAM BY CONSTRUCTION CONTRACTORS DOING BUSINESS WITH THE COUNTY

All County public works contracts involving an expenditure of less than \$100,000 shall contain a provision that the contractor will provide equal opportunity in employment, including its hiring, training and promotion for all qualified persons.

In County public works contracts involving an expenditure of \$100,000 or more, the criteria to determine the acceptability of bids shall include the following:

(a) Certification of Compliance With Laws Prohibiting Discrimination. Each bidder shall submit a certification that it is in compliance with the Equal Employment Opportunity Requirement of Executive Order 11246, title VII of the Civil Rights Act of 1964, the California Fair Employment Practices Act and any other federal or state laws relating to equal employment opportunity and the provisions of this chapter and the Board established guidelines implementing them. The bidder shall also certify that it will not discriminate against any employee or applicant for employment based on race, color, religion, ancestry, gender, age (over 40), national origin, medical condition (cancer), physical or mental disability, sexual orientation, pregnancy, childbirth or related medical condition, marital status, or political affiliation. This pertains to the areas of recruitment, hiring, training, upgrading, transfer, compensation and termination.

(b) Certification of Intent to Develop and Implement an Equal Employment Program. Each bidder shall submit a certification that it will develop, implement and maintain, during the course of the work concerned, an equal employment program in employment conducted without regard to race, color, religion, ancestry, gender, age (over 40), national origin, medical condition (cancer), physical or mental disability, sexual orientation, pregnancy, childbirth or related medical condition, marital status, or political affiliation. With this certification he shall submit any and all information which may be required by the County in connection with this program.

(c) Compliance by Subcontractors. The provisions of this chapter apply to any subcontractor engaged by the successful bidder, and each successful bidder shall notify its subcontractors of the obligations under the provisions of this chapter, and shall be responsible for their compliance.

(d) Guidelines Defining Equal Employment. Guidelines shall be adopted by the Board of Supervisors identifying and defining the nature and scope of an equal employment program. Such guidelines will be made available to all parties desiring to bid on County construction projects and will, by reference, be incorporated in all requests for bids on construction projects. The Board of Supervisors will periodically review these guidelines to determine if any alteration is necessary to improve the operation of the County's equal employment

program. (Prior code § 2317; Ord. 3511, 10/05/93; Ord. 3580, 6/28/94; Ord. 4045, 05/08/01)

2.50.050 PENALTIES FOR NONCOMPLIANCE WITH THE EQUAL EMPLOYMENT PROVISIONS OF THIS CHAPTER

(a) Every public works contract shall provide that a contractor who, within the time specified in the contract, does not submit an equal employment plan and make the certifications required in this chapter shall be in breach of the contract.

(b) If, after an award is made, the contractor is found by the County or by a Federal or State agency empowered to make such findings to be in substantial or material violation of the Fair Employment Practices Act of the State of California, the Equal Employment Opportunity Requirement of Executive Order 11246, title VII of the Civil Rights Act of 1964, or of the provisions of this chapter or of the Board-established guidelines implementing them, he may be found to be in material breach of contract, and the County shall have the power to cancel the contract in whole or in part, or alternatively, to deduct for each working day during which the contractor is found to have been in such non-compliance, two percent (2%) of the total amount payable to the contractor. (Prior code § 2318; Ord. 3511, 10/05/93; Ord. 3580, 6/28/94)

2.50.060 WAIVER OF COMPLIANCE

In the event that the equal employment requirements of this chapter are found to work an undue hardship upon a low bidder, said bidder shall submit evidence of such hardship to the Board of Supervisors and shall petition the Board for a waiver of these requirements. This waiver shall only be granted by the Board of Supervisors and shall become an integral part of the contract. (Prior code § 2319; Ord. 3511, 10/05/93; Ord. 3580, 6/28/94)

2.50.070 COUNTY AIRPORTS

(a) The Director of Public Works shall be responsible for, supervise, control and direct the operations of County owned airports and related facilities.

(b) To insure the safe and efficient operation of County Airports, the Director or the Director's designee is authorized to enact, publish and enforce policies, rules and regulations concerning all aspects of the operation and use County owned airports and related facilities.

(c) Failure to comply with any part of said policies, rules and regulations shall be grounds for the suspension or termination of any rights or privileges by individuals or groups to enter upon or use the Airport facilities.

(d) The Director or Director's designee may suspend or terminate any agreement, permit, license or other arrangement for noncompliance with the policies, rule and regulations authorized by this chapter.

(e) The Director shall provide for all necessary operations including but not limited to planning, construction, repair, concessions and agreements, establishment and collection of all charges and fees, and formulation of rules and regulations, agreements and contracts with State and Federal aviation agencies and similar functions.

(f) The Director shall employ in accordance with the Civil Service Rules and Regulations such employees as are necessary to properly operate each of said facilities. (Prior code § 2304; Ord. 1024, 08/04/53; Ord. 2393, 09/20/76; Ord. 2393, 09/20/76; Ord. 3113, 06/16/87)

2.50.080 RECORD OF SURVEY MAP CHECKING FEES

The County shall collect the following fees for checking Records of Surveys:

(a) Single Sheet Survey - \$188 which shall include the review of the original submittal and the review of one re-submittal.

(b) Multi Sheet Survey - \$188 for the first sheet and \$82 per sheet for each additional sheet, which shall include the review of the original submittal and the review of one re-submittal.

(c) Additional Reviews - The County shall collect an additional \$80 per sheet for every additional re-review after the initial re-review of a record of survey.

(d) No work on reviewing or re-reviewing a record of survey will be done until after the required fees have been collected.

2.50.090 APPLICATION REQUIREMENTS FOR FLIGHT SCHOOL ATTENDEES

(a) No Flight School Operator operating a flight school on the premises of any airport owned by the County of San Mateo shall admit any prospective student, or allow any prospective student to commence flight training at such airport, until the prospective student has completed an application and received clearance from the San Mateo County Sheriff as provided in this section.

(b) Prior to enrolling a prospective student in flight school, or allowing any prospective student to commence training, such prospective student shall be required by the Flight School Operator to fully complete an application in a form provided by the San Mateo County Sheriff. Such application form shall be executed by the prospective student under penalty of perjury. The information to be included in the application will include, but not be limited to:

1. Full name of the applicant, and any aliases used by the applicant during the prior five (5) year period.
2. Date of birth.
3. Place of birth.

4. Country of citizenship.
5. If a naturalized citizen of the United States, the date and location where such citizenship was conferred.
6. Social Security number.
7. Current residence address and period of residence.
8. Residence addresses for prior five (5) years and period of residence at such address.
9. Name and address of current employer and period of employment.
10. Names and addresses of former employers for past five (5) years, and periods of employment.
11. Current driver's license number and state and date of issuance.
12. For all prior licenses, the license number and state and date of issuance.
13. The number and place of issuance of any certifications to operate aircraft held by applicant within the last five (5) years.
14. The name and address and periods of attendance for any flight schools previously attended by the applicant.
15. The certificate or license numbers of any FAA certificates held by applicant at any time up to the present.
16. A statement shall be included in the application that the failure to provide complete and/or truthful information in the application, or to execute the application under penalty of perjury, shall result in the rejection of the application.

(c) Upon receipt of a completed and fully executed application, the Flight School Operator shall forward the application to the San Mateo County Sheriff. The Sheriff shall review the information contained in the application, and conduct an investigation to determine the truthfulness of such information.

(d) Within three (3) working days of receipt of a completed application, the Sheriff shall advise the Flight School Operator, by telephone, that (1) the applicant's identity has been verified, (2) the information in the application has been found to be untruthful as to the applicant's identity, or (3) that additional time is needed to conduct the investigation. If the applicant's identity has been verified or any information provided in the application has been found to be untruthful as to the applicant's identity, the Sheriff shall confirm that determination in writing. In the event that the Sheriff determines that the applicant has been untruthful with respect to any information as to the applicant's identity provided in the application, or advises that additional time is necessary to conduct the investigation, the Flight School Operator shall not admit the applicant to flight training.

(e) Within forty-five (45) days of the receipt by the Sheriff of a completed application, the Sheriff shall notify the Flight School Operator in writing of the results of the investigation. In the event that the Sheriff determines that the applicant has been untruthful with respect to any information as to the applicant's

identity provided in the application, the Flight School Operator shall not admit the applicant to flight training.

(f) If the Flight School Operator is not advised by the Sheriff of the results of the investigation within forty-five (45) days of the date of receipt of the application by the Sheriff, the Flight School Operator may provisionally admit the applicant to flight school. If the Flight School Operator is subsequently advised by the Sheriff that the applicant has been untruthful with respect to any information as to the applicant's identity provided in the application, the Flight School Operator shall immediately terminate the applicant's admission to the flight school.

(g) Flight School Operator shall require that all students enrolled in flight school as of the effective date of this section complete the application described in subsection (b) above within thirty (30) days of the effective date of this section and shall submit any such applications to the Sheriff. Currently enrolled students may continue to take flight training pending an investigation by the Sheriff. If the Flight School Operator is advised by the Sheriff, that the student has been untruthful with respect to any information as to the applicant's identity provided in the application, the Flight School Operator shall immediately terminate the student's admission to the flight school.

(h) Failure to comply with these provisions may result in the termination of the Flight School Operator's concession agreement as provided in this chapter.

(i) For purposes of this section, the following definitions shall apply:

1. "Flight School Operator" shall include any person, partnership, corporation, unincorporated association, club, or other entity which provides flight training for monetary or other consideration, on the premises of an airport owned by the County of San Mateo, whether or not the headquarters or primary place of business of the flight school is located on airport premises.
2. "Flight training" shall include any flight instruction, based on the premises of an airport owned by the County of San Mateo, and undertaken for the purpose of obtaining a pilot's certification from the Federal Aviation Administration. "Flight training" shall not include biennial flight review or additional training for persons already holding a valid pilot's certification, other than a student pilot's certification, issued by the Federal Aviation Administration. "Flight training" shall not include "demonstration flights", consisting of a single flight undertaken by a prospective student to determine whether the prospective student has an interest in undertaking flight training.
3. "Prospective student", "student", or "applicant" shall not include any person holding a valid pilot's certificate as defined in regulations issued by

the Federal Aviation Administration at the time of commencing any flight training activities on the premises of any airport owned by the County of San Mateo, except that “prospective student”, “student”, or “applicant” shall include any person holding only a student pilot’s certificate as defined by such regulations. (Ord. 4139, 10/08/02)

Chapter 2.51 LEASING OF COUNTY PROPERTY.

2.51.010 PROCEDURE FOR LEASING COUNTY-OWNED PROPERTY

The following procedure is hereby established for leasing County-owned real property as an alternative procedure to that required by sections 25526 through 25535 of the Government Code. (Prior code § 2900; Ord. 1369, 10/27/59; Ord. 3303, 03/12/91; Ord. 3324, 05/14/91; catchline editorially created, 6/94)

2.51.020 TERM OF LEASE

The Board of Supervisors may lease for a term not exceeding 99 years any real property belonging to the County and not needed for County purposes during the term of the proposed lease. (Prior code § 2901; Ord. 1369, 10/27/59; catchline editorially created, 6/94)

2.51.030 RESOLUTION REQUIRED

Before ordering the lease of any property the Board of Supervisors shall, in a regular open meeting, adopt a resolution declaring its intention to lease said property, which resolution shall describe the property in such manner as to identify it, specify the minimum rental, and the terms upon which it shall be leased, shall call for bids on the proposed leasing and shall fix a time not less than three weeks thereafter for a public meeting of the Board at its regular place of meeting, at which sealed proposals to lease will be received and considered. (Prior code § 2902; Ord. 1369, 10/27/59; catchline editorially created, 6/94)

2.51.040 NOTICE

Notice of adoption of the resolution and of the time and place of holding the meeting shall be given by the Clerk of the Board of Supervisors by posting a certified copy of said resolution in three public places in the County, not less than 15 days before the date of the meeting, and by publishing a certified copy thereof for not less than two weeks in a newspaper of general circulation published in the County. (Prior code § 2903; Ord. 1369, 10/27/59; catchline editorially created, 6/94)

2.51.050 ORAL BIDS

The said resolution may contain a provision that upon opening the written bids for the said lease, oral bids shall be called for by the Board, and if upon such call for oral bids any responsible bidder offers to lease said property for a rental exceeding by at least 5% of the highest written proposal, the highest oral proposal submitted by such person shall be finally accepted. (Prior code § 2904; Ord. 1369, 10/27/59; catchline editorially created, 6/94)

2.51.060 ACCEPTANCE OF HIGHEST BID REQUIRED

The Board of Supervisors must accept the highest bid submitted for said leasing or else reject all bids. (Prior code § 2905; Ord. 1369, 10/27/59; catchline editorially created, 6/94)

2.51.070 FINAL ACCEPTANCE—WHEN MADE

The final acceptance by the Board of Supervisors may be made either at the same session at which the proposals are considered or at any meeting of said Board held within the thirty (30) days next following. (Prior code § 2906; Ord. 1369, 10/27/59; catchline editorially created, 6/94)

2.51.080 REQUIREMENTS FOR NON-BID LEASES

The County Manager or his designee may, without calling for bids, negotiate and execute leases of real property owned by the County for non-renewable terms not to exceed five years and actual monthly rentals not to exceed \$2,000, provided that notice is given pursuant to Government Code section 6061, posted in the office of the County Clerk, and, if the lease involves residential property, is given to housing sponsors (as defined by sections 50074 and 50074.5 of the California Health and Safety Code). The notice shall state that the lease will be executed by the Director on behalf of the County and shall describe the property proposed to be leased, the terms of the lease, and the location where lease will be executed. (Prior code § 2907; Ord. 1369, 10/27/59; Ord. 1873, 12/05/67; Ord. 3324, 05/14/91; Ord. 3511, 10/05/93; catchline editorially created, 6/94)

Chapter 2.52 NAMING OF COUNTY FACILITIES.

2.52.010 PURPOSE

Many individuals have made significant contributions to the citizens of the County of San Mateo through their work, their civic involvement, or through their monetary or other donations to the County and to foundations which provide support to County programs. It has been the County's policy to recognize and honor such contributions when appropriate to do so. One method of recognizing significant contributions to the County is through the naming of County facilities in honor of the individual for his or her contribution.

2.52.020 APPLICABILITY

For purposes of this chapter, "facilities" shall include substantial structures, open spaces, or natural features, including, but not limited to, buildings, wings of buildings, indoor or outdoor auditoriums, gardens, parks, tree groves, plazas and trails, but shall not include small meeting rooms, park benches, or similar small structures.

2.52.030 NOMINATIONS

Nominations for recognition by the naming of a facility may be made by any member of the Board of Supervisors. To be considered by the Board of

Supervisors, any such nomination must be accompanied by at least three (3) letters of endorsement..

2.52.040 CRITERIA

In order to be considered for recognition by the naming of a facility, the individual must have made a significant contribution to public service or the betterment of San Mateo County, through service as an employee of a governmental organization or non-governmental organization, through service as a volunteer, or through a significant monetary contribution or dedication of property to the County, or through similar contributions to foundations which directly support County activities and facilities.

2.52.050 ELIGIBILITY

No person serving in elected office or serving as a County employee may be eligible for nomination during such service or for a period of one (1) year after termination of such service. A nomination of a deceased individual may be considered by the Board no sooner than one (1) year after the individual's death.

2.52.060 VOTING REQUIREMENT

No person may be selected for recognition unless approved by a four-fifths (4/5) vote of the Board.

2.52.070 APPROVAL OF FOUNDATION NAMING POLICIES

Subject to prior approval of the Board of Supervisors, foundations established for the specific purpose of augmenting County resources benefiting County programs, or augmenting County services provided to the citizens of the County, may promulgate and implement policies for the naming of County facilities. Such foundations include the San Mateo County Parks Foundation and the San Mateo County Medical Center Foundation, and any similar foundation which may be established in the future. Any such policy may provide for the naming by the foundation of small facilities that are not covered by the terms of this chapter. The Board may approve, disapprove, or modify the terms of the policy to conform to the requirements of this chapter. No foundation may name any County facility, whether covered by the terms of this chapter or not, without first establishing a policy and obtaining Board approval for the policy. Any changes to policy must first be submitted to the Board of Supervisors for its approval.

2.52.080 REPORTING

Any foundation which has an approved policy under Section 2.52.070 shall submit an annual report, in writing, advising the Board of those facilities which were named in the previous fiscal year. Such report shall be submitted to the Board no later than September 1 of each year.

Chapter 2.53 FEES FOR NEW DEVELOPMENT.

2.53.010 FINDINGS--BACKGROUND

The Board of Supervisors has determined that:

(a) New development in the unincorporated area of San Mateo County adds incrementally to the burden on existing County public roads and drainage systems.

(b) There is a need to finance a Countywide program to reconstruct existing public roads which have suffered deterioration to the extent that operational aspects of the road are in danger of becoming impaired, to upgrade existing public roads to meet the additional burden caused by increased development and to establish a mechanism to finance drainage facility improvements in easements that are reaching the end of their serviceable life. (Ord. 3988, 08/22/00)

2.53.020 FINDINGS—PURPOSE AND USE OF FEE

The Board of Supervisors has further determined that there is a reasonable relationship between the roadway and drainage facilities and improvements which will be financed with fees collected, and the development projects upon which the fees will be imposed, in that additional development will lead to an increased use of the road and drainage facilities with the consequential additional burden on the road and drainage facilities. Accordingly, the following fees and charges are established. (Ord. 3988, 08/22/00)

2.53.030 AMOUNT AND STANDARDS FOR FEES

Except as otherwise provided herein, fees shall be imposed on all building permits and subdivision applications for new residential, commercial, and industrial development in the following amounts:

Type of Development	Fee
Residential	\$1.25 per square foot of assessable space
Industrial	\$1.25 per square foot of assessable space
Commercial-Self-Storage	\$0.08 per square foot of assessable space
Commercial-Lodging	\$1.25 per square foot of assessable space
Commercial-Retail	\$2.50 per square foot of assessable space
Commercial-Office	\$2.50 per square foot of assessable space

The fee represents the portion of the approximate cost of reconstructing the travel surface of the County's public road system and the drainage facilities which is attributable to the proposed development. (Ord. 3988, 08/22/00)

2.53.040 FEE CHARGED FOR RECONSTRUCTION OR REMODELING

A fee in the amount specified in Section 2.53.030 of this chapter, shall also be charged for building permits for any reconstruction or remodeling of existing residential, commercial, or industrial structures. The fee will be charged only on the increase in assessable space resulting from the reconstruction or remodeling. (Ord. 3988, 08/22/00)

2.53.050 DETERMINATION OF AREAS OF BENEFIT

The Director of Public Works shall identify and establish areas of benefit for the unincorporated area of the County based on development and traffic patterns. An area of benefit shall be identified for each area where it can be determined that the roads within the area are predominantly used by development located within the area. (Ord. 3988, 08/22/00)

2.53.060 ESTABLISHMENT OF ROAD IMPROVEMENT FUND

There is created in the Office of the County Auditor/Controller and the County Treasurer a special interest-bearing fund entitled "San Mateo County-Wide Roadway Improvement Fund." All amounts collected for roadway development fees under this chapter shall be deposited in the fund. (Ord. 3988, 08/22/00)

2.53.070 LIMITATIONS ON USE OF FEE

(a) Fees collected from development in an established area of benefit may only be used to reconstruct public roads and drainage facilities lying within the same area.

(b) Fees may be used only for reconstruction of roads and drainage facilities, and not for routine or periodic maintenance. For purposes of this chapter, reconstruction must, at a minimum, meet the standards for road construction as set forth in the "Guidelines, Relating to Gas Tax Expenditures on Streets and Roads," as published by the Office of the State Controller, as such guidelines may be amended from time to time. Reconstruction on drainage facilities should be limited to reconstructing those facilities that were built at the time of subdivision development or subsequent assessment district procedures, and which are located in dedicated easements. (Ord. 3988, 08/22/00)

2.53.080 ADJUSTMENT OF FEE

(a) On January 1 of each year beginning in 2001, the development fees imposed by this chapter shall be adjusted by a percentage amount equivalent to the percentage change in the Engineering News Record Construction Cost Index for the preceding twelve (12) month period.

(b) The amount of fee applicable to any permit shall be computed based on the fee in effect as of the date of approval of the building permit or tentative subdivision map. The Board of Supervisors shall review the adequacy of the development fees established herein at least once every five (5) years or, if it deems appropriate, more often than once every five (5) years.

(c) The Department of Public Works shall provide an annual report to the Board of Supervisors which specifies any change in the fee due to automatic annual adjustments, the status of trust funds established to fund the cost of mitigating traffic impacts associated with new development, and the status of any improvement projects financed in full or in part by funds collected. (Ord. 3988, 08/22/00)

2.53.090 IMPROVEMENTS IN LIEU OF FEE

Applicants for building permits and subdivision approvals required to pay fees under this chapter may, as an alternative to paying the fee, offer to construct road improvements determined by the Director of Public Works to be appropriate for the type of development being proposed. In making such determination, the Public Works Director shall take into consideration the extent to which the proposed improvements would be consistent with the existing road improvements in the immediate vicinity, and the extent to which the road improvements would either improve or impair the operational characteristics of the public road if installed immediately. In exchange for such offer, the applicant shall receive a partial or full offset of the fee which would otherwise be required. (Ord. 3988, 08/22/00)

2.53.100 ADDITIONAL ROAD IMPROVEMENT REQUIREMENTS— COMMERCIAL AND INDUSTRIAL DEVELOPMENT

(a) The establishment of the fee prescribed in this chapter shall not relieve an applicant for a building permit or subdivision approval from the requirement to make such other road drainage facility improvements as are provided by County regulations, as they may be amended from time to time, including the requirement to improve private roads serving a parcel, and the requirement to improve all roads, public or private, lying within the limits of a subdivision.

(b) Commercial and industrial development shall remain subject to the requirement to construct such public street improvements as are required by County regulations, as they may be amended from time to time. (Ord. 3988, 08/22/00)

2.53.110 DEFINITION OF “NEW RESIDENTIAL DEVELOPMENT”

For purposes of this chapter, “new residential development” shall mean a new single or multi-family residential structure. (Ord. 3988, 08/22/00)

2.53.120 DEFINITIONS OF “COMMERCIAL-RETAIL,” “COMMERCIAL-OFFICE,” “COMMERCIAL-LODGING,” “INDUSTRIAL” AND “COMMERCIAL-SELF-STORAGE”

(a) For purposes of this chapter, “Commercial Retail” development shall mean any of those uses described in Table 7.1P of the San Mateo County General Plan as primary feasible uses, or uses similar thereto, under the following land use designation: General Commercial, Neighborhood Commercial, and Coastside Commercial Recreation. Excepted from this definition are those uses defined as “Commercial-Lodging Facilities” uses in subsection (c) of this section.

(b) For purposes of this chapter, “Commercial-Office Development” shall mean any of those uses in Table 7.1P of the San Mateo County General Plan as primary feasible uses, or uses similar thereto, under the following land use designations: Office-Commercial and Office/Residential.

(c) For purposes of this chapter, “Commercial-Lodging Facilities” shall mean a hotel, motel, lodge, inn, or similar structure that has transient occupancy as its primary use.

(d) For purposes of this chapter, “Industrial” development shall mean any of those uses described in Table 7.1P of the San Mateo County General Plan as primary feasible uses, or uses similar thereto, under the following land use designation: Solid Waste Site, General Industrial, Heavy Industrial, and Airport.

(e) For purposes of this chapter, “Commercial-Self-Storage” shall mean facilities constructed for purposes of renting areas to individuals or businesses to be used for storing personal property. (Ord. 3988, 08/22/00)

2.53.130 DEFINITION OF “ASSESSABLE SPACE”

(a) In the case of residential development, “assessable space” shall mean all of the square footage within the perimeter of residential structure, not including any carport, walkway, garage, overhang, patio, enclosed patio, detached accessory structure or similar area.

(b) In the case of industrial and commercial development, “assessable space” shall mean the gross square footage of floor area within the industrial or commercial structure. (Ord. 3988, 08/22/00)

2.53.140 EXEMPTIONS

(a) An applicant for a building permit or permits for a farm labor housing project, as defined in Policy 3.35 of the San Mateo County Local Coastal Program, shall be exempt from payment of fees provided by this chapter.

(b) An applicant for a building permit or permits for a housing development for lower income housing, as defined in subdivision (b) of section 65915 of the Government Code, or a successor statute, shall be exempt from the payment of

fees provided by this chapter, provided that the applicant agrees to the requirement for continued affordability set forth in subdivision (c) of section 65915 of the Government Code, or a successor statute. Such exemption shall only apply to those units in any development project which meet the definition of lower income housing.

(c) An applicant for a building permit for a greenhouse shall be exempt from payment of fees provided by this chapter.

(d) An applicant for a permit for a development project which requires, as a condition of approval of the permit, that no persons occupying or otherwise using the development project may employ private motor vehicles to travel to or from the development project, shall be exempt from payment of fees provided by this chapter. This exemption shall only apply for the period during which such condition is in effect. The applicant for a permit amendment to delete a condition prohibiting motor vehicles access to a development project shall be required to pay traffic mitigation fees as a condition of approval of the amendment. (Ord. 3988, 08/22/00)

2.53.150 CREDIT FOR PARTICIPATION IN ASSESSMENT DISTRICT

(a) If property which would otherwise be subject to payment of a fee under this chapter has, at any time in the past, been made subject to payment of assessments under an assessment district for road improvements, or has incurred an obligation for payment of specific assessments in the future, the applicant for a building permit on such property shall, upon request, be entitled to a credit against the fee otherwise payable under this chapter. The amount of credit shall be the principal amount of the assessments, and shall not include any interest paid on the principal.

(b) If property which has previously paid a fee under this chapter is made subject to payment of assessments under an assessment district for road improvements that could be paid for from fees collected pursuant to this chapter at any time in the future, such property shall, upon request, be entitled to a credit against the principal amount payable under the assessment district, in the amount of the fee previously paid. (Ord. 3988, 08/22/00)

Article 2.6 ENVIRONMENTAL SERVICES

Chapter 2.60 ENVIRONMENTAL SERVICES AGENCY.

2.60.010 DIRECTOR OF ENVIRONMENTAL SERVICES AGENCY

There is established an Environmental Services Agency. The agency shall be under the direction and management of the Director of Environmental Services Agency who shall appoint all employees of the department..

2.60.020 DUTIES OF THE AGENCY

The agency shall be responsible for the performance of certain services related to the physical, recreational and educational environment for the unincorporated areas of the County as well as specific Cities within the County through Joint Powers Agreements or by contract. The agency includes: (1) Agricultural Commissioner/Sealer of Weights and Measures, (2) Animal Control, (3) Arts Commission, (4) Cooperative Extension, (5) Fire, (6) Local Agency Formation Commission (LAFCo), (7) Library, (8) Parks and Recreation, and (9) Planning and Building.

2.60.030 BUILDING INSPECTION SERVICES

The Director of the Environmental Services Agency shall establish and maintain a Building Inspection Division within the Department as the “enforcement agency” with the responsibility of carrying out the duties of an enforcement agency under State Housing Law.

Chapter 2.61 AGRICULTURAL COMMISSIONER.

2.61.010 AGRICULTURAL COMMISSIONER

An Agricultural Commissioner shall be appointed by and shall be under the administrative supervision of the Director of the Environmental Services Agency. The Agricultural Commissioner shall perform those duties specified by law.

2.61.020 ERADICATION OF PESTS; LIENS

(a) It shall be the duty of the Agricultural Commissioner to destroy, eradicate, abate or control wild animals, noxious weeds, insects and diseases injurious to livestock, or agricultural crops or other plant life, as required by state law or upon being directed to do so by resolution of the Board of Supervisors. (Prior code § 2204; Ord. 1024, 08/04/53)

(b) The Agricultural Commissioner shall keep a complete record of all work done on private property to eradicate horticultural pests, and the cost thereof, and shall immediately present bills to all persons upon whose property such work has been performed, and if such bills are not paid, shall file or record liens against the property for the cost of said work as provided by law. Recorded liens, after being recorded, shall be forwarded to the office of the County Counsel. (Prior code § 2200; Ord. 1024, 08/04/53; Ord. 3214, 04/24/90)

2.61.030 REGISTRATION OF PEST CONTROL OPERATORS; FEES

The Agricultural Commissioner shall collect fees as set by resolution of the Board of Supervisors prior to registering pest control businesses for operation in San Mateo County including, but not limited to, pest control businesses, pest control advisors, and maintenance gardeners performing pest control work incidental to landscaping services in San Mateo County.

2.61.040 CERTIFICATION OF PRODUCTS

(a) It shall be the duty of the Agricultural Commissioner, when certification is officially required as a condition of movement or entry of any agricultural shipment, upon the request of the shipper and receipt of the proper fee as set forth by resolution of the Board of Supervisors to make such inspections as may be necessary to meet the requirements of the state or country of destination.

(b) No charge shall be made for any such certificate if same is issued to meet the requirements of any law or regulation of the United States or of the State of California or of any ordinance, regulation or requirement of any County of California. (Prior code ' 2207.1; Ord. 1543, 10/16/62; Ord. 2156, 08/08/72)

2.61.050 FEES

(a) For inspection and certification of fruits, nuts and vegetables, the following fees shall be charged:

<u>Number of Packages</u>	<u>Fee</u>
1-75	\$28.00 (minimum)
76-200	\$32.00
Over 200	\$38.00

In bulk: One (1) package equals 100 pounds.

(b) For inspection and certification of plants and other related items, the following fees shall be charged:

<u>Number of Packages</u>	<u>Fee</u>
1-75	\$28.00 (minimum)
76-200	\$32.00
Over 200	\$38.00

In bulk: One (1) package equals 10 five inch pots (or larger), 25 three inch pots (or larger), 50 two inch pots (or larger), or 100 seedlings.

(c) For the registration of any person engaged for hire in the business of pest control, an annual fee of \$60.00 will be charged.

(d) For the registration of any agricultural pest control advisor who lists a San Mateo County address on the agricultural pest control advisor license or considers San Mateo County to be the county of occupational choice, an annual fee of \$10.00 shall be charged. For the registration of other agricultural pest control advisors, an annual fee of \$5.00 shall be charged.

(e) For the registration of any maintenance gardener who performs pest control work incidental to landscaping services in San Mateo County, an annual fee of \$25.00 shall be charged.

(f) For the inspection and certification of colony strength of bees used in pollination of Agricultural crops, the following fees shall be charged:

<u>Number of Hives</u>	<u>Fee</u>
1-5	\$15.00 (minimum)
6-25	\$25.00
Over 25	\$50.00

(g) Charges for certificates based upon field inspections and for certificates issued outside the regular working hours shall be the amount necessary to fully reimburse the County for expenses incurred, including mileage and overtime.

(h) All fees provided by this article shall be collected by the Agricultural Commissioner and shall be paid to the County Treasurer.

(i) For the certification and inspection of certified farmers' markets and certified producers, an hourly fee in an amount based on a weighted average hourly rate as determined on an annual basis by the Agricultural Commissioner shall be charged.

Chapter 2.62 PLANNING COMMISSION.

2.62.010 PLANNING COMMISSION

There is in the County a Planning Commission consisting of five members, who shall not be officials of the County of San Mateo. In addition, there shall be three advisory non-voting members of the Commission, who shall be the County Counsel, the Director of Public Works and the County Health Officer. The five voting members shall be appointed by the Board of Supervisors. One member shall reside in each supervisorial district and the term of office shall coincide with the terms of office of the Supervisor of the supervisorial district in which the member resides. Each member shall reside in the district of appointment during his or her term.

In the event that the office of the Supervisor of the supervisorial district in which the member resides becomes vacant on the happening of any of the events enumerated in Government Code section 1770, the term of the Commissioner from that district shall also be vacated except that said Commissioner may continue in office until a successor is appointed by the Board of Supervisors. Said members are limited to three full consecutive full terms of office. (Prior code § 2405; Ord. 1024, 08/04/53; Ord. 1350, 06/23/59; Ord. 1501, 01/16/62; Ord. 1948, 12/03/68; Ord. 3010, 10/16/84; Ord. 3214, 04/24/90; Ord. 3308, 03/12/91)

2.62.020 COMPENSATION AND TRAVEL EXPENSES

Voting members shall receive travel and meal expenses as elsewhere provided in this code and in addition a compensation of two hundred fifty dollars (\$250.00) per month for each month that such voting members are members of the

Planning Commission. (Prior code § 2406; Ord. 1024, 08/04/53; Ord. 1350, 06/23/59; Ord. 1526, 06/26/62; Ord. 1572, 02/19/63; Ord. 1629, 12/10/63; Ord. 1658, 07/07/64; Ord. 1777, 08/02/66; Ord. 1988, 08/12/69)

2.62.030 ASSIGNMENT OF FUNCTIONS OF PLANNING AGENCY

The functions of the Planning Agency are assigned as follows:

(a) The Planning Commission shall review and recommend action on the general plan and specific plans, and all proposed implementing ordinances or other regulations with regard thereto, or proposed amendments thereto, including any property amendments with respect to the San Mateo County Local Coastal Program. Any such review and recommendation by the Planning Commission shall be in accordance with general law. The Planning Commission shall perform such other functions as are set forth in the Charter and the general law and the ordinances of the Board of Supervisors.

(b) All other functions of the Planning Agency are assigned to such officers or bodies as are specified in division VI (Zoning Annex) to the San Mateo County Ordinance Code, in the San Mateo County subdivision ordinance or in other applicable sections of the San Mateo County Ordinance Code. (Prior code § 2407; Ord. 1024, 08/04/53; Ord. 3022, 01/22/85; Ord. 3097, 02/17/87)

2.62.040 MEETINGS

The Planning Commission shall hold at least one regular public meeting in each month in the Hall of Justice and Records, and may schedule and hold such other meetings as it deems necessary. (Prior code § 2408; Ord. 1024, 08/04/53; Ord. 3308, 03/12/91)

Chapter 2.63 PARKS AND RECREATION COMMISSION.

2.63.010 COMMISSION, MEMBERS, TERMS

(a) There is established a Parks and Recreation Commission, which shall consist of five members, appointed by the Board of Supervisors. One member shall reside in each supervisorial district and members shall serve at the pleasure of the Board of Supervisors. Each member shall reside in the district of appointment during his or her term. The requirement that one member reside in each supervisorial district may be waived by the Board of Supervisors if it finds such waiver to be in the public interest. In the event that the Board of Supervisors waives the residency requirement, every effort shall be made to seek appointees from areas as near as practicable to the district in which the appointee would otherwise reside under the requirements of this section. However, in no event shall more than two (2) members reside in the same supervisorial district.

(b) The term of office for each member shall be four years and shall coincide with the appointing Supervisor's term of office. Members are limited to three consecutive full terms of office. In the event that the office of the Supervisor of

the supervisory district from which the appointment has been made becomes vacant, the term of the Commissioner from that district shall also be vacated except that said Commissioner may continue in office until a successor is appointed by the Board of Supervisors. (Prior code § 2460; Ord. 1024, 08/04/53; Ord. 1174, 07/24/56; Ord. 2128, 02/01/72; Ord. 2394, 09/21/76; Ord. 3011, 10/16/84; Ord. 3111, 05/26/87; Ord. 3252, 07/31/90)

2.63.020 POWERS AND DUTIES

(a) The Parks and Recreation Commission shall advise and make policy recommendations to the Board of Supervisors regarding the management and operation of County natural preserves, marine reserves, open space areas, trails, parks and/or recreation areas and facilities, within unincorporated San Mateo County. The Parks and Recreation Commission shall adopt, and forward to the Board of Supervisors, recommendations regarding fees to be charged for the use of these areas. The Commission shall advise the Board of Supervisors regarding fish, game and wildlife policies and programs, and shall make recommendations to the Board regarding the expenditure of fish and game propagation funds.

(b) The Parks and Recreation Commission shall by resolution establish a meeting schedule and procedural rules for conducting the business of the Commission.

Chapter 2.64 MID-COAST PARK AND RECREATION DEVELOPMENT FEES.

2.64.010 FINDINGS AND PURPOSE

The Board of Supervisors has determined that:

(a) New development in the unincorporated Mid-Coast area, consisting of the communities of Montara, Moss Beach, El Granada, Miramar, and Princeton, adds incrementally to the need for park and recreation facilities to serve the population of the unincorporated Mid-Coast area.

(b) There is a need to acquire and develop land to provide park and recreation facilities to serve the unincorporated Mid-Coast area.

(c) A fee adopted in accordance with the State Mitigation Fee Act, and placed on new residential development, is an appropriate method of obtaining funding to pay the proportionate share of the cost of acquisition and development of park and recreation facilities to serve the anticipated growth in population resulting from such new residential development. (Ord. 4155, 01/28/03)

2.64.020 APPLICABILITY TO MID-COAST AREA

The provisions of this chapter shall be applicable only in (1) the entire geographical area located on the urban side of the Urban/Rural Boundary as shown on the San Mateo County General Plan Map for the Mid-Coast area, and (2) those lands designated Residential on the rural side of the Urban/Rural

Boundary as shown on the San Mateo County General Plan Map for the Mid-Coast area. (Ord. 4155, 01/28/03)

2.64.030 AMOUNT AND STANDARDS FOR FEES

Except as otherwise provided herein, a fee shall be imposed on all building permits for new residential development in the amount of \$1.17 per square foot of assessable space. This fee represents the portion of the approximate cost of providing park facilities to accommodate and which is attributable to the demand generated by the proposed development. (Ord. 4155, 01/28/03)

2.64.040 FEE CHARGED FOR RECONSTRUCTION OR REMODELING

A fee in the amount specified in Section 2.64.030 of this chapter shall also be charged for building permits for any reconstruction or remodeling of existing residential structures. The fee will be charged only on any increase in assessable space resulting from the reconstruction or remodeling from that existing prior to the reconstruction or remodeling. (Ord. 4155, 01/28/03)

2.64.050 ESTABLISHMENT OF MID-COAST PARKS DEVELOPMENT FUND

There is hereby established in the office of the County Auditor/Controller and the County Treasurer a special interest-bearing fund entitled "San Mateo County Mid-Coast Parks Development Fund." All fees collected for parks acquisition and development under this chapter shall be deposited in this fund. (Ord. 4155, 01/28/03)

2.64.060 LIMITATIONS ON THE USE OF FEE

(a) Fees collected from development in the Mid-Coast area may only be used to acquire or develop parks to be located in and primarily used by Mid-Coast residents, the proportionate demand for which is created by the new development from which the fees were collected.

(b) Fees may be used only for acquisition and development of parks and not for routine or periodic maintenance. (Ord. 4155, 01/28/03)

2.64.070 ADJUSTMENT OF FEE

(a) On January 1 of each year beginning in 2004, the development fees imposed by this chapter shall be adjusted by a percentage amount equivalent to the percentage change in the Engineering News Record Construction Cost Index for the preceding twelve month period.

(b) The amount of fee applicable to any permit shall be computed based on the fee in effect as of the date of approval of the building permit. The Board of Supervisors shall review the adequacy of the development fees established herein at least once every five (5) years or, if it deems appropriate, more often than every five (5) years.

(c) The Environmental Services Agency shall provide an annual report to the Board of Supervisors which specifies any change in the fee due to automatic annual adjustments, the status of trust funds established to fund the cost of acquiring and development park facilities associated with new development, and the status of any improvement projects financed in full or in part by these funds. (Ord. 4155, 01/28/03)

2.64.080 IMPROVEMENTS IN LIEU OF FEE

Applicants for building permits required to pay fees under this chapter may, as an alternative to paying the required fee, offer to dedicate land or construct park improvements determined by the Board of Supervisors to be appropriate for the type of development being proposed. In making such determination, the Board shall take into consideration the extent to which the park land or facilities would meet the goals and objectives of the County for parks in the Mid-Coast area, including with reference to any plans or needs assessments for the area. In exchange for such dedication or construction, the applicant shall receive a partial or full offset of the fee that would otherwise be required by this chapter. (Ord. 4155, 01/28/03)

2.64.090 DEFINITION OF “NEW RESIDENTIAL DEVELOPMENT”

For purposes of this chapter, “new residential development” shall mean a new single or multifamily residential structure. (Ord. 4155, 01/28/03)

2.64.100 DEFINITION OF “ASSESSABLE SPACE”

For purposes of this chapter, “assessable space” shall mean all of the square footage within the perimeter of the residential structure, not including any carport, walkway, garage, overhang, patio, enclosed patio, detached accessory structure, or similar area. (Ord. 4155, 01/28/03)

2.64.110 EXEMPTIONS

(a) An applicant for a building permit or permits for a farm labor housing project, as defined in Policy 3.35 of the San Mateo County Local Coastal Program, shall be exempt from payment of fees provided by this chapter.

(b) An applicant for a building permit or permits for a housing development for lower income housing as defined in subdivision (b) of Section 65915 of the Government Code or successor statute, shall be exempt from the payment of fees provided by this chapter, provided that the applicant agrees to the requirements for continued affordability set forth in subdivision (c) of Section 65915 of the Government Code or successor statute. Such exemption shall apply only to those units in any development project which meet the definition of lower income housing. (Ord. 4155, 01/28/03)

2.64.120 CREDIT FOR PARTICIPATION IN ALTERNATIVE FUNDING MECHANISM

If property which could otherwise be subject to payment of a fee under this chapter has, at any time in the past, been made subject to payment of assessments under an assessment district for the acquisition and development of parks in the Mid-Coast area of San Mateo County, or has paid money or incurred an obligation to pay money in the future for such purposes under any other alternative funding mechanism, the applicant for a building permit shall, upon request, be entitled to a credit against the fee otherwise payable under this chapter to the extent of such payment or obligation. (Ord. 4155, 01/28/03)

Article 2.7 COUNTY EMPLOYMENT

Chapter 2.70 DEPARTMENT OF EMPLOYEE AND PUBLIC SERVICES.

2.70.010 DUTIES OF THE DIRECTOR OF EMPLOYEE AND PUBLIC SERVICES

The Director of Employee and Public Services shall be responsible for services and activities related to personnel, including recruitment, selection, classification, and the amount of compensation of County employees, labor relations and employee benefits administration, organizational development and training; risk management; safety; insurance; reprographic, mail and related services; communication services; or such services as may be assigned by the County Manager. (Prior code § 2686; Ord. 3142, 04/26/88; Ord. 3511, 10/05/93) (Prior code § 2685; Ord. 3142, 04/26/88; Ord. 3511, 10/05/93)

2.70.020 COUNTY INSURANCE POLICIES

The Director of Employee and Public Services shall be responsible for obtaining the County's insurance policies and official bonds and keeping all policies except title insurance policies on real property. Duplicates of all policies shall be furnished to the County Counsel. The Director of Employee and Public Services shall annually review the County's insurance program and shall obtain renewals or extensions of policies upon expiration thereof. The amount and extension of insurance carried on the County, its officials and employees, and the County's buildings and equipment, shall be determined by the Director of Employee and Public Services subject to the approval of the County Manager and the Board of Supervisors. The Director of Employee and Public Services shall obtain the advice and approval of the County Counsel as to the forms of the insurance policies. (Prior code § 2687; Ord. 3142, 04/26/88; Ord. 3511, 10/05/93)

Chapter 2.71 EMPLOYEE COMPENSATION AND BENEFITS.

2.71.010 SCHEDULES OF COMPENSATION AND OTHER BENEFITS FOR OFFICERS AND EMPLOYEES OF THE COUNTY

Schedules of compensation and other benefits for officers and employees of the County shall be interpreted as provided in this chapter unless otherwise indicated in an ordinance or resolution adopted by the Board of Supervisors. The provisions of this chapter apply to elected officials only with respect to establishing salaries and insurance benefits and not with respect to such items as overtime compensation, leaves and vacation allowances.

(a) An employee's rate of pay shall be hourly or a bi-weekly salary as established by Work Group, and the compensation may be set forth in either form in the compensation schedules as the hourly rate or the hourly rate presented as the standard bi-weekly amount in terms of dollars. The pay schedules will consist of as many steps as may be found advisable for the separate classifications. The compensation rates within each schedule are designated by letter e.g. A, B, C, etc. In the case of classifications for which a single compensation rate is deemed advisable, the flat rate will be considered to be both the minimum and maximum rate. The Board of Supervisors may assign classifications to stepless ranges consisting of only a minimum and a maximum rate. When a rate of pay is higher than the maximum step of the schedule for the classification, the rate of pay so authorized will be designated as a "Y" rate by the Board of Supervisors. Such Y rate of pay shall be discontinued when the incumbent ceases to occupy the position, or whenever the last step of the compensation range assigned to that classification equals or exceeds such Y rate.

(b) The rates of pay set forth in the schedules of compensation, unless otherwise indicated in such schedules, represent the total compensation due employees, except for overtime compensation and other benefits or allowances specifically provided for by the Board of Supervisors.

(c) The rate of pay set forth in the schedule of compensation represents for each classification the standard rate of pay for full-time employment, unless the schedule specifically indicates otherwise.

(d) Where part-time service is on an irregular basis, payment for such service shall be calculated according to procedures established by the Controller, subject to the approval of the County Manager.

(e) The rates of pay set forth in the schedule of compensation do not include reimbursement for actual and necessary expenses for traveling, subsistence, and general expenses authorized and incurred incident to County employment. (Prior code § 2230; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 2510, 05/23/78; Ord. 3003, 07/03/84)

2.71.020 ADMINISTRATION OF SCHEDULES OF COMPENSATION

The schedules or ranges of compensation shall be administered as follows:

(a) Except as herein otherwise provided, the entrance compensation for a new employee entering County service shall be the minimum compensation for the class to which appointed. When circumstances warrant, the Director of Employee and Public Services may, upon recommendation of the department head, approve an entrance compensation which is more than the minimum compensation. Such a compensation may not be more than the maximum compensation for the class to which that employee is appointed unless such compensation is designated as a Y rate by the Board of Supervisors.

(b) All exercise of approval authority over special merit compensation increases and hiring rates, delegated by the Board of Supervisors to the Director of Employee and Public Services under this section, shall be subject to review by the County Manager.

(c) Permanent and probationary employees serving in regular established positions shall be considered by the appointing authority on their compensation anniversary dates for advancement to the next higher step in the compensation schedule for their respective classes as follows. All increases shall be effective at the beginning of the next full pay period.

1. After completion of 1040 regular hours satisfactory service in Step A of the compensation schedule, and upon recommendation of the appointing authority, the employee shall be advanced to the next higher step in compensation schedule for the classification. If an employee is appointed at a step higher than the first step of the compensation range for that classification, the first merit increase shall be after completion of 2080 regular hours of satisfactory service.

2. After the completion of 2080 regular hours satisfactory service in each of the compensation steps above A, and upon recommendation of the appointing authority, the employee shall be advanced to the next higher step in the compensation schedule for the classification until the top of the range is reached.

3. If an employee completes the 1040 or 2080 hours in the middle of a pay period, the employee shall be eligible for an increase as follows: if the merit increase period is completed during the first week of pay period the increase will be made effective the start of the then current pay period; if the merit increase period is completed during the second week of a pay period the increase will be made effective with the start of the next pay period.

4. Upon recommendation of the appointing authority and approval by the Director of Employee and Public Services, employees may receive special merit increases at intervals other than those specified in this Section.

(d) Satisfactory service, for the purposes of this chapter, will be evidenced by an employee performance evaluation report submitted by the department head to the Director of Employee and Public Services indicating that the job performance of the employee meets the standards for employee performance established by the appointing authority. When an employee's performance evaluation report is less than standard for the period immediately preceding the compensation anniversary date, that employee's compensation increases shall be postponed until such time as the rating is standard or higher. Following such postponement of a compensation increase the appointing authority shall submit a performance evaluation report every two pay periods until the evaluation is standard or higher, or until the employee is terminated.

(e) Compensation advancement hours balances for employees determine the timing of compensation increases in the steps of the classification that they are in.

1. Changes in an employee's compensation because of promotion, upward reclassification, postponement of compensation step increases, or special merit increase will set a new compensation advancement hours balance for that employee.

2. Employees who are rejected during the probationary period and revert to their former classification shall return to the compensation advancement hours balance held in the former class unless otherwise determined by the Director of Employee and Public Services.

3. The compensation advancement hours balance for an employee shall not be affected by a transfer, downward reclassification or a demotion.

4. Compensation range adjustments for a classification will not set a new compensation advancement hours balance for employees serving in that classification.

5. A permanent employee accepting provisional employment in a higher or different class in the County Classified Service, and who reverts to the former classification, shall retain the compensation advancement hours balance in the former class on the same basis as if there had been no such provisional appointment.

(f) Upon recommendation of the appointing authority and approval by the Director of Employee and Public Services, provisional and temporary employees and those persons working extra help shall be advanced to the next higher step

in the compensation schedule upon completion of the periods of service prescribed in this section, provided that their service has been satisfactory. Also, upon recommendation of the appointing authority and approval by the Director of Employee and Public Services, continuous service in provisional, temporary or extra help capacity shall be added to service in a regular established position for the purpose of determining an employee's compensation anniversary date, eligibility for compensation increases and vacation and sick leave accrual. However, such service may not be added if it preceded a period of over thirty (30) consecutive calendar days during which the employee was not in a pay status, except as provided for in section 2.28.130. (Prior code § 2230.1; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 2510, 05/23/78; Ord. 3003, 07/03/84; Ord. 3060, 04/15/86; Ord. 3308, 03/12/91; Ord. 3397, 06/16/92; Ord. 3511, 10/05/93)

2.71.030 COMPENSATION STEP WHEN COMPENSATION RANGE IS INCREASED

Whenever the compensation range for a class is revised, each incumbent in a position to which the revised schedule applies shall remain at the step held in the previous range, unless otherwise specifically provided by the Board of Supervisors. (Prior code § 2230.2; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 2510, 05/23/78; Ord. 3003, 07/03/84)

2.71.040 COMPENSATION STEP AFTER PROMOTION OR DEMOTION

When an employee is promoted from a position in one class to a position in a higher class and at the time of promotion is receiving a base compensation equal to, or greater than, the minimum base rate for the higher class, that employee shall be entitled to the next step in the compensation schedule of the higher class which is at least 5.7% above the rate he has been receiving, except that the next step shall not exceed the maximum compensation of the higher class. When an employee is demoted, whether such demotion is voluntary or otherwise, that employee's compensation shall be adjusted to the compensation prescribed for the class to which demoted, and the specific rate of pay within the range shall be determined by the Director of Employee and Public Services. However, the Board of Supervisors may provide for a rate of pay higher than the maximum step of the schedule for the employee's classification and designate such rate of pay as a Y rate. (Prior code § 2230.3; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 2510, 05/23/78; Ord. 3003, 07/03/84; Ord. 3308, 03/12/91; Ord. 3511, 10/05/93)

2.71.050 BENEFITS FOR EMPLOYEES OF AN AGENCY WHOSE FUNCTIONS ARE ASSUMED BY THE COUNTY

Whenever the functions of another public agency, or of a private agency performing functions on behalf of the County, are assumed by the County and, as a part of said assumption of functions, some or all of the employees of the agency are subsequently employed by the County to perform the same or similar functions, the unused vacation allowances and sick leave benefits accumulated

by such employees in their prior employment, as of the date of their entry into County service, may at the discretion of the County Manager, be credited to each of those employees, provided, however, that no employee may be credited with vacation allowances or sick leave benefits over and above those which would have accumulated had he been employed by the County rather than by the agency. Also, such benefits may be granted only at the time that such employee initially enters County Service. Prior service as an employee of such an agency may, at the discretion of the County Manager, be credited in determining the rate of accrual eligibility for County vacation allowances and sick leave benefits.

The provisions of this section shall be applicable to employees of such an agency only if the agency pays to the County the cost, based on pay at the time of entry into County service, of providing such vacation allowances and sick leave benefits accumulated by such employees during their prior employment by such an agency. (Prior code § 2230.4; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 2510, 05/23/78; Ord. 3003, 07/03/84)

2.71.060 CHANGES IN COMPENSATION FOR ELECTED DEPARTMENT HEADS

In November of each year, the County Manager shall determine the salaries of elected department heads for the succeeding year by determining the percentage increase granted to non-elected department heads as set forth in the resolution expressing the compensation and benefits of unrepresented management personnel and applying the same percentage increase to the salaries of the elected department heads. Equity adjustments or special compensation granted to individual non-elected department heads shall not be included in the calculation of the percentage increase. The County Manager shall notify the members of the Board of Supervisors and the elected department heads of the new annual compensation by December 1 of each year and the Controller is hereby directed to pay, beginning January 1, the new compensation as determined by the County Manager in accordance with this section.

Within 90 days prior to the commencement of the candidacy filing period for the election of County elected department heads, the Board of Supervisors shall determine the annual salary for these department head positions for the start of the next succeeding term.

The Board of Supervisors retains the authority to make whatever other salary and benefit adjustments for elected department heads as it shall, in its sole discretion, determine. (Ordinance 4297 March 7.2006)

2.71.070 BENEFITS FOR ELECTED OFFICERS WHO BECOME APPOINTED OFFICERS

Whenever elected offices are changed to appointed offices and the officer holding such elective office is employed by the County to perform the same or similar functions, without interruption of service to the County, any unused or

unpaid vacation allowances, sick leave benefits and military leave benefits accumulated by such an officer in prior employment, either in County service prior to election or during service in the elective office, shall continue and shall be added to the vacation allowances, sick leave benefits, and military leave benefits which such officer earns in the appointed position. All prior service, including elective service, shall be given credit in determining accumulation rates for County vacation allowances, sick leave benefits and military leave benefits. (Prior code § 2230.5; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 2510, 05/23/78; Ord. 3003, 07/03/84)

2.71.080 CONTINUATION OF HEALTH AND WELFARE BENEFITS FOR FORMER MEMBERS OF THE BOARD OF SUPERVISORS

(a) A member of the Board of Supervisors and their dependents shall be entitled to continue the member's health, dental, and vision benefits upon leaving office, provided that (1) the member served in office after January 1, 1981; (2) the member's total service at the time of termination is not less than 12 years; and (3) the member is not eligible for retirement or chooses not to retire under the County retirement system.

(b) The County will pay the premiums or other charges for the former member's health, dental and vision benefits pursuant to the following formula: For each two months of service on the Board, the County will pay one month's premium for such benefits. Thereafter, the former member may continue the insurance for such benefits if authorized by the respective carriers. If the former member dies before the County's obligation to pay premiums expires, the County will continue to pay premiums for the former member's spouse and dependents until the County's obligation under this section expires.

(c) This section shall automatically be repealed and cease to have any effect in the event that the San Mateo County Charter is amended to eliminate the provision of Charter section 202 that Supervisors may serve no more than three consecutive terms in office. (Prior code § 2230.6; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 3092, 01/06/87; Ord. 3249, 07/24/90; Ord. 3254, 08/03/90)

2.71.090 ATTENDANCE AND HOURS OF WORK

(a) The standard work week for employees occupying full time positions consists of forty hours, unless otherwise specified by the Board of Supervisors. The appointing authority shall fix the hours of work with due regard for the convenience of the public and the laws of the State and the County. All time shall be accounted for in six (6) minute increments.

(b) Employees occupying part time positions shall work such hours and schedules as the Board and the appointing authority shall prescribe.

(c) Except as hereinafter provided, County offices shall be open for the transaction of business from 8:00 a.m. to 5:00 p.m. every day except Saturdays,

Sundays and holidays. With the approval of the County Manager, a department head may make such changes to the schedule of office hours as public convenience or necessity may require.

(d) Each department shall maintain complete attendance records for all employees showing time worked and including all categories of the employees' pay status such as straight time, overtime, shift differential pay, call back pay, vacation, sick leave, leaves of absence, and other categories. Department heads shall insure that utilization of employee benefits such as vacations, all leaves of absence, and other related benefits and privileges do not exceed those which they have accrued or have been allowed. (Prior code § 2231; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 2510, 05/23/78; Ord. 3003, 07/03/84; Ord. 3060, 04/15/86)

2.71.100 OVERTIME

(a) Definition. Except as otherwise provided by Charter, employees working overtime shall be compensated as provided by law, or by the applicable Memorandum of Understanding or resolution of the Board of Supervisors as appropriate, whether compensated by monetary payment or by the granting of compensatory time off. Persons working extra help shall be paid at the overtime rate after having worked forty hours during a work week, which is defined as a fixed and regularly recurring period of seven consecutive twenty-four hour periods. The smallest increment of working time that may be credited as overtime is six minutes. Portions of six minutes worked at different times shall not be added together for the purpose of crediting overtime.

(b) The Director of Employee and Public Services shall allocate all job classifications to the following prescribed work groups:

1. Work Group 1: Employees in Work Group 1 are covered by the FLSA and may be compensated for overtime worked either by monetary payment or by compensatory time off, at the option of the employee. Compensatory time off which accrues in excess of 80 hours must be liquidated by monetary payment. All monetary payments for overtime must be paid not later than the next bi-weekly payroll following the pay period in which the overtime was worked.
2. Work Group 2: Employees in Work Group 2 are exempt from the FLSA and such employees may be compensated for overtime worked only by being allowed compensatory time off. Effective December 31, 1973 no more than 240 hours of such compensatory time off may be accumulated at any one time.
3. Work Group 3 has been deleted.

4. Work Group 4: Employees in Work Group 4 are exempt from Fair Labor Standards Act. Employees who have management overtime (MOT) hours available may use such time balances as time off. Any time balance not taken as time off prior to retirement or termination will be cashed out at that time.

Management employees not including elected employees shall receive 5.0 hours of Administrative Leave each pay period. No more than 260 hours of such administrative leave time may be accumulated at any one time. Time accruals may only be compensated by being allowed time off, with the exception that that in April of each year, employees in Work Group 4 will have the opportunity to convert 50% of their then current Administrative Leave hours balance for a cash payment. Time balances remaining at separation from County employment shall be cashed out.

5. Work Group 5: Employees in Work Group 5 are exempt from the Fair Labor Standards Act. Such employees may be compensated for overtime worked either by monetary payment or by compensatory time off, at the option of the employee. Compensatory time off which accrues in excess of 80 hours must be liquidated by monetary payment.

(c) Requirements for Overtime

1. All compensable overtime must be authorized by the appointing authority or designated representative in advance of being worked. If prior authorization is not feasible because of emergency conditions a confirming authorization must be made on the next regular working day following the date on which the overtime was worked. Overtime worked must be in the job classification in which the person is regularly employed or in a classification for which the employee is authorized higher pay for work in a higher class.

2. Employees required to report back to work during off duty hours shall be compensated for a minimum of two hours of overtime. Employees in an on-call status are excluded from this provision.

(d) Compensatory Time Off

When authorizing compensatory time off the appointing authority shall consider when the employee desires to utilize such compensatory time off. The decision of the appointing authority shall be final. Accrued compensatory time must be used by employees in Work Group 2 prior to retirement or termination; otherwise, it shall be forfeited. The smallest increment of compensatory time which may be taken off is six minutes. (Prior code § 2231.1; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 2492, 04/04/78; Ord. 2510, 05/23/78; Ord. 2783, 04/20/82; Ord.

3003, 07/03/84; Ord. 3060, 04/15/86; Ord. 3308, 03/12/91; Ord. 3397, 06/16/92; Ord. 3511, 10/05/93; Ord. 3577, 6/14/94)

2.71.110 HOLIDAYS

(a) Full-time employees in established positions shall be entitled to take all authorized holidays on full pay, not to exceed 8 hours for any one day. Part-time employees shall be entitled to holiday pay in proportion to the percentage of full-time hours worked during the pay period which includes each holiday, i.e. a part-time employee working fifty (50) percent of the full-time hours in a pay period shall be paid for 4 hours for each holiday falling within that pay period. Extra help workers are not entitled to paid holidays. If such employees work holidays they shall be paid the same amount as for any other day.

(b) The holidays for the County are:

January 1	New Year's Day
Third Monday in January	Martin Luther King Jr's Birthday
Third Monday in February	Washington's Birthday
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Second Monday in October	Columbus Day
November 11	Veteran's Day
Fourth Thursday in November	Thanksgiving Day
Friday following Thanksgiving Day	
December 25	Christmas

Effective on February 12, 2001, for each February 12 thereafter, employees will be credited with a floating holiday (8 hours of holiday time). This provision shall not apply to Court employees who shall continue to observe Lincoln's Birthday as a Holiday.

Every day appointed by the President of the United States or the Governor of the State of California to be a day of public mourning, thanksgiving, or holiday. The granting of such holidays shall be discretionary with the Board of Supervisors.

If the legislature or the Governor appoints a date different from the one shown above for the observance of one of these holidays, then San Mateo County shall observe the holiday on the date appointed by the Legislature or the Governor.

(c) For employees not exempt from the FLSA or for those for whom holiday pay is not covered in a MOU, if any one of the listed holidays falls on a Sunday and the employee is not regularly scheduled to work that day, the employee's first regularly scheduled work day following the holiday shall be considered a holiday. If any one of the listed holidays falls on a day other than Sunday and the employee is not regularly scheduled to work that day, or if such employee is

required to work on a holiday, the employee shall be entitled to equivalent straight time off, not to exceed 8 hours, during the one calendar year following the holiday except as provided by individual memoranda of understanding. In County facilities where there is 24 hour per day coverage, employees working such coverage shall observe holidays on the actual date of the holiday.

(d) Employees eligible for overtime payments who work more than their regularly scheduled shift on a holiday shall be compensated for such excess time as provided in section 2.28.090, Overtime.

2.71.120 VACATIONS

(a) Vacation Allowance. Full-time employees, excluding extra help, or as otherwise provided, shall be entitled to vacation with pay in accordance with the following schedule except as provided by individual memoranda of understanding or by ordinance or resolution of the Board of Supervisors:

1. During the first five years of continuous service, vacation will be accrued at the rate of 4 hours for each bi-weekly pay period.
2. After the completion of five years of continuous service, vacation will be accrued at the rate of 4.9 hours for each bi-weekly pay period.
3. After the completion of ten years of continuous service, vacation will be accrued at the rate of 5.9 hours for each bi-weekly pay period.
4. After the completion of fifteen years of continuous service, vacation will be accrued at the rate of 6.5 hours for each bi-weekly pay period.
5. After the completion of twenty years of continuous service, vacation will be accrued at the rate of 6.8 hours for each bi-weekly pay period.
6. After the completion of twenty-five years of continuous service, vacation will be accrued at the rate of 7.4 hours for each bi-weekly pay period.
7. No employee will be allowed to earn vacation once an accumulation of 52 biweekly pay periods' vacation accrual has been accrued. However, employees may accrue unlimited vacation time in excess of the maximum allowance when such vacation accrues because of remaining in a pay status during periods of illness or injury which precluded liquidating vacation credits earned in excess of the maximum allowed.
8. No vacation will be permitted prior to the completion of 13 full pay periods of continuous service, in any status without approval of the appointing authority.

9. Vacation may be used in increments of six minutes.

10. Persons working extra help do not accrue vacation credits, except that the service of an employee in an extra help capacity shall be included with service in a regular established position in computing vacation allowance for the purpose of this section. However, such service in an extra help or seasonal capacity may not be included if it preceded a period of over twenty-eight (28) consecutive calendar days during which the employee was not in a pay status.

(b) Vacation Schedule. The time at which employees shall be granted vacations shall be at the discretion of the appointing authority. Length of service and seniority of employees shall be given consideration in scheduling vacations and in giving preference as to vacation time.

(c) Vacation Allowance for Separated Employees. When an employee is separated from County service, his remaining vacation allowance shall be added to his final compensation. Such employees shall not be allowed to remain on the County payroll and accrue sick leave, vacation, or other benefits beyond the date of termination.

(d) Vacation Pay. Payment for vacation shall be at the base pay of the employee plus applicable scheduled differential, if any. (Prior code § 2232; Ord. 2263, 8/20/74; Ord. 2271, 10/08/74; Ord. 2510, 05/23/78; Ord. 2640, 03/25/80; Ord. 3003, 07/03/84; Ord. 3060, 04/15/86; Ord. 3397, 06/16/92)

2.71.130 SICK LEAVE

(a) Accrual. All employees shall accrue sick leave at the rate of 3.7 hours for each bi-weekly pay period of full-time work. Such accrual shall be prorated for any employee who work less than full time during a pay period. For the purpose of this section absence in a pay status shall be considered work. This section does not apply to persons working extra help.

(b) Usage

1. Employees are entitled to be paid for sick leave used, to a maximum of the time accrued, under the following conditions:

a. The employee's illness, injury, or exposure to contagious disease which incapacitates him/her from performance of duties. This includes disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom as determined by a licensed physician.

b. The employee's receipt of required medical or dental care or consultation.

- c. The employee's attendance on a member of the immediate family who is ill.
- d. The employee's preparation for or attendance at the funeral of a member of the immediate family.
- e. The employee's attendance to an adoptive child for up to six (6) weeks immediately after the arrival of the child in the home.

2. For the purpose of this section immediate family means parent, spouse, domestic partner, son, daughter, sibling, step children, mother-in-law, father-in-law, grandparents or grandchildren. For the purpose of paragraph (a)(1) above only, immediate family also includes son-in-law, daughter-in-law, granddaughter-in-law and siblings-in-law.

(c) Procedures for Requesting and Approving Sick Leave

- 1. When the requirement for sick leave is known to the employee in advance of the absence, the employee shall request authorization for sick leave at such time, in the manner hereinafter specified. In all other instances the employee shall notify his supervisor as promptly as possible by telephone or other means.
- 2. Before an employee may be paid for the use of accrued sick leave he shall complete and submit to his department head a signed statement, on a prescribed form, affirming the need for leave, stating the dates and hours of absence, and such other information as is necessary for the request to be evaluated. If an employee does not return to work prior to the preparation of the payroll, other arrangements may be made with the approval of the department head and the Controller.
- 3. The department head may require a physician's statement from an employee who applies for sick leave, or make whatever investigation into the circumstances that appears warranted before taking action on the request.

(d) Accounting for Sick Leave

- 1. Sick leave may be used in increments of six minutes.
- 2. Payment for sick leave used shall be at the employee's base pay, plus applicable differential, if any.

(e) Credits

1. When an employee who has been working in a seasonal or extra help category is appointed to a permanent position such appointee shall receive credit for such extra help or seasonal period of service in computing accumulated sick leave, provided that no credit shall be given for service preceding any period of more than twenty-eight (28) consecutive calendar days in which an employee was not in pay status.

2. If an employee who has unused sick leave accrued is laid off and subsequently reemployed in a permanent position, such sick leave credits shall be restored upon reemployment. The employee shall not have any portion of sick leave credits restored for which he received compensation at the time of or subsequent to the day of layoff.

(f) Incapacity to Perform Duties. If the appointing authority has been informed through a doctor's report of a medical examination, that an employee is not capable of properly performing his duties, he may require the employee to absent himself/herself from work until the incapacity is remedied. During such absence the employee may utilize any accumulated sick leave, vacation, holiday and compensatory time.

(g) Use of Sick Leave While on Vacation. An employee who is injured or who becomes ill while on vacation may be paid for sick leave in lieu of vacation provided that the employee:

1. was hospitalized during the period for which sick leave is claimed, or;
2. received medical treatment or diagnosis and presents a statement indicating illness or disability signed by a physician covering the period for which sick leave is claimed, or
3. was preparing for or attending the funeral of a member of the immediate family.
4. to have sick leave considered in lieu of vacation the request and substantiation must be provided within ten (10) days of the employees' return to work.

(h) Sick Leave During Holidays. Paid holidays shall not be considered as part of any period of sick leave, unless the employee is scheduled to work on that holiday.

(i) State Disability Insurance. The County of San Mateo participates with the State of California in administering the State Disability Insurance program (SDI) as it applies to eligible County employees. The County does not determine employee eligibility nor the amount of SDI benefits. The County will provide

application forms for County employees so that they may participate in the program.

The SDI program as it applies to eligible San Mateo County employees is considered "integrated." Integration requires that the County deduct from employees' compensation an amount equal to the SDI benefits received and a credit shall be made to the employee's accumulated sick leave balance. The above deductions and sick leave credits shall be done consistent with procedures developed by the County Director of Employee and Public Services for implementing the integrated SDI program.

The County Director of Employee and Public Services shall develop procedures and monitor their application in order that the integrated SDI program may be implemented for eligible County employees. (Prior code § 2232.1; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 2510, 05/23/78; Ord. 2783, 04/20/82; Ord. 3003, 07/03/84; Ord. 3042, 10/08/85; Ord. 3060, 04/15/86; Ord. 3308, 03/12/91; Ord. 3397, 06/17/92; Ord. 3511, 10/05/93)

2.71.140 LEAVES OF ABSENCE

(a) General

1. Employees shall not be entitled to leaves of absence as a matter of right except in accordance with the provisions of law and this code, provided, however, if a disability retirement application has been filed with the County Board of Retirement, a leave may be granted pending decision by that Board. Unless otherwise provided, the granting of a leave of absence also grants to the employee the right to return to a position in the same classification, or equivalent classification, in the same department, as held at the time the leave was granted, provided such position remains. The granting of any leave of absence shall be based on the presumption that the employee intends to return to work upon the expiration of the leave. The cost of the provision of benefits during any leave may be recovered if the employee fails to return from leave after the period of leave and the employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave or other circumstances beyond the control of the employee.

2. Approval and Appeals. Initial action to approve or disapprove any leave of absence shall be by the employee's appointing authority; however, leaves of absence of more than two (2) bi-weekly pay periods must also be approved by the Director of Employee and Public Services. Denial of requested leave in whole or in part by the appointing authority may be appealed by the employee to the Director of Employee and Public Services, whose decision shall be final.

3. Employees on leaves of absence without pay for more than two bi-weekly pay periods shall not be entitled to payment by the County of the premiums for their health, dental, life or long term compensation continuance insurance, except as provided hereinafter. The entitlement to County payment of premiums shall end on the last day of two full bi-weekly pay periods in which the employee was absent. An employee who is granted a leave of absence without pay for reasons of the employee's illness or injury shall be entitled to have two bi-weekly pay periods insurance premiums paid by the County for each year of County service, or major fraction thereof, up to a maximum of twenty-six bi-weekly pay periods payment of premiums.

4. Authorized Absence Without Pay for More than Twenty-Eight Days. Authorized absence without pay which exceeds twenty-eight (28) consecutive calendar days, for either (1) a leave of absence for personal reasons, or (2) a leave of absence on account of illness or injury not compensated through Workers' Compensation benefits, or (3) a leave of absence to fill an unexpired term in an elective office shall not be included in determining compensation adjustment rights, or any seniority rights based on length of employment.

(b) Disability Leave With Pay

1. Definition. Disability leave with pay is an employee's absence from duty with pay because of disability caused by illness or injury arising out of and in the course of employment which has been declared to be compensable under the Workers' Compensation Law.

2. Payment. Payment of disability leave shall be at the base pay of the employee and shall be reduced by the amount of temporary disability indemnity received pursuant to Workers' Compensation Law.

3. Application for and Approval of Disability Leave with Pay

a. In order to receive pay for disability leave, an employee must submit a request on the prescribed form to the appointing authority describing the need for such leave and all information required for Risk Management to evaluate the request. The employee must attach to the request a statement from a physician certifying to the nature, extent, and probable period of illness or disability.

b. No disability leave with pay may be granted until after the State Compensation Insurance Fund or County's Workers' Compensation claims administrator has declared the illness or injury to be compensable under Workers' Compensation Law and has accepted liability on behalf of the County, or the Workers'

Compensation Appeals Board has ordered Workers' Compensation benefits to be paid.

4. Length of Disability Leave with Pay. Except for Safety members of the Retirement System, eligible employees shall be entitled to disability leave for the period of incapacity as determined by a physician, but not to exceed a maximum of ninety calendar days for any one illness or injury. Safety members, as defined in the Government Code and in determinations made by the San Mateo County Board of Retirement, may be found eligible for disability leave up to a maximum of 26 bi-weekly pay periods. Holidays falling within the period of disability shall extend the maximum days allowed by the number of such holidays.

(c) Disability Leave Without Pay

1. Definition. Disability leave without pay is an employee's absence from duty without County pay because of disability caused by illness or injury arising out of and in the course of employment which has been declared to be compensable under Workers' Compensation Law. Only permanent or probationary employees occupying permanent positions are eligible for disability leave without pay. Such leave is taken after the disabled employee has used up allowable disability leave with pay, as well as accrued credits for sick leave. At the employee's option, vacation and compensatory time off accruals may also be used.

2. Application for and Approval of Disability Leave Without Pay. In order to receive disability leave without pay, an eligible employee must submit a request on the prescribed form to the appointing authority stating the need for such a leave and providing all information required for the appointing authority to evaluate the request. The employee must attach to the request a statement from a physician certifying to the nature, extent and probable period of illness or disability.

3. Length and Amount of Disability Leave Without Pay. Disability leave without pay may not exceed twenty-six bi-weekly pay periods for any one injury. The combined total of disability leave with pay and disability leave without pay for one accident or illness may not exceed thirty-two bi-weekly pay periods. However, Safety members of the Retirement System may be allowed a maximum of fifty-two bi-weekly pay periods' total disability leave for any one injury. In the event an employee is disabled and is receiving Workers' Compensation benefits this leave may be extended as long as such disability continues.

(d) Leave of Absence Without Pay

1. Purpose and Length. Only permanent or probationary employees occupying permanent positions are eligible for leaves of absence without pay under the provisions of this section.

a. Leaves Granted by an Appointing Authority. An appointing authority may grant leave of absence without pay for personal reasons up to maximum of two bi-weekly pay periods.

b. Leaves of Absence on Account of Illness or Injury. Leaves of Absence without pay on account of illness or injury which are not job incurred may be granted for a maximum period of twenty-six full bi-weekly pay periods. This includes disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom. Such leaves will be granted only after all accrued sick leave credits have been used and shall be substantiated by a physician's statement.

c. Leaves of Absence for Personal Reasons. Leaves of Absence without pay on account of personal reasons may be granted for a maximum period of thirteen full bi-weekly pay periods at the discretion of the appointing authority. Such leaves shall only be granted after all accrued vacation and holiday credits have been used.

d. Leaves of Absence to Accept Temporary Employment Outside the County Government. An employee may be granted a leave of absence without pay for up to four years in order to accept employment or training in a position outside the County government. The employment and/or training should provide for either an increase in the effectiveness of the employee in a current job assignment or an enhancement of the employee's advancement possibilities within the County.

e. Leaves of Absence to Accept a Position in the Unclassified Service. An employee who has permanent status in the classified service may be granted a leave of absence for a maximum period of four years in order to accept a position in the unclassified service. Upon termination of employment in the unclassified service such employee shall have the right to return to a position in the same or comparable classification occupied at the time the leave of absence was granted without loss of any seniority rights specified elsewhere in this chapter.

f. Leaves of Absence to Fill an Unexpired Term in an Elective Office. An employee who has permanent status in the classified service may be granted a leave of absence in order to accept an

appointment to fill the unexpired term in an elective office which has become vacant. Upon expiration of such term, or sooner, the employee shall have the right to return to a position in the same or comparable classification occupied at the time the leave of absence was granted.

g. Parental Leave. An employee/parent of either sex may be granted a leave of absence without pay for the purpose of fulfilling parenting responsibilities during the period of one (1) year following the child's birth, or one (1) year following the placement of a child with an employee in connection with the adoption or foster care of the child by the employee. Leave under this section shall be for a maximum period of thirteen (13) bi-weekly pay periods. Use of accrued vacation, sick, compensatory time or holiday credits shall not be a pre-condition for the granting of such parental leave.

h. Family Care and Medical Leave. Any permanent or probationary employee occupying a permanent position or any employee with 12 months of service and who has at least 1250 hours of service during the previous 12 months shall be granted Family Care and Medical Leave which shall be administered in accordance with the State Family Care and Medical Leave Act and the Federal Family and Medical Leave Act of 1993. Such leave shall run concurrently with any other leave provided under this code. Use of accrued vacation, sick, compensatory time or holiday credits shall not be a pre-condition for the granting of leave under this section except for leave because of an employee's own health condition, for which the employee shall use any accrued sick leave.

2. Application for and Approval of Leaves of Absence without Pay. In order to receive leave without pay an employee must submit a request on the prescribed form to the appointing authority describing the reasons for the request and all other information required for the appointing authority to evaluate the request.

(e) Military Leaves of Absence. The provisions of the Military and Veterans Code of the State of California shall govern military leave of County employees.

(f) Absence Due to Required Attendance in Court. Upon approval by the appointing authority, any employee, other than extra help shall be permitted absence from duty for appearance in Court because of jury service, in obedience to subpoena or by direction of proper authority, in accordance with the following provisions:

1. Absence from duty will be with full pay for each day the employee serves on the jury or testifies as a witness in a criminal case, other than as

a defendant, including necessary travel time. As a condition of receiving such full pay, the employee must remit to the County Treasurer, through the employee's department head, within fifteen days after receipt, all fees received except those specifically allowed for mileage and expenses.

2. Attendance in Court in connection with an employee's usual official duties or in connection with a case in which the County of San Mateo is a party, together with travel time necessarily involved, shall not be considered absence from duty within the meaning of this section.

3. Absence from duty will be without pay when the employee appears in private litigation to which the County of San Mateo is not a party or for which testimony is not in connection with official duties.

4. Any fees allowed, except for reimbursement of expenses incurred, shall be remitted to the County Treasurer through the employee's department head.

(g) Absence Without Leave.

1. Refusal of Leave or Failure to Return After Leave: Failure to report for duty after a leave of absence request has been disapproved, revoked or canceled by the appointing authority, or at the expiration of a leave shall be considered an absence without leave.

2. Absence Without Leave: Absence from duty without leave for any length of time without an explanation satisfactory to the appointing authority is cause for dismissal. Absence without leave for four or more consecutive days without an explanation satisfactory to the appointing authority shall be deemed a tender of resignation. If within thirty calendar days after the first day of absence without leave a person who has been absent makes an explanation satisfactory to the Board of Supervisors, the Board may reinstate such person.

(h) Educational Leave of Absence With Pay

1. Educational leave of absence with pay may be granted by the appointing authority to employees under the conditions specified in this section. In order to be granted educational leave of absence with pay an employee must submit on the prescribed form a request to the appointing authority containing all information required to evaluate the request.

2. Educational Leave of Absence With Pay From County Funds.

a. The appointing authority may, after approval of an employee's application, grant leave of absence with pay for a maximum of

sixty-five working days during any fifty-two biweekly periods for the purpose of attending a formal training or educational course of study. Eligibility for such leaves will be limited to employees with at least one year of continuous service; persons working extra help or on a temporary basis are not eligible. Such leaves will be granted only in cases where there is a reasonable expectation that the employee's work performance or value to the County will be enhanced as a result of the course of study. Courses taken as part of a program of study for a college undergraduate or graduate degree will be evaluated individually for job-relatedness under the above described criteria.

b. The employees must agree in writing to continue working for the County for at least the following minimum periods of time after expiration of the leave of absence:

<u>Length of Leave of Absence</u>	<u>Period of Obligated Employment</u>
44-65 workdays	52 biweekly pay periods
22 to 43 workdays	26 biweekly pay periods
6 to 21 workdays	13 biweekly pay periods

(Prior code § 2232.2; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 2510, 05/23/78; Ord. 2783, 04/20/82; Ord. 3003, 07/03/84; Ord. 3044, 10/22/85; Ord. 3060, 04/15/86; Ord. 3308, 03/12/91; Ord. 3511, 10/05/93; Ord. 3530, 12/21/93)

2.71.150 LEAVE FOR MANAGEMENT EMPLOYEES

a. The County Manager shall have the authority to credit a management employee up to 40 hours of vacation and 48 hours of sick leave in addition to normal vacation and sick leave accrual, provided such credit must be made within 180 days of employment.

b. The County Manager shall have the authority to provide to a management employee advanced levels of vacation accrual as if the employee had otherwise been working for the County the required number of years for the higher accrual rate, provided such credit must be made within 180 days of employment. (Prior code § 2232.3; Ord. 2783, 04/20/82; Ord. 3003, 07/03/84; Ord. 3405, 07/21/92)

2.71.160 TUITION REIMBURSEMENT

a. The County may reimburse an employee for tuition and related fees paid for taking course of study in an off-duty status if the subject matter content of the course is closely related to the employee's present or probable future work assignments. Limits to the amount of reimbursable expenses may be set by the Director of Employee and Public Services with concurrence of the County Manager. There may be a reasonable expectation that the employees work performance or value to the County will be enhanced as a result of the course of study. Courses taken as part of a program of study for a college undergraduate

or graduate degree will be evaluated individually for job relatedness under the above-described criteria. The employee must both begin and successfully complete the course while employed by the County.

b. The employee must submit an application on the prescribed form to his department head giving all information needed for an evaluation of the request. The department head shall recommend approval or disapproval and forward the request to the Director of Employee and Public Services for review and decision. In order to be reimbursed, the employee's application must have been approved before enrolling in the course.

c. Upon completion of the course the employee must submit to the Department of Employee and Public Services a request for reimbursement accompanied by a copy of the school grade report or a certificate of completion. The Department of Employee and Public Services shall, if the employee satisfactorily completes the course, forward it to the Controller for payment. Reimbursement may include the costs of tuition and related fees, but may not include costs of books or materials which become the property of the employee. (Prior code § 2233; Ord. 2263, 08/20/74; Ord. 2271, 10/08/74; Ord. 2510, 05/23/78; Ord. 3003, 07/03/84; Ord. 3308, 03/12/91; Ord. 3511, 10/05/93)

2.71.170 LEAVE OF ABSENCE PENDING INVESTIGATION OF CRIMINAL CHARGE; UNCLASSIFIED OFFICERS AND EMPLOYEES

Every unclassified employee and every unclassified appointive officer, except those enumerated in sections 4 and 5 of article VI of the County Charter, who is accused by indictment, information or complaints of an act or acts which would constitute a felony, or a misdemeanor involving moral turpitude, may be placed by his appointing officer on leave of absence for not to exceed 30 days pending investigation of such accusations. If disciplinary action is not taken on or before the date such leave is terminated, the leave shall be with pay. If disciplinary action is taken on or before the date such leave is terminated, the disciplinary action may be specified to be retroactive to any date on or after the date the employee or officer went on leave. If disciplinary action is retroactive to a date later than the date the employee or officer went on leave, the leave prior to the effective date of the disciplinary action shall be with pay. If the disciplinary action consists of a reprimand and no more the leave shall be with pay.

As used in this section, "disciplinary action" means dismissal, demotion, suspension without pay, or reprimand.

In any case where the hiring or dismissal of an employee or officer requires the approval of any other officer, board or commission, in addition to the appointing officer, no disciplinary action shall be taken against such employee or officer without the approval that would have been required for his hiring or dismissal. (Prior code § 2113.1; Ord. 1966, 11/21/67)

2.71.180 RESIGNATIONS

All resignations of County officers and heads of departments must be in writing and must be made to the County Manager. All resignations of subordinate officers, deputies, clerks and employees shall be made in writing addressed to the appointing authority as defined in section 2.14.010. All resignations shall be effective on the date designated therein or if no date is designated, then on the date delivered. (Prior code § 2115; Ord. 1024, 08/04/53)

2.71.190 VACATION AND LEAVES OF ABSENCE--UNCLASSIFIED EMPLOYEES

The provisions of the Rules of the Civil Service Commission, a copy of which is on file with the Clerk of the Board of Supervisors, with reference to vacations and leaves of absence, including sick leave and disability leave, shall be applicable to unclassified employees; provided that where the word "Commission" is used therein it shall be deemed to mean "Board of Supervisors." The Director of Employee and Public Services of the County of San Mateo shall assist and recommend to the Board of Supervisors in the administration of such provisions. (Prior code § 2120; Ord. 1024, 08/04/53; Ord. 3511, 10/05/93)

2.71.200 UNIFORMS AND UNIFORM ALLOWANCE

Employees under the jurisdiction of the Sheriff, the Agricultural Commissioner and the Superintendent of Parks and Recreation may be required by said department heads to provide at their own expense and wear uniforms when on duty, provided however that where the wearing of such uniforms is determined by said department heads to be necessary in connection with the performance of part or all of their duties such employees shall be entitled to a uniform allowance not to exceed the maximums for each department established by the Board of Supervisors. Said uniforms shall be in accordance with specifications established by such department heads and approved by the County Manager. Employees in certain other departments shall wear such uniforms as are provided therefor and approved by the County Manager. (Prior code § 2128; Ord. 1024, 08/04/53; Ord. 1780, 08/09/66)

2.71.210 PERSONNEL OBTAINING MEALS AT COUNTY INSTITUTIONS

Except as provided in the annual compensation ordinance of the County, officers and personnel serving the County must pay the prescribed rate when eating at County institutions which serve meals; provided, however, that volunteer staff members on duty at any such institution at meal time and staff members and County officers who are attending meetings at such institutions may receive their meals without charge upon approval of the department head in charge of the operation of the institution. A record of the number of such meals served shall be maintained by the department operating the institution. (Prior code § 2138; Ord. 1174, 07/24/56)

Chapter 2.72 REIMBURSEMENT OF EMPLOYEE EXPENSES

2.72.010 CLAIMS FOR MONEY OR DAMAGES

(a) Authority. This section is enacted pursuant to Section 935 of the California Government Code.

(b) Claims Required. All claims against the County for money or damages not otherwise governed by the California Tort Claims Act, Government Code Sections 900 et seq., or another state law or regulation (hereinafter "Claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this Section.

(c) Form of Claim. All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910.

(d) Claim Prerequisite to Suit. In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the Board of Supervisors as set forth in Government Code Section 912.4 prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of subsection (b) of this section.

(e) Suit. Any action brought against the County upon any claim shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the County upon any claim shall conform with the requirements of Section 950-951 of the California Government Code.

(f) Claims for Personal Injury or Property Damage. Whenever the Clerk of the Board of Supervisors receives a claim against the County for personal injuries or property damage, a copy thereof shall be sent to the Director of Employee and Public Services on the same day said claim is received. Whenever any claim against either the County or any officer or employee is received by any officer or employee, it shall be sent to the Clerk of the Board of Supervisors on the same day said claim is received. (Prior code § 2129; Ord. 1024, 08/04/53; Ord. 1571, 02/19/63; Ord. 2321, 06/17/75; Ord. 3511, 10/05/93; Ord. 4130, 08/20/02)

2.72.020 TRAVEL EXPENSES

This section regulates reimbursement for travel expenditures for officers and employees of the County. These provisions do not apply to other expenses that are incurred in the performance of the official duties of county officers and

employees. Whenever any member of the Board of Supervisors, or any County officer, deputy, assistant or employee in the service of the County or any member of a County board or commission, in the performance of their duty, is required to travel outside or within the County, such person shall be allowed, in addition to any salary or compensation, actual and necessary travel expenses, as set forth below. Occurrences that would require a member of the Board of Supervisors to travel include, but are not limited to, official business of the County at conferences, education, appearances before local, state, and federal administrative agencies, legislative bodies, and judicial proceedings or when otherwise serving in their official capacity or representing the County.

(a) Transportation and Conveyance. Actual cost incurred for transportation or conveyance by any carrier services. Reimbursement for travel by any privately owned automobile shall be in accordance with the provisions of paragraph (c), below, except that it shall be not more than the cost of common carrier services where the one way distance required to be traveled is 200 miles or more, and in such event the reimbursement for such travel shall not exceed the cost of air travel regardless of the mode of transportation used therefore. The cost of air travel shall be based on coach fares, unless air coach service is not available, or unless otherwise authorized by the County Manager. Government and group rates offered by a provider of transportation services shall be used when available.

(b) Meals, Lodging, and Incidentals. Actual cost incurred outside San Mateo County for meals, lodging, and incidentals, including baggage transfer, tips, car storage, and other actual and necessary incidental expenses. The maximum reimbursement for the actual cost of meals will be limited to the Continental United States (CONUS) current rate as set forth in the Code of Federal Regulations except that for CONUS designated high cost of living metropolitan areas the maximum reimbursement rate shall be limited to double the amount of the CONUS current rate. Government and group rates offered by a provider of lodging services shall be used when available. If such rate is not available, the maximum reimbursement rate shall be limited to double the amount of the CONUS current rate. If the lodging is in connection with a conference or organized educational activity lodging reimbursement for lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available at the time of booking. If such rate is not available, the maximum reimbursement rate shall be limited to double the amount of the CONUS current rate or the group rate, whichever is higher.

(c) Privately Owned Automobile. Actual costs for miles actually traveled, at a rate determined by the County Manager, provided the amount is at least that established by the Internal Revenue Service as the allowable business deduction rate for such travel.

(d) Travel expenses may be paid to the supplier of the transportation where the mode of transportation is other than by a privately owned motor vehicle. In other instances travel shall be claimed by the individual employee.

(e) Required registration fees for educational courses, conferences, or other meetings may be paid directly to the organization or association conducting such course, conference, or other meeting and the officer or employee shall not be required to advance the funds therefore.

(f) County officers or employees shall not submit a claim to County except for those expenses actually incurred in connection with the performance of official business of the County. Such officers or employees shall not use County property for their own personal benefit or for any purpose but a public one. For any violations hereof, in addition to other sanctions that may be imposed, whether civil or criminal in nature, the County may demand of, and such officer or employee shall make, full restitution of all amounts so paid and the County may likewise demand of and such officer or employee shall pay the fair rental value of County property used in any manner other than as provided for herein, together with any and all damages that may have arise from such misuse.

(g) All County-owned or leased vehicles shall be parked overnight and on weekends on County facilities provided therefore except as to those County officers and employees who are on an on-call status during other than normal working hours and if such status is established by the County department head concerned, by the County Manager, or by the Board of Supervisors, or when such vehicle is permanently assigned by the County Manager, or when circumstances would make it unreasonable for such officer or employee to park on County facilities. No employee shall regularly keep a County vehicle at their residence without authorization from the Board of Supervisors or the County Manager.

(h) Nothing herein contained shall prohibit a County officer or employee, while using a County-owned or leased car for County business, from stopping for personal reasons while traveling directly from point of departure to destination; however, any substantial deviation from such route for personal reasons shall be deemed to be a violation of this chapter.

(i) No officer or employee shall engage in any travel in connection with the performance of official business of the County in a privately owned conveyance, either their own or that belonging to another, unless the same is insured in such manner as to comply with County of San Mateo Administrative Memorandum.

(j) Each officer or employee having the custody of a County vehicle shall exercise due caution and prudence in the operation of such vehicle and shall minimize the risk of damage to such vehicle by using available off-street parking whenever reasonably possible, particularly during the night. Such officer or

employee shall be liable to the County for damages and other expenses resulting from and caused by gross negligence or willful misconduct in the use or operation of such vehicle.

(k) All reimbursable expenses for members of the Board of Supervisors that do not fall within the above provisions may be approved by the Board of Supervisors at a public meeting before the expense is incurred.

2.72.030 TRANSPORTATION ALLOWANCE IN LIEU OF TRAVELING EXPENSES

In lieu of reimbursement for transportation expenses for travel within the County of San Mateo and the City and County of San Francisco as provided in section 2.72.020 of this code and pursuant to the provisions of section 1223 of the Government Code, members of the Board of Supervisors and the County Manager may elect to receive a monthly transportation allowance. Members of the Board and the County Manager who elect to receive a monthly transportation allowance may use a County-owned vehicle when a private vehicle is unavailable or if the Board Member or Manager determines that the use is necessary for the performance of official duties. Department heads and/or assistants may elect to receive a transportation allowance when designated by the County Manager. Department heads and/or assistants who elect to receive a monthly transportation allowance may not use a County-owned vehicle except in the case where a private vehicle is unavailable or if the use is approved by the appropriate department head. (Prior code § 2131.1; Ord. 2172, 12/19/72; Ord. 2470, 12/20/77; Ord. 2635, 02/26/80; Ord. 3226, 05/15/90)

2.72.040 REIMBURSEMENT FOR EXPENSES

Members of the Board of Supervisors and other County officers, are entitled to reimbursement of the actual cost of expenses, including meals, that are reasonably incurred in the performance of official duties within the County, unless otherwise specified by this Ordinance Code.

When authorized or directed by the department head of the department in which he serves, any deputy, assistant, or employee in the service of the County is entitled to reimbursement of the actual cost of expenses, including meals, that are reasonably incurred in the performance of duties within the County, unless otherwise specified by this Ordinance Code.

All reimbursements shall be in accordance with section 2.12.250 of this Chapter.

2.72.050 AUTHORITY TO HOST--CONVENTIONS, CONFERENCES, TRAINING AND SPECIAL MEETINGS

Whenever the County of San Mateo, or any of its officers or employees, acts as host for a convention, conference, training or special meeting which will be of benefit to the County of San Mateo, the expenses of the convention, conference, training or special meeting including meals of duly authorized delegates,

representatives or participants thereto, may be paid by the County upon presentation of claims therefore and approval by the County Manager or County department head if the amount does not exceed two thousand five hundred dollars (\$2,500), or upon approval by the President of the Board of Supervisors or County Manager if the amount thereof exceeds two thousand five hundred dollars (\$2,500). Prior approval for the County's participation as host of such conferences, conventions, or meetings shall be obtained whenever time permits. (Prior code § 2134.1; Ord. 1240, 09/24/57; Ord. 2470, 12/20/77; Ord. 2690, 12/09/80; Ord. 3181, 07/25/89; Ord. 3748, 12/17/96)

2.72.060 CLAIMS FOR EXPENSES

Before any travel expenses are allowed or paid, the claimant shall file a claim in the manner provided by law for claims to be filed against the County, duly certified as correct by the claimant and approved by the head of the office, department or institution which he or she serves. All claims submitted by members of the Board of Supervisors and department heads are to be reviewed by the Controller. There shall be attached to said claim all receipts showing the moneys expended by the claimant. Expense reports shall document that expenses are in accordance with section 2.12.250 of this chapter.; provided, however, that receipts for expenditures for expenses other than lodging in the amount less than \$25 shall not be required on the basis that the cost of reviewing and processing said receipts can exceed that amount of reimbursement. Expense reports shall be submitted within one hundred and twenty (120) days after incurring the expense. (Prior code § 2136; Ord. 1024, 08/04/53; Ord. 2017, 01/20/70; Ord. 2231, 01/22/74; Ord. 2470, 12/20/77)

2.72.070 ADVANCE PAYMENTS FOR EXPENSES

Whenever it appears to be for the best interests of the County that any member of the Board of Supervisors, or other County officer or agent of the County travel outside of the County of San Mateo on official business and where prior authorization for such travel has been given by the Board of Supervisors, and it appears that it is necessary that such Supervisor, or other County officer, or agent, be allowed a sum of money not in excess of two thousand five hundred dollars (\$2,500) for such travel expenses in advance, a claim for such advance showing the emergency requiring such advance shall be made out in the regular form and approved by the department head and thereafter the Controller shall draw their warrant in favor of such Supervisor, or other officer, and the Treasurer shall pay the same. The Supervisor, or other officer or agent receiving such advance, shall file with the Controller after their return from such trip an itemized account, together with proper vouchers of their expenses and shall pay to the County of San Mateo any balance remaining in their hands unexpended. The Controller shall attach such statement to the original claim for such advance and shall immediately make the proper adjustment of the account of the officer or department asking for the advance. (Prior code § 2136; Ord. 1024, 08/04/53; Ord. 2017, 01/20/70; Ord. 2231, 01/22/74; Ord. 2470, 12/20/77)

2.72.080 REPORTING BY MEMBERS OF THE BOARD OF SUPERVISORS ON MEETINGS ATTENDED

Members of the Board of Supervisors shall provide a brief report, either orally or in writing, on meetings attended at the expense of the County at the next regular meeting of the Board.

2.72.090 NON-COMPLIANCE

In addition to the penalties set forth in Government Code section 53232.4, and any amendments thereto, any failure of a County officer or employee to comply with the provisions of this chapter may constitute grounds for suspension or dismissal from employment. Such failure on the part of an elective official may constitute malfeasance or nonfeasance in office.

Chapter 2.73 POLITICAL ACTIVITIES.

2.73.010 PROHIBITIONS ON POLITICAL ACTIVITIES BY COUNTY OFFICERS AND EMPLOYEES

County officers and employees shall not engage in prohibited political activities during working hours nor engage in prohibited political activities on County premises. (Prior code § 2250; Ord. 1952, 12/17/68; Ord. 2269, 09/10/74; Ord. 3256, 08/28/90; catchline editorially created, 6/94)

2.73.020 DEFINITIONS

For the purposes of this chapter the following terms shall be defined as set forth in this section. (Prior code § 2251; Ord. 3256, 08/28/90; catchline editorially created, 6/94)

- (a) Working hours. "Working hours" shall mean all assigned hours of employment. Designated lunch breaks, rest breaks, holidays, vacation and leaves of absence shall not constitute "working hours" hereunder.
- (b) County premises. "County premises" shall mean all property owned or controlled by the County other than areas open to the public.
- (c) Political activity. "Political Activity" shall mean support or opposition to any candidate for elective office or any issue appearing on an election ballot.

2.73.030 PROHIBITED ACTS

The following political activities shall be prohibited acts by County officers or employees if conducted during working hours or on County premises:

- (a) Use of County staff, services, funds, telephones, automobiles, stationery, equipment or supplies, including but not limited to copying machines, word processing equipment, or intra-departmental mails.

(b) Distribution or posting of political literature other than regularly distributed or posted newsletters, the regular focus of which is not political.

(c) Wearing of political buttons, pins or banners in instances where the County employee or officer's duties require him or her to meet the public.

(d) Direct or indirect solicitation of political funds or contributions. (Prior code § 2252; Ord. 3256, 08/28/90; catchline editorially created, 6/94)

2.73.040 COERCION BY/OR AGAINST COUNTY EMPLOYEE PROHIBITED

No County officer shall use his or her position with the County to attempt to coerce another County officer or employee concerning their support or opposition of a political candidate or ballot measure either by threat of discipline or demotion, or promise of promotion or other benefit. (Prior code § 2255; Ord. 3256, 08/28/90; catchline editorially created, 6/94)

2.73.050 VIOLATION

Violation of any of the provisions of this chapter may be grounds for disciplinary action. The criminal penalty provisions of the Ordinance Code, shall also apply to any violations of this chapter. (Prior code § 2256; Ord. 3256, 08/28/90; catchline editorially created, 6/94)

Chapter 2.74 COUNTY RETIREMENT PLAN.

2.74.010 ADOPTION OF COUNTY EMPLOYEES RETIREMENT ACT OF 1937

The Board of Supervisors accept the provisions of the County Employees Retirement Law of 1937, approved June 30, 1937, being chapter 677 of the Statues of 1937 of the State of California, and the Board of Supervisors does hereby, by reference, adopt and incorporate all and every one of the provisions of said law of the State, and amendments thereto, as a part of and applicable to and make all and every one of said provisions a part of and applicable to the system and schedules of compensation of all officers and other persons employed by this County and whose compensation is fixed by this County and whose compensation is paid by this County, and all employees and officers of this County now or hereafter established by ordinance of the Board of Supervisors, who are or may hereafter be eligible to the benefits of any retirement system under the provisions of said law. (Prior code § 2730; Ord. 564, 12/07/43)

2.74.020 ADOPTION AND IMPLEMENTATION OF SECTION 31725.5 OF THE GOVERNMENT CODE

The Board of Supervisors does hereby elect to be subject to and does hereby accept the provisions of Government Code section 31679.2 as said section was in effect at the 15th day of September, 1953. (Prior code § 2731; Ord. 1029, 09/15/53)

2.74.030 FIXED FORMULA AND COST OF LIVING INCREASES

(a) The provisions of section 31676.96 of the Government Code, with respect to the increases in current service pensions and prior service pensions for County officers and employees, are hereby made effective and operative in the County of San Mateo.

(b) The provisions of sections 31870.1, 31871, 31872, 31873, 31875, 31876 and 31877 of the Government Code of the State of California are hereby made effective and operative as of January 1, 1968, to require the payment of not to exceed 3 percent per year cost of living increases pursuant to said section 31870.1.

(c) The provisions of section 31874.2 of the Government Code of the State of California are hereby made effective and operative in the County of San Mateo as of January 1, 1975, to require the payment of cost of living increases not to exceed five (5) percent per year. (Prior code § 2733; Ord. 1926, 08/27/68; Ord. 2279, 11/12/74)

2.74.040 TERMINATION OF COST-OF-LIVING BENEFIT OF THE COUNTY RETIREMENT SYSTEM FOR EMPLOYEES WHOSE SERVICES COMMENCE ON OR AFTER JULY 1, 1980

Pursuant to Government Code section 31483, the provisions of sections 2.74.030 (b) and (c) authorizing cost-of-living increases for retired employees are hereby terminated as to employees of the County or any district included in the County Retirement System whose services commence on or after July 6, 1980. (Prior code § 2734; Ord. 2648, 06/03/80)

2.74.050 THREE PERCENT COST OF LIVING INCREASE FOR EMPLOYEES WHOSE SERVICE COMMENCED ON OR AFTER JULY 6, 1980

(a) Notwithstanding sections 2.74.030 and 2.74.040, the provisions of section 31870.1 of the Government Code are hereby made effective and operative as of January 1, 1993, to require the payment of cost of living increases not to exceed three (3) percent per year for employees of the County or any district included in the County Retirement System whose services commenced on or after July 6, 1980.

(b) Pursuant to Government Code section 31874.4, the provisions of Government code section 31870.1 requiring unused increases or decreases in every year to be accumulated for future years shall not apply to employees eligible for a three (3) percent cost of living increase under this section.

(c) The cost of living increases authorized by this section shall apply prospectively only and shall not apply to any retirement allowance, optional death allowance, or annual death allowance paid before April 1, 1993.

(d) Persons who started employment with the County after July 6, 1980 but retired or elected a deferred retirement and are no longer employees shall be eligible for the cost of living increase authorized by the section. (Prior code § 2735; Ord. 3156, 09/13/88; Ord. 3459, 12/22/92)

2.74.060 TWO PERCENT COST OF LIVING INCREASE FOR EMPLOYEES WHOSE SERVICE COMMENCED ON OR AFTER JULY 13, 1997

(a) Notwithstanding sections 2.74.030, 2.74.040 and 2.74.050, there shall be a payment of cost of living increases not to exceed two (2) percent per year for employees of the County or any district included in the County Retirement System whose services commenced on or after July 13, 1997. All employees whose services commenced on or between July 6, 1980 and July 12, 1997 shall be entitled to a three percent cost of living increase pursuant to section 2.74.050.

(b) Pursuant to Government Code section 31874.4, the provision of Government Code section 31870.1 requiring unused increases or decreases in every year to be accumulated for future years shall not apply to employees eligible for a two (2) percent cost of living increase under this section. (Ord. 3777, 6/17/97)

2.74.070 ADOPTION AND IMPLEMENTATION OF SECTION 31641.04 OF THE GOVERNMENT CODE

The Board of Supervisors does hereby adopt and make effective in the County section 31641.04 of the Government Codes providing authority for the Board of Supervisors to grant eligibility for additional service credit towards retirement in such manner as the Board may determine by later resolution in accordance with section 31641.04. (Ord. 3827, 4/14/98)

Chapter 2.75 INCOMPATIBLE ACTIVITIES OF COUNTY EMPLOYEES.

2.75.010 INCOMPATIBLE ACTIVITIES OF OFFICERS AND EMPLOYEES

Pursuant to section 1125 et seq. of the Government Code, the following rules shall govern the determination of incompatible activities of County officers and employees. It is intended by this chapter to authorize the various Department Heads to establish rules prohibiting such incompatible activities, and nothing herein shall be interpreted as restricting any such Department Head from prohibiting any employee in his Department from engaging in any activity which, in the opinion of said Department Head, adversely affects or reflects upon his Department or upon the County of San Mateo, nor shall anything herein be construed as limiting in any way the operation of any other rule, regulation, statute, or ordinance restricting outside employment of County employees. (Prior code § 2930; Ord. 2187, 02/27/73)

2.75.020 DETERMINATIONS BY DEPARTMENT HEAD

Each Department Head, hereinafter referred to as "appointing authority," shall formulate rules specifying those activities which shall be prohibited for officers or employees within his department, and which, in the opinion of such appointing

authority, are inconsistent with, incompatible to, or in conflict with, or inimical to, the duties of such officers or employees. Such rules may prohibit an officer's or employee's outside activity or employment if:

(a) it involves the use for private gain or advantage of his County time, facilities, equipment or supplies; or the badge, uniform, prestige or influence of his County office or employment; or

(b) it involves the receipt by the officer or employee of any money or other consideration from anyone other than the County for the performance of an act which the officer or employee would be required or expected to render in the regular course of hours of his County employment or as a part of his duties as a County officer or employee; or

(c) it involves the performance of an act in other than his capacity as a County officer or employee which act later may be subject, directly or indirectly, to control, inspection, review, audit, or enforcement of any other officer or employee of the County; or

(d) it involves such time demands as would interfere with the efficient performance of his County duties. Such rules shall provide for disclosure by officers and employees of their outside activities for compensation which relate to their County duties or which may be subject to review by any other officer, employee, board or commission of the County. Approval of such outside activity shall be based upon a determination by the appointing authority that the activity in question is not in conflict with the officer's or employee's County responsibilities. Such rules shall state that disciplinary action may be taken against any employee engaging in prohibited outside activity. (Prior code § 2931; Ord. 2187, 02/27/73)

2.75.030 REVIEW OF DEPARTMENTAL RULES

The rules formulated by each appointing authority shall be submitted by that appointing authority for review and approval to a Committee on Incompatible Activities composed of the County Manager, Director of Employee and Public Services, and County Counsel, or their designees and two other Department Heads to be designated by the other Committee members. Officers and employees shall be given prior notification of the review, and such review shall constitute the employees' right of appeal from the determination of prohibited activities made by the appointing authority. (Prior code § 2932; Ord. 2187, 02/27/73; Ord. 3142, 04/26/88; Ord. 3214, 04/24/90; Ord. 3511, 10/05/93; Ord. 4001, 10/24/00; Ord. 4102, 03/05/02)

2.75.040 NOTICE TO OFFICERS AND EMPLOYEES

The appointing authority shall provide each officer and employee and all new officers and employees under his or her jurisdiction with a copy of such approved rules for the department. Each officer and employee shall be notified by his

appointing authority of any additions to, or changes in, the determination of prohibited activities. (Prior code § 2933; Ord. 2187, 02/27/73; Ord. 4102, 03/05/02)

2.75.050 VIOLATION GROUNDS FOR DISCIPLINE

Participation in any prohibited activity by any classified officer or employee, after proper notification of such prohibition pursuant to the provisions of section 2.75.040 of this Ordinance Code, may be cause for suspension, demotion, reprimand, transfer, or dismissal within the provisions of the Charter of the County of San Mateo, and the Rules and Regulations of the Civil Service Commission. The provisions of Civil Service Rule XIX as to notice and hearing shall be applicable to any determination that a classified officer or employee has engaged in any prohibited outside activity.

Any unclassified officer or employee may, upon being notified by his appointing authority that he has engaged in prohibited activity, request a hearing before that appointing authority, and such hearing shall be given to said officer or employee within a reasonable time. Participation in any prohibited activity by an unclassified employee or officer may be cause of suspension, demotion, reprimand, transfer, or dismissal, provided however, that if disciplinary action is taken against an unclassified officer or employee on the ground that said officer or employee has engaged in prohibited outside activity, said officer or employee may appeal that action to the Committee on Incompatible Activities, which Committee shall inquire into the facts surrounding said disciplinary action, and shall thereafter make a recommendation to the appointing authority on the question of whether the proposed disciplinary action should be taken. Said recommendation shall not be binding on the appointing authority. (Prior code § 2934; Ord. 2187, 02/27/73)

2.75.060 OFFICERS AND EMPLOYEES APPOINTED BY THE BOARD OF SUPERVISORS

Those officers and employees and members of boards and commissions appointed by the Board of Supervisors shall disclose to the Committee on Incompatible Activities, in writing within thirty days of being notified of their appointment by the Board of Supervisors, whichever date shall occur last, any outside employment or activity engaged in for compensation which relates to their County duties or to the functions and responsibilities of the department which they serve, or of the board or commission to which they have been appointed, and thereafter for so long as they serve the County, they shall advise said Committee, in writing, of any material change in said outside employment or activity engaged in for compensation within thirty days of said change. Said Committee shall review all such reports and submit them to the Board of Supervisors, together with said Committee's recommendation for approval or disapproval of such officers', employees', board members', or commission members' outside activity. (Prior code § 2935; Ord. 2187, 02/27/73)

2.75.070 OUTSIDE EMPLOYMENT LIMITED TO 20 HOURS PER WEEK

No person shall be employed in a full-time position in the County Service, as defined by the County salary and benefits ordinance for which compensation is provided, who performs continuous or regular service outside of his or her regular working hours for the County, in any gainful profession, trade, business, or occupation whatsoever for any person, firm, or corporation, district or governmental body, or who is so engaged in his or her own behalf, in excess of twenty hours per week; provided, however, that this provision shall not apply to a person holding a position in the County Service which is less than full time, nor to any person in the service of the County while on leave of absence from the County Service without pay. An employee may be exempted from the operation of this section, however, upon obtaining the approval of his or her appointing authority.

It is the purpose of this provision to prohibit the employment of persons in paid full-time County positions, who, by reason of their outside activities, impair their efficiency in the County Service. (Prior code § 2940; Ord. 2187, 02/27/73; Ord. 4102, 03/05/02)

Article 2.8 INTERNAL FINANCIAL PROCEDURES AND COUNTY CONTRACTS

Chapter 2.80 FISCAL PROCEDURE.

2.80.010 ALL OFFICES TO FOLLOW BUDGET PROCEDURE SET FORTH IN THIS CHAPTER

All officials, persons, officers, departments, services, institutions, districts, boards and commissions for whom or for which the Board is required to adopt an annual budget as provided in section 29000 et seq. of the Government Code shall be governed thereby and in addition by the following sections of this chapter which are general in their nature. (Prior code § 2160; Ord. 2086, 03/23/71; Ord. 2361, 05/04/76)

2.80.020 COUNTY MANAGER TO REVIEW BUDGET REQUESTS AND SUBMIT RECOMMENDATIONS TO BOARD FOR APPROVAL

The County Manager shall examine the budget requests and shall review same with the offices submitting them and make such investigations and studies with regard thereto as he may deem necessary. After concluding his examination and review, the County Manager shall submit to the Board of Supervisors, in printed form, his budget recommendations for the ensuing fiscal year. Upon receipt of said recommendations the Board, by formal action, shall approve the recommendations, whereupon they shall constitute the proposed budget for the ensuing fiscal year. Said recommendations shall be submitted to, and the proposed budget approved by, the Board of Supervisors no later than the date specified in the Government Code. (Prior code § 2164; Ord. 1024, 08/24/53; Ord. 2086, 03/23/71; Ord. 2361, 05/04/76)

2.80.030 NOTICE OF DISTRIBUTION OF PROPOSED BUDGET

On or before the date specified in the Government Code, the Board shall publish a notice once in a newspaper of general circulation throughout the County, stating that:

- (a) The proposed budget documents are available to taxpayers requesting them;
- (b) On a date stated in the notice, not less than ten (10) days after the budget documents are available, and at a time and place also stated in the notice, the Board will meet for the purpose of conducting a public hearing on the proposed budget preparatory to making a final determination thereon; and
- (c) Any taxpayer may appear thereat and be heard regarding increase, decrease or omission of any item of the budget or for the inclusion of additional items. (Prior code § 2165; Ord. 1024, 08/24/53; Ord. 2086, 03/23/71; Ord. 2361, 05/04/76)

2.80.040 HEARING ON PROPOSED BUDGET AND ADOPTION OF FINAL BUDGET

On or before the date specified in the Government Code, the Board shall meet at the time and place designated in the published notice to commence the public hearing on the proposed budget, at which hearing any taxpayer may appear and be heard regarding the increase, decrease or omission of any item in the proposed budget or for the inclusion of additional items. The hearing may be continued from day to day until concluded, but not to exceed a total of ten (10) calendar days, and shall be concluded before the expiration of ten (10) calendar days if there are no requests or applications on file with the Board for further hearings.

At the time the budget requests for a given budget unit are under consideration, officers or persons who submitted such requests may be called concerning them, in accordance with the provisions of section 29082 of the Government Code.

No later than the 30th day of August of each year the Board shall, by resolution, adopt the budget as finally determined for the next ensuing fiscal year, and shall approve appropriations accordingly. (Prior code § 2166; Ord. 1024, 08/24/53; Ord. 2086, 03/23/71; Ord. 2201, 05/29/73; Ord. 2245, 05/28/74; Ord. 2361, 05/04/76)

2.80.050 REPORTS TO THE CONTROLLER AND PAYMENTS OF MONEY

Monies collected by each officer of the County or Judicial District will be paid to the Controller and the filing of cash statements as required by section 24353 of the Government Code, and the taking and subscribing of the affidavit required by either section 24354 or section 24355 of the Government Code shall be made on the basis of a four (4) week period as directed by the Controller. Whenever a monthly report is required to be filed with the Controller, it shall, after July 1,

1975, if directed by the Controller, be filed on a basis of four (4) week periods. (Prior code § 2174; Ord. 2310, 05/20/75)

2.80.060 ESTABLISHMENT OF ACCUMULATIVE CAPITAL OUTLAY FUND

There is hereby created a fund to be known as the “Accumulative Capital Outlay Fund of the County of San Mateo” to be used for the purposes specified in article 4 (sections 53730-53737) of chapter 4 of part 1 of division 2 of title 5 of the State of California Government Code, to wit, for the making of any capital outlay expenditures. All revenues from sources designated to the fund of the County and any unencumbered surplus from other sources transferred to such fund as provided in said article 4 and in this ordinance code, shall be deposited in the said Accumulative Capital Outlay Fund and shall be subject to appropriation and expenditures as provided in said act and this ordinance code. (Prior code § 2175; Ord. 3070, 05/27/86)

2.80.070 PURPOSES OF ACCUMULATIVE CAPITAL OUTLAY FUND

Until otherwise provided by ordinance, all monies budgeted to be expended from said fund (whether budgeted for current expenditures or as reserves) shall be budgeted for the following capital outlay purposes only, including expenses incidental thereto:

First, for the acquisition, construction, installation, completion, and/or extension of County facilities, structures or equipment.

Second, for the acquisition of lands or rights-of-way necessary or convenient for the foregoing purposes.

Nothing contained herein shall prevent the Board of Supervisors from exercising its authority to cancel any appropriation in whole or in part that is not needed and transfer the amount canceled to the appropriation for contingencies of the fund from which the appropriation was originally made if there is one, or to any appropriation for contingencies account, or fund, to which the amount canceled may properly be transferred. If there is not appropriation for contingencies in the respective fund, the Board may establish one. (Prior code § 2176; Ord. 3070, 05/27/86; Ord. 3317, 04/23/91)

2.80.080 BUDGET FOR CAPITAL OUTLAY

Proposed expenditures may be budgeted in any year, or added to the budget in any year by amendment to the budget, as specific appropriations for such current year and when so budgeted shall be shown in the budget in the same manner as other capital outlay expenditures. (Prior code § 2177; Ord. 3070, 05/27/86; Ord. 3317, 04/23/91)

2.80.090 EXPENDITURES BUDGETED

Proposed future expenditures may be budgeted in any year as a reserve, or reserves, or a provision for replacement of fixed assets or additions and

betterments, and when so budgeted shall be identified as to purpose. Said proposed future expenditures so budgeted shall not be expended before expenditure is shown as specific appropriations, in the current year's budget by amendment to the budget or in a succeeding budget by passage thereof. (Prior code § 2178; Ord. 3070, 05/27/86; Ord. 3317, 04/23/91)

2.80.100 SURPLUS IN ACCUMULATIVE CAPITAL OUTLAY FUND

Any surplus collections, whether from overrealization of current taxes or from redemptions or tax sales, or otherwise, and miscellaneous revenues, shall be carried forward as surplus in the said Accumulative Capital Outlay Fund and may thereupon be budgeted for any capital outlay purpose authorized by this chapter at the time such budget is adopted or may be added to the current year budget by amendment thereto. (Prior code § 2179; Ord. 3070, 05/27/86; Ord. 3317, 04/23/91)

2.80.110 TRANSFERS TO ACCUMULATIVE CAPITAL OUTLAY FUND

The Board of Supervisors may transfer to said Accumulative Capital Outlay Fund any unencumbered surplus funds remaining on hand in said County at the end of any fiscal year, provided any funds so transferred shall have been or thereupon shall be budgeted, for any one or more of the capital outlay purposes authorized by this chapter, at the time such budget for the fiscal year which said transfer becomes effective was or is adopted and, if allocated to more than one purpose, in proportions or amounts fixed by said Board. (Prior code § 2180; Ord. 3070, 05/27/86)

Chapter 2.81 DEBT LIMIT.

2.81.010 DEBT LIMIT ESTABLISHED

The debt limit shall not exceed the amount of debt which can be serviced by an amount not to exceed four percent (4%) of the average annual County budget for the current year and the preceding four fiscal years. (Ord. 3773, 6/3/97; Ord. 4207, 3/16/04)

2.81.020 YEARLY DEBT LIMIT TO BE SET BY BOARD OF SUPERVISORS

Annually at the time of approving the final County budget the Board of Supervisors shall establish by resolution the County debt limit for the fiscal year. For purposes of this section debt limit shall be non-voter approved debt that is the obligation of the County of San Mateo. Said debt limit shall not include any voter approved debt or any debts of independent agencies, whether governed by the Board of Supervisors or not. It shall also exclude any debt which is budgeted to be totally repaid from the current fiscal year budget. (Ord. 3773, 6/3/97; Ord. 4207, 3/16/04)

2.81.030 EXCEPTION

The annual debt limit once established may be exceeded only by a four-fifths (4/5) vote of the Board of Supervisors and upon a finding that such action is

necessary in the best interests of the County and its citizens. (Ord. 3773, 6/3/97; Ord. 4207, 3/16/04)

Chapter 2.82 CONTROLLER.

2.82.010 QUALIFICATIONS FOR COUNTY CONTROLLER

The qualifications for County Controller shall be those established by article 4, part 3, division 2 of title 3 as of January 1, 2001, commencing with section 26945 et seq., of the Government Code. (Prior code § 2800; Ord. 1261, 12/24/57; Ord. 4048, 05/22/01))

2.82.020 APPROVAL OF CLAIMS

The three-day waiting period found in Government Code section 29742 shall not apply to claims covered by Government Code section 29741, as amended from time to time. Therefore, the Controller-Auditor may issue his warrant for any claims upon receipt in his office and subsequent to his determination that the claim is a correct and legal County charge. (Prior code § 2276; Ord. 2727, 04/07/81)

Chapter 2.83 PURCHASING PROCEDURES.

2.83.010 PURCHASING AGENT

The County Manager shall be the County Purchasing Agent. The County Manager may designate a Purchasing Agent Manager and such deputy purchasing agents as are necessary and may delegate to such purchasing agents such duties and responsibilities as he may periodically determine. (Prior code § 2430; Ord. 1024, 08/04/53; Ord. 2523, 07/25/78; Ord. 3046, 11/19/85; Ord. 3206, 02/06/90; Ord. 3511, 10/05/93)

2.83.020 PURCHASES FOR COUNTY

(a) Except as provided for in section 2.83.020(b) of this section, it shall be the duty of the Purchasing Agent to acquire by purchase, lease, lease-purchase, or other suitable method all personal property including, but not limited to, all stationery, clothing, bedding, groceries, provisions, drugs, medicine, equipment, machinery, motor vehicles, materials and supplies, required by any County officer or head of a department of the County, when such officer or head of a department shall make requisition upon him or her on a requisition form prepared and furnished by the Purchasing Agent.

(b) The Board of Supervisors may by resolution delegate purchasing authority for goods and services as specified in the resolution to any County department head.

(c) The Controller shall periodically conduct an audit of each Department to which purchasing authority has been delegated and shall submit a copy of any

audit findings to the County Manager. (Prior code § 2431; Ord. 1024, 08/04/53; Ord. 2727, 04/07/81; Ord. 3206, 02/06/90; Ord. 3365, 01/07/92)

2.83.030 PERSONS AUTHORIZED TO REQUISITION

Authority to draw requisitions on the Purchasing Agent is vested in the heads of the offices, departments and institutions of the County. Such persons may delegate this authority to any other person in his department by filing written authorization thereof with the Purchasing Agent. Requisitions and reports of goods received shall only be made on forms furnished by the Purchasing Agent and as many copies shall be made as are required. (Prior code § 2432; Ord. 1024, 04/07/53)

2.83.040 EMERGENCY PURCHASES

In cases of emergency, purchases of articles or supplies required for immediate use, may be made upon emergency requisition forms, which shall be replaced as soon as possible by regular forms. (Prior code § 2433; Ord. 1024, 08/04/53)

2.83.050 PURCHASE PROCEDURE

The Purchasing Agent shall upon receipt of a requisition properly drawn and signed, determine the manner of acquisition, i.e., purchase, lease, lease-purchase, or other, the cost, and the supplier of the requested item or items pursuant to the following provisions:

(a) If the estimated cost of acquisition does not exceed the amount established by the Government Code as the limit of the Purchasing Agent's authority to engage independent contractors, the Purchasing Agent may acquire the property requisitioned in the manner he determines most suitable and without complying with the formalities of competitive bidding. For purposes of this section, a lease or lease-purchase shall be deemed not to exceed the amount established by the Government Code as the limit of the Purchasing Agent's authority if no annual lease payment exceeds that amount and the lease term does not exceed three (3) years.

(b) The Purchasing Agent shall, whenever the estimated cost of a proposed acquisition of personal property exceeds the amount established by the Government Code as the limit of the Purchase Agent's authority to engage independent contractors, advertise for and obtain sealed written bids from vendors of such personal property. A notice to bidders shall be published in such cases at least once in a newspaper of general circulation published in the County of San Mateo and bids shall not be opened nor shall the proposed acquisition be made by the Purchasing Agent until at least one week after publication. Bids shall be opened at a time specified in said notice, and bids received after such time shall not be opened or otherwise given consideration with respect to such proposed acquisition. Whenever articles of personal property are referred to by a specific mark or brand name, the Purchasing Agent shall give notice in the publication referred to that articles of equal value, utility or merit will be

considered. Nothing contained in this paragraph shall preclude the Purchasing Agent from rejecting any and all of such bids and determining not to acquire the said personal property.

(c) In the event that the Purchasing Agent receives no bids as provided for in paragraph (b) of this section and the subject matter of the bid is an item essential to the continued operation of the County in preserving the public peace, health and/or safety, the Purchasing Agent shall immediately request and obtain the Board of Supervisor's approval to negotiate the acquisition of the essential supplies on the best terms available.

(d) The purchase order, together with the copies thereof, shall be transmitted to the Controller for proper budget check and for the Controller's certificate that sufficient funds are available to meet the cost of the articles proposed to be acquired. Upon receiving the purchase order back from the Controller, the Purchasing Agent shall be authorized to sign and issue to the supplier a purchase order directing the delivery of the articles specified therein at the price named therein to the department or office requisitioning same.

(e) In the event that there are not sufficient funds available for the purchase requested, the Controller shall immediately notify the Purchasing Agent and the requisitioner.

(f) The Board of Supervisors may waive any of the provisions of this chapter which require competitive bidding in any situation where the Board of Supervisors determines that the best interests of the County would be served without the necessity of competitive bidding. (Prior code § 2435; Ord. 1160, 02/28/56; Ord. 1432, 11/01/60; Ord. 2225, 12/04/73; Ord. 2632, 02/19/80; Ord. 2727, 04/07/81; Ord. 3046, 11/19/85; Ord. 3365, 01/07/92)

2.83.060 PURCHASE PROCEDURE FOR GROCERIES, MEATS, FRUITS, VEGETABLES OR OTHER PERISHABLE COMMODITIES, AND OFFICE SUPPLIES

Notwithstanding the provisions of section 2.83.050 of this code, whenever it is necessary and desirable to purchase groceries, meats, fruits, vegetables, or other perishable commodities, or whenever it is necessary to purchase office supplies, the Purchasing Agent may purchase the same without advertising for and obtaining sealed, written bids from vendors of such personal property, irrespective of the estimated cost thereof. (Prior code § 2435.1; Ord. 2137, 03/28/72)

2.83.070 COOPERATIVE BIDDING AGREEMENTS

(a) The Purchasing Agent may enter into agreements pursuant to Government Code section 6502 with other public agencies within the State of California for the purpose of obtaining bids for purchases of personal property required by County officers and departments, provided that the bidding will be conducted in

compliance with local law governing one of the public agencies who are parties to the agreement which requires publication of notice of the bidding and sealed written bids.

(b) The Purchasing Agent of the County of San Mateo is authorized to execute and deliver all necessary documents in connection with such agreements and to award contracts to the lowest responsible and responsive bidders for and on behalf of the County of San Mateo. (Prior code § 2435.2; Ord. 2817, 03/01/83)

2.83.080 REQUISITIONS REQUIRING APPROVAL OF COUNTY MANAGER

The County Manager may, in his discretion, require that any requisition or requisitions be submitted to him for his approval. The Purchasing Agent may, in his discretion, submit any requisitions to the County Manager for approval. (Prior code § 2437; Ord. 1024, 08/04/53; Ord. 2137, 03/28/72)

2.83.090 ELECTION SUPPLIES

It shall be the duty of the County Clerk to purchase all election supplies. Such supplies shall be purchased by the County Clerk in the manner provided by the Elections Code, and the Purchasing Agent shall have no duty or authority relating thereto. (Prior code § 2439; Ord. 1024, 08/04/53)

2.83.100 SUPPLIES, RECEIPT FOR

Upon receipt of goods delivered by vendors or the Purchasing Agent in response to requisition, the department to whom delivery is made shall report the receipt thereof to the Controller upon a form of report which form shall be prepared and furnished by the Purchasing Agent, subject to the approval of the Controller. (Prior code § 2440; Ord. 1024, 08/04/53)

2.83.110 TRANSFER OF PERSONAL PROPERTY NO LONGER NEEDED BY DEPARTMENT

Whenever any items of personal property are no longer needed by the office, department or institution having possession thereof, such fact shall be reported to the Purchasing Agent and a transfer of said property shall be made to the Purchasing Agent's stock of salvage materials and supplies. Whenever any department, office or institution has need for any such materials or supplies it may requisition same without cost. A careful account of such property transfers shall be kept. (Prior code § 2443; Ord. 1024, 08/04/53)

2.83.120 DISPOSAL OF UNNEEDED PERSONAL PROPERTY

Whenever any item of personal property is, in the opinion of the Purchasing Agent, surplus and no longer needed by the County, he may sell, by sealed bid or public auction, or otherwise dispose of such property and pay the proceeds into the County Treasury. However, if the estimated value of such surplus property exceeds, in the opinion of the Purchasing Agent, the sum of \$10,000.00, he shall first report such fact to the Board of Supervisors and obtain the Board of

Supervisors' approval prior to any disposition of such property. (Prior code § 2444; Ord. 1024, 08/04/53; Ord. 2727, 04/07/81)

2.83.130 STANDARDS COMMITTEE

Upon the determination by the Purchasing Agent that a Standards Committee is needed to establish standards with respect to the type, design, quality or brand of materials, equipment or supplies to be purchased for the County, the Purchasing Agent shall forthwith appoint such a committee. The Purchasing Agent, or Purchasing Agent's designee, shall be the chairperson. Recommendations of the Standards Committee with respects to materials, equipment, or supplies to be purchased for the County shall be submitted to the Board of Supervisors for approval. (Prior code § 2445; Ord. 1024, 08/04/53; Ord. 3365, 01/07/92)

2.83.140 INDEPENDENT CONTRACTORS

(a) The Purchasing Agent shall have the duty to engage independent contractors to perform sundry services for the County and the offices thereof, with or without the furnishing of materials, when the aggregate cost does not exceed that amount established by the Government Code as the limit of the Purchasing Agent's authority. Such arrangements may be made without the formality of preparing specifications or obtaining bids. Said independent contractors shall, however, file with the Purchasing Agent a certificate that they are insured pursuant to the Workers' Compensation provisions of the Labor Code.

(b) Notwithstanding the provisions of subsection (a), the Board of Supervisors shall select a travel agent on the basis of and after issuance of a Request for Proposal. The contract with the travel agency shall be in effect for a term of no more than three years. (Prior code § 2446; Ord. 1024, 08/04/53; Ord. 1965, 03/11/69; Ord. 2137, 03/28/72; Ord. 2727, 04/07/81; Ord. 3365, 01/07/92; Ord. 3557, 04/05/94)

2.83.150 CONTRACTS FOR COUNTY SERVICES

The Purchasing Agent shall have the authority to enter into contracts under which the County receives financial compensation or other consideration for the County's provision of services, provided the aggregate amount paid to the County does not exceed that amount established by the government Code as the limit of the Purchasing Agent's authority. (Ord. 4085, 12/18/01)

2.83.160 PUBLICATION OF LEGAL NOTICES

In the publication of such legal notices as are required by law or otherwise made, the Purchasing Agent shall cause such notices to be published in the newspaper designated by the Board of Supervisors as the official County newspaper for the particular year in which the publication is made, unless the Board shall otherwise designate. (Prior code § 2447; Ord. 1024, 08/04/53)

2.83.170 REQUEST FOR PROPOSALS

(a) Before the County contracts for engineering services, architectural services, management consultants, or similar one-time professional assistance to accomplish specific projects, requests for proposals shall be obtained if the expense of the contract is estimated to exceed the amount established by the Government Code as the limit of the Purchasing Agent's authority to engage independent contractors. The request for proposal shall be in accordance with Administrative Memoranda promulgated by the County Manager.

(b) The Board of Supervisors may authorize the use of request for proposal procedures when County desires to acquire systems, such as computer system, telecommunication systems, or the like, consisting of both equipment and software programs. The Board, if it determines that a request for proposal is in the best interest of the County, may authorize such request for proposals instead of competitive bidding that might otherwise be required by this code. Such requests for proposals shall be pursuant to Administrative Memoranda promulgated by the County Manager.

(c) The Board of Supervisors may waive any of the provisions of this chapter which require requests for proposals in any situation where the Board of Supervisors determines that the best interest of the County could be served without the necessity of requests for proposals. (Prior code § 2448; Ord. 2727, 04/07/81; Ord. 3046, 11/19/85)

Chapter 2.84 CONTRACTS-EQUAL BENEFITS.

2.84.010 DEFINITIONS

For the purposes of this chapter:

(a) "Contract" means a legal agreement between the County and a contractor for public works, consulting, or other services, or for purchase of supplies, material or equipment for which the consideration is in excess of \$5,000.

(b) "Contractor" means a party who enters into a contract with the County.

(c) "Contract Awarding Authority" means the Board of Supervisors or the individual authorized by the Board of Supervisors to enter into contracts on behalf of the County.

(d) "Domestic partner" means any person who is registered as a domestic partner with the Secretary of State, State of California registry or the registry of the state in which the employee is a resident.

(e) "Employee benefits" means the provision of any benefit other than pension and retirement benefits provided to spouses of employees or provided to an employee on account of the employee's having a spouse, including but not

limited to bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law. (Ord. 4026, 02/13/01)

2.84.020 DISCRIMINATION IN THE PROVISION OF BENEFITS PROHIBITED

(a) No contractor on a County contract shall discriminate in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following conditions:

1. In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit to the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the contractor conditions providing such benefit upon the employee's agreement to pay the excess costs.
2. The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash payment equal to the contractor's cost of providing the benefit to an employee's spouse.

(b) The Board of Supervisors may waive the requirements of this chapter when it determines that it is in the best interests of the County. The County Manager may waive the requirements of this chapter for contracts not needing the approval of the Board of Supervisors where waiver would be in the best interests of the County for such reasons as follows:

1. Award of a contract or amendment is necessary to respond to an emergency;
2. The contractor is a sole source;
3. No compliant contractors are capable of providing goods or services that respond to the County's requirements;
4. The requirements are inconsistent with a grant, subvention or agreement with a public agency;

5. The County is purchasing through a cooperative or joint purchasing agreement.

(c) Contractors should submit requests for waivers of the terms of this chapter to the Contract Awarding Authority for that contract, or in the case of contracts approved by the Board, the County Manager.

(d) The Contract Awarding Authority, or in the case of contracts approved by the Board, the County Manager, may reject an entity's bid or proposals, or terminate a contract, if the Contract Awarding Authority determines that the entity was set up, or is being used, for the purpose of evading the intent of this chapter.

(e) No Contract Awarding Authority shall execute a contract with a contractor unless such contractor has agreed that the contractor will not discriminate in the provision of employee benefits as provided for in this chapter. (Ord. 4026, 02/13/01)

2.84.030 APPLICATION OF CHAPTER

The requirements of this chapter shall only apply to those portions of a contractor's operations that occur (a) within the County; (B) on real property outside of the County if the property is owned by the County or if the County has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the County; and (c) elsewhere in the United States where work related to a County contract is being performed. The requirements of this chapter shall not apply to subcontracts or subcontractors of any contract or contractor. (Ord. 4026, 02/13/01)

2.84.040 POWERS AND DUTIES OF THE COUNTY MANAGER

The County Manager's office shall have the authority to:

(a) Adopt rules and regulations, in accordance with this chapter and the Ordinance Code of the County of San Mateo, establishing standards and procedures for effectively carrying out this chapter;

(b) Receive notification from employees of contractors regarding violations of this chapter;

(c) Determine and recommend to the Board of Supervisors for final decision the imposition of appropriate sanctions for violation of this chapter by contractors including, but not limited to:

1. Disqualification of the contractor from bidding on or being awarded a County contract for a period of up to 5 years, and

2. Contractual remedies, including, but not limited to termination of contract,

3. Liquidated damages in the amount of \$2,500;

- (d) Examine contractors' benefit programs covered by this chapter;
- (e) Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;
- (f) Allow for remedial action after a finding of noncompliance, as specified by rule;
- (g) Perform such other duties as may be required or which are necessary to implement the purposes of this chapter. (Ord. 4026, 02/13/01)

2.84.050 DATE OF APPLICATION

The provisions of this chapter shall apply to any contract awarded or amended on or after July 01, 2001, provided that if the contractor is then signatory to a collective bargaining agreement, this chapter shall only apply to any contract with that contractor which is awarded or amended after the effective date of the next collective bargaining agreement. (Ord. 4026, 02/13/01)

Chapter 2.85 CONTRACTOR EMPLOYEE JURY SERVICE.

2.85.010 DEFINITIONS

For the purposes of this chapter:

- (a) "Contract" means a legal agreement between the County and a contractor for public works, consulting, or other services, or for purchase of supplies, material or equipment.
- (b) "Contractor" means a party who enters into a contract with the County for which the contractor receives consideration of \$100,000 or more.
- (c) "Contract Authority" means the Board of Supervisors or the head of the department or agency presenting the proposed contract to the Board of Supervisors.
- (d) "Employee" means any California resident who is a full-time employee of a contractor under the laws of California.
- (e) "Full time" means 40 hours or more worked per week, or a lesser number of hours if (1) the lesser number is a recognized industry standard as determined by the County Manager, or (2) the contractor has a long standing practice that defines the lesser number of hours as full time.

2.85.020 CONTRACTOR JURY SERVICE POLICY

(a) A contractor shall have and adhere to a written policy that provides that its employees shall receive from the contractor, on an annual basis, no less than five days of regular pay for actual jury service in San Mateo County. The policy may provide that employees deposit any fees received for such jury service with the contractor or that the contractor deduct from the employees' regular pay the fees received for jury service.

(b) At the time of seeking a contract, a contractor shall certify to the county that it has and adheres to a policy consistent with this chapter or will have and adhere to such a policy prior to award of the contract.

(c) The Board of Supervisors may waive the requirements of this chapter when it determines that it is in the best interests of the County for such reasons as follows:

1. Award of a contract or amendment is necessary to respond to an emergency;
2. The contractor is a sole source;
3. No compliant contractors are capable of providing goods or services that respond to the County's requirements;
4. The requirements are inconsistent with a grant, subvention or agreement with a public agency;
5. The County is purchasing through a cooperative or joint purchasing agreement.

(d) Contractors should submit requests for waivers of the terms of this chapter to the Contract Authority or the County Manager.

(e) The County Manager may reject a contractor's bid or proposal, or terminate a contract, if he determines that the contractor is in violation of the requirements of this Chapter or was established, or is being used, for the purpose of evading the intent of this chapter.

(f) No contract shall be executed with a contractor unless such contractor is in compliance with this chapter.

2.85.030 POWERS AND DUTIES OF THE COUNTY MANAGER

The County Manager's office shall have the authority to:

- (a) Adopt rules and regulations, in accordance with this chapter and the Ordinance Code of the County of San Mateo, establishing standards and procedures for effectively carrying out this chapter;
- (b) Receive notification from employees of contractors regarding violations of this chapter;
- (c) Determine and recommend to the Board of Supervisors for final decision the imposition of appropriate sanctions for violation of this chapter by contractors including, but not limited to:
 - 1. Disqualification of the contractor from bidding on or being awarded a County contract for a period of up to 5 years, and
 - 2. Contractual remedies, including, but not limited to termination of contract.
- (d) Impose other appropriate contractual sanctions for violations of this chapter;
- (e) Allow for remedial action after a finding of noncompliance.
- (f) Perform such other duties as may be required or which are necessary to implement the purposes of this chapter.

2.85.040 DATE OF APPLICATION

The provisions of this chapter shall apply to any contract awarded or amended on or after September 01, 2005, provided that if the contractor is then signatory to a collective bargaining agreement, this chapter shall only apply to any contract with that contractor which is awarded or amended after the effective date of the next collective bargaining agreement.

Chapter 2.86 CENTRAL COLLECTIONS OFFICE.

2.86.010 CREATION OF OFFICE

There is hereby created an Office of Revenue Services which shall be within the Department of Tax Collector-Treasurer, who shall have the duty to appoint the Revenue Services Manager and to direct and supervise the operations of the office. (Prior code § 2505; Ord. 764, 10/21/47; Ord. 890, 03/14/50; Ord. 1074, 08/17/50; Ord. 1353, 07/07/59; Ord. 2499, 05/02/78; Ord. 3511, 10/05/93)

2.86.020 DUTIES OF REVENUE SERVICES MANAGER

The Revenue Services Manager shall operate the office under the general supervision and direction of the Tax Collector-Treasurer, for the purpose of

collecting any and all monies due and owing by private individuals to the various other departments and special districts of the County for which the Board of Supervisors serves as the governing board. Any collection efforts as against other public agencies shall only be engaged in by the Revenue Services Manager at the specific direction of the Tax Collector-Treasurer. The entire resources, services, and expertise of the Revenue Services office shall be made available to all County departments. (Prior code § 2507; Ord. 764, 10/21/47; Ord. 890, 03/14/50; Ord. 1074, 08/17/54; Ord. 1353, 07/07/59; Ord. 1855, 10/10/67; Ord. 2150, 06/ 13/72; Ord. 2499, 05/02/78; Ord. 2615, 10/23/79; Ord. 3511, 10/05/93)

2.86.030 COMPROMISE OF CLAIMS

The Revenue Services Manager shall formulate, subject to the approval of the Board of Supervisors, procedures for compromise, abandonment, or referral to a private collection agency any claim. The County Counsel shall execute all releases, satisfactions, and accords as may be required in order that payment may issue to the County in all collections litigation. (Prior code § 2508; Ord. 764, 10/21/47; Ord. 890, 03/14/50; Ord. 1074, 08/17/54; Ord. 1353, 07/07/59; Ord. 2499, 05/02/78; Ord. 3214, 04/24/90; Ord. 3511, 10/05/93)

Article 2.9 TAXPAYER SERVICES AND RECORDATION OF OFFICIAL ACTS

Chapter 2.90 COUNTY CLERK/RECORDER.

2.90.010 CONSOLIDATION OF OFFICES OF CLERK AND RECORDER

The office of County Clerk is hereby consolidated with the office of County Recorder and the powers, functions and duties of the County Clerk shall be exercised by said County Recorder. Whenever there is a reference to the term "Clerk" or "County Clerk" in this code and/or any other ordinance of the County of San Mateo the same shall mean and shall be construed to mean the County Recorder. (Prior code § 2640; Ord. 1940, 10/24/68; catchline editorially created, 6/94)

2.90.020 OFFICIAL BONDS

It shall be the duty of the County Clerk to report immediately to the Board any errors or changes in or lapses or expirations of the bonds or bond of any County, District officer or employee, which are filed in the office of the County Clerk. (Prior code § 2285; Ord. 1024, 08/04/53)

2.90.030 COLLECTION OF FEES

The County Clerk-Recorder shall charge and collect the following fees for the following services:

(a) Fictitious Business Names. The County Clerk-Recorder shall charge and collect a \$22.00 (Twenty-two dollar) fee for filing a fictitious business name statement for the first fictitious business name.

1. Additional Names. The \$22.00 (Twenty-two dollar) fee for filing a fictitious business name statement shall include up to one partner operating under the fictitious business name statement. A fee of \$4.00 (Four dollars) shall be charged for each additional partner operating under the same fictitious business name statement.

2. Abandonment Statement. The fee for filing a statement of abandonment of use of a fictitious business name shall be \$22.00 (Twenty-two dollars).

3. Statement of Withdrawal. The fee for filing a statement of withdrawal from partnership operating under a fictitious business name shall be \$22.00 (Twenty-two dollars).

(b) Marriage License. The County Clerk-Recorder shall charge and collect a \$45.00 (Forty-five dollar) fee for issuing a marriage license to be paid at the time of issuance.

(c) Confidential Marriage Certificate. The County Clerk-Recorder shall charge and collect a \$67.00 (Sixty-seven dollar) fee for issuing a confidential marriage certificate.

(d) Marriage Ceremony. The County Clerk-Recorder shall charge and collect a fee of \$35.00 (Thirty-five dollars) for performing a marriage ceremony.

(e) Bond of Notary Public. The County Clerk- Recorder shall charge and collect a \$26.00 (Twenty-six dollar) fee for filing the bond of a notary public.

(f) Power of Attorney. The County Clerk-Recorder shall charge and collect a \$15.00 (Fifteen dollar) fee, or, if more than one name is designated, \$9.00 (Nine dollars) for each name, for filing a power of attorney for an admitted surety insurer.

(g) Records Search. The County Clerk-Recorder shall charge and collect a \$4.00 (Four dollar) fee for each year requested to be searched. (Prior code § 2287; Ord. 3353, 12/10/91)

2.90.040 ADDITIONAL FEE ESTABLISHED

Section 27361.9 of the Government Code is implemented by the establishment of an additional \$3.00 fee for the filing of Preliminary 20-day Notices (Pre-Lien Notices) with the County Recorder. the \$3.00 fee for each notice is in addition to other prescribed filing fees applicable to all documents filed with the County Recorder. (Prior code § 2991; Ord. 3160, 10/11/88, catchline editorially created, 6/94)

Chapter 2.91 CONSOLIDATION OF TREASURER/TAX COLLECTOR.

2.91.010 CONSOLIDATION OF OFFICES

The office of County Treasurer is hereby consolidated with the office of County Tax Collector and the powers, functions and duties of the County Treasurer shall be exercised by said County Tax Collector. Whenever there is a reference to the term "Treasurer" or "County Treasurer" in this code and/or any other ordinance of the County of San Mateo the same shall mean and shall be construed to mean the County Tax Collector. (Prior code § 2630; Ord. 1818, 03/30/67; catchline editorially created, 6/94)

Chapter 2.92 ASSESSMENT APPEALS BOARD.

2.92.010 CREATION OF BOARD

Pursuant to article XIII, section 16 of the Constitution of the State of California and sections 1620 et seq. of the Revenue and Taxation Code of the State of California, Assessment Appeals Board No. 1 is hereby created in the County of San Mateo, commencing with the 1967/1968 assessment year. Said Board shall constitute the Board of Equalization for the County of San Mateo and shall have the power to equalize the valuation of taxable property in the County of San Mateo for the purpose of taxation in the manner provided for in article XIII, section 16 of the Constitution of the State of California. All general laws pertaining to County boards of equalization shall be applicable to said Assessment Appeals Board. (Prior code § 2620; Ord. 1820, 04/04/67)

2.92.020 COMPENSATION OF MEMBERS

The compensation for each member and alternate member of the Assessment Appeals Board shall be \$300.00 for each day that said member or alternate member sits as a member of said Board; provided that, where a member or alternate member is not regularly scheduled to sit as a member of said Board, but is required to attend a Board meeting for a period of less than two (2) hours, he or she shall only receive \$50.00 in compensation. (Prior code § 2621; Ord. 1820, 04/04/67; Ord. 2236, 02/26/74; Ord. 2400, 11/16/76; Ord. 3179, 06/06/89; Ord. 4220, 6/29/04)

2.92.030 APPOINTMENT OF MEMBERS

The County Board of Supervisors shall directly appoint the members and the alternate members of the Assessment Appeals Board. Approval of each member or alternate member shall be by a majority vote of the Board of Supervisors. The term of office of the members and the alternate members of the Assessment Appeals Board shall be as set forth in section 1623 of the Revenue and Taxation Code of the State of California. (Prior code § 2622; Ord. 1886, 03/05/68; Ord. 2050, 05/26/70; catchline editorially created, 6/94)

Chapter 2.93 REAL PROPERTY TRANSFER TAX.

2.93.010 REFERENCE TO AUTHORITY

This chapter shall be known as the “Real Property Transfer Tax Ordinance of the County of San Mateo”. It is adopted pursuant to the California Documentary Transfer Tax Act. (Prior code § 2908; Ord. 1867, 11/21/67)

2.93.020 IMPOSITION OF TAX

There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the County of San Mateo shall be granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers or any other person or persons by his or their direction when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds \$100.00, a tax at the maximum rate authorized under the California Documentary Transfer Tax Act. (Prior code § 2909; Ord. 1867, 11/21/67)

2.93.030 PERSONS ON WHOM TAX IMPOSED

The tax imposed by this chapter shall be paid by any person who makes, signs, or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued. (Prior code § 2910; Ord. 1867, 11/21/67)

2.93.040 EXEMPTIONS

(a) The United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, or the District of Columbia, or any person(s) or entity which is by Federal or California law exempt from such transfer taxes, shall not be liable for any tax imposed pursuant to this chapter with respect to any deed, instrument or writing to which it is a party, but the tax shall be collected from any other party liable therefor.

(b) Any deed, instrument, or writing to which the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this chapter when the exempt agency is acquiring title. (Prior code § 2912; Ord. 1867, 11/21/67; Ord. 1898, 06/05/68; Ord. 1999, 10/21/69)

(c) In cases where the California Documentary Transfer Tax Act provides an applicable exemption, the tax imposed pursuant to this chapter shall not apply.

2.93.050 PROOF OF EXEMPTION

Whenever it is claimed that the deed, instrument or writing to be recorded is not subject to the tax imposed by this chapter or is exempt therefrom, the recorder may require the person filing same to furnish reasonable documentary proof to substantiate such claim. (Prior code § 2916; Ord. 1867, 11/21/67)

2.93.060 TAX AND CREDIT FOR CITY TAX

If the legislative body of any city in the County imposes a tax pursuant to and in conformity with the California Documentary Transfer Tax Act equal to one-half the amount specified in this chapter, a credit shall be granted against the taxes due under this chapter in the amount of the city's tax. (Prior code § 2917; Ord. 1867, 11/21/67)

2.93.070 DOCUMENTARY STAMPS

On and after July 1, 1968, adhesive stamps shall not be required to be affixed to any document presented to the County Recorder for recording.

On and after July 1, 1968, the County Recorder may destroy all such adhesive stamps in his possession which are unsold as of that date.

Any person having on hand such adhesive stamps hereto purchased from the County Recorder may return such stamps to the County Recorder on or before October 1, 1968, and the County Recorder shall then direct the County Controller to issue to the person surrendering such stamps a warrant equal to the full value of such stamps.

The County Recorder shall accept in payment of the tax any such stamps affixed to a document offered for recording and shall cancel the stamps so affixed. (Prior code § 2918; Ord. 1867, 11/21/67; Ord. 1898, 06/05/68)

2.93.080 ADMINISTRATION AND ALLOCATION OF TAX

The County Recorder shall administer this chapter, and shall also administer any ordinance adopted by any city in the County pursuant to and in conformity with the California Documentary Transfer Tax Act imposing a tax for which a credit is allowed by this chapter.

At the beginning of every month the County Recorder shall report to the County Controller the amounts of taxes collected during the preceding month pursuant to this chapter and each such city ordinance. Where the deed, instrument or writing presented for recordation describes real property which lies between two cities or between a city and an unincorporated area, the recorder may hold the transfer tax proceeds in suspense for a reasonable period of time in order to determine an appropriate division, but the report to the County Controller shall include the amount of such proceeds held in suspense. On or about the twentieth (20th) day of each month the Controller shall allocate and distribute the previous month's taxes based on the report and request for disbursement of the County Recorder, as follows:

1. All monies which relate to transfers of real property located in the unincorporated territory of the County shall be allocated to the County.

2. All monies which relate to transfers of real property located in a city in the County which has imposed a tax pursuant to and in conformity with the California Documentary Transfer Tax Act shall be allocated one-half to such city and one-half to the County.

3. All monies which relate to transfers of real property located in a city in the County which imposes a tax on transfers of real property not in conformity with California Documentary Transfer Tax Act shall be allocated to the County.

4. All monies which relate to transfers of real property in a city in the County which does not impose a tax on transfers of real property shall be allocated to the County.

The Controller shall maintain a special trust fund in which he shall maintain monies collected pursuant to this chapter pending disbursement. All disbursements from the special trust fund shall be made by the Controller only upon written authorization of the Recorder, except where otherwise authorized by law, in which case the Controller shall notify the Recorder of such disbursement prior to making same. (Prior code § 2919; Ord. 1867, 11/21/67; Ord. 1898, 06/05/68)

2.93.090 RECORDING SUBJECT TO PAYMENT OF TAX

The Recorder shall not record any deed, instrument or writing subject to the tax imposed pursuant to this chapter unless the tax is paid at the time of recording.

A declaration of the amount of the tax due, signed by the party determining the tax or his agent, shall appear on the face of every document subject to the tax hereunder which is submitted for recordation, or if the party submitting the document for recordation so requests, the declaration may be placed on a separate paper. The Recorder may rely on the declaration; provided he has no reason to believe that the full amount of the tax due has not been paid. The declaration shall include a statement that the consideration or value on which the tax due was computed, was, or that it was not, exclusive of the value of a lien or encumbrance remaining on the interest or property conveyed at the time of sale.

If the party submitting the document for recordation has requested that the declaration be placed upon a separate paper, the separate paper shall be affixed to the document by the Recorder after the permanent record is made and before the original is returned as specified in section 27321 of the Government Code.

In the case of any deed, instrument or writing relating to real property which lies partially in the County of San Mateo and partially in a neighboring County, the declaration shall state the amount of the tax imposed by this chapter attributable to that portion of the property within the County of San Mateo, and the County Recorder shall record the document upon payment of that portion of the tax due

as stated in the declaration. The amount of the tax stated in the declaration shall be based upon the ratio between that portion of the property within the County of San Mateo to the entire parcel of real property to be conveyed pursuant to the document involved. An affidavit may be required by the County Recorder as to the portion of the tax attributable to the real property involved which is situated in the County of San Mateo.

Every document subject to tax hereunder which is submitted for recordation shall show on the face of the document the location of the lands, tenements or other realty described in the document. If said lands, tenements or other realty are located within a city in the County of San Mateo, the name of that city shall be set forth. If said lands, tenements or other realty are located in the unincorporated area of the County of San Mateo, that fact shall be set forth on the face of the document submitted for recordation. (Prior code § 2920; Ord. 1867, 11/21/67; Ord. 1898, 06/05/68; Ord. 1999, 10/21/69)

2.93.100 TAX ROLL PARCEL NUMBER

Every document subject to tax hereunder which is submitted for recordation shall contain on its face the tax roll parcel number for each parcel of land described in the document. (Prior code § 2920.1; Ord. 2131, 02/22/72)

2.93.110 CLAIMS FOR REFUNDS

Claims for refunds of taxes imposed pursuant to this chapter shall be governed by the provisions of chapter 5 (commencing with section 5096) of part 9 of division 1 of the Revenue and Taxation Code. Where a refund is made in accordance with this section of taxes which have been partially allocated to a city, the Recorder, in his next monthly report to the Controller, shall show as a debit against the tax proceeds to be allocated to that city, a sum equivalent to the amount which had previously been allocated to said city for the taxes on which the refund was made. For purposes of this section the County Recorder shall be considered the Tax Collector. (Prior code § 2922; Ord. 1867, 11/21/67)

2.93.120 PENALTY

Any person or persons who makes, signs, issues or accepts or causes to be made, signed, issued or accepted and who submits or causes to be submitted for recordation any deed, instrument or writing subject to the tax imposed by this chapter and makes any material misrepresentation of fact for the purpose of avoiding all or any part of the tax imposed by this chapter shall be guilty of a misdemeanor. (Prior code § 2925; Ord. 1867, 11/21/67)

Chapter 2.94 EXEMPTION OF LOW VALUE PROPERTY.

2.94.010 EXEMPTION FOR LOW VALUE PERSONAL PROPERTY

All personal property that does not exceed five thousand dollars (\$5,000.00) in full cash value shall be exempt and shall not be entered on the roll as provided in California Revenue and Taxation Code section 155.20. This exemption applies

only when the aggregate value of all personal property of a single taxpayer, or a group of taxpayers, on any one lien date does not exceed five thousand dollars (\$5,000.00) in full cash value. (Ord. 3696, 1/9/96)

2.94.020 DEFINITIONS

The term "personal property" is as defined in the Revenue and Taxation Code. The term "taxpayer" means any natural person, persons, entity or entities which have a duty to pay property taxes pursuant to the California Constitution, statutory law, case law, or private or public contract, and includes, but is not limited to, corporations, partnerships, joint ventures, or other legal entities as well as trusts and trustees. (Ord. 3696, 1/9/96)

Chapter 2.95 REASSESS DAMAGED OR DESTROYED PROPERTY.

2.95.010 PURPOSE AND AUTHORITY

The purpose of this chapter is to effectuate California Constitution article 13, section 2.8, and Revenue and Taxation Code section 170 by providing for reassessment of property damaged or destroyed by misfortune or calamity. (Prior code § 2950; Ord. 2303, 04/15/75; Ord. 2401, 11/16/76; Ord. 2771, 03/09/82)

2.95.020 ELIGIBILITY

Every person who at 12:01 A.M. on the immediately preceding January 1 was the owner of, or had in his possession or under his control, any taxable property, or who acquired such property after such date and is liable for the taxes thereon for the fiscal year commencing immediately following July 1, which property was thereafter damaged or destroyed without his fault, by a misfortune or calamity, may within the time specified in this code, apply for reassessment thereof by delivering to the Assessor a written application showing absence of fault, the condition and value, if any, of the property immediately before and after the damage or destruction, and that the damage exceeded ten thousand dollars. (Prior code § 2951; Ord. 2303, 04/15/75; Ord. 2401, 11/16/76; Ord. 4033, 03/13/01; Ord. 4129, 08/20/02)

2.95.030 TIME TO APPLY

Such application shall be made within twelve (12) months after the misfortune or calamity giving rise to the damage or destruction. (Prior code § 2952; Ord. 2303, 04/15/75; Ord. 2401, 11/16/76; Ord. 4129, 08/20/02)

2.95.040 FORM OF APPLICATION

The application shall be on a form approved or furnished by the Assessor. It shall be executed under penalty of perjury, or verified by affidavit if executed outside California. (Prior code § 2953; Ord. 2303, 04/15/75; Ord. 2401, 11/16/76)

2.95.050 REASSESSMENT

Upon receiving a proper application, the Assessor shall verify the amounts claimed on the application in the before and after condition. The Assessor shall

then compute a percentage relationship of loss and reduce the current assessed value by that percentage. He shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall indicate the applicant's appeal rights as set forth in . (Prior code § 2954; Ord. 2303, 04/15/75; Ord. 2401, 11/16/76)

2.95.060 REASSESSMENT WITHOUT APPLICATION

If no such application is made and the Assessor determines that within the preceding twelve (12) months a property has suffered damage or destruction caused by misfortune or calamity, which may qualify the property owner for relief under this chapter, the Assessor may reassess the property as provided in this code and notify the last known owner of the property of the reassessment. (Prior code § 2954.1; Ord. 2771, 03/09/82; Ord. 4129, 08/20/02)

2.95.070 APPEAL

The applicant may appeal the proposed reassessment to the San Mateo County Assessment Appeals Board within six (6) months after the Assessor's notice is mailed. The appeal shall be governed by the provisions of Revenue and Taxation Code section 170 and other applicable laws and state and local rules. (Prior code § 2955; Ord. 2303, 04/15/75; Ord. 2401, 11/16/76; Ord. 2771, 03/09/82; Ord. 4129, 08/20/02)

2.95.080 COMPUTATION OF PAYMENT OR REFUND OF TAXES

Any computation, payment, or refund of tax on property reassessed pursuant to this chapter shall be governed by the provisions of Revenue and Taxation Code section 170. (Prior code § 2956; Ord. 2303, 04/15/75; Ord. 2401, 11/16/76; Ord. 2771, 03/09/82)

2.95.090 DEFERRAL OF NONDELINQUENT SUPPLEMENTAL ROLL TAXES ON QUALIFYING REAL PROPERTY AND MOBILE HOMES DAMAGED OR DESTROYED BY THE 1989 EARTHQUAKE AND AFTERSHOCKS

Section 197.9 of the Revenue and Taxation Code is hereby adopted to permit the deferral of unpaid nondelinquent 1989-90 fiscal year supplemental roll taxes on eligible property, as defined in Revenue and Taxation Code section 197, which has been reassessed pursuant to chapter 3.5 (commencing with section 75) of part 0.5 of the Revenue and Taxation Code, provided that the property owner files a claim for deferral with the Assessor on or before December 10, 1989. Taxes deferred pursuant to this provision shall be due on the last day of the month following the month in which the corrected bill is mailed or the delinquent date of the next installment of the original bill, whichever is later. (Prior code § 2957; Ord. 3195, 11/14/89)

2.95.100 ASSESSOR TO PROVIDE REASSESSMENT APPLICATION

If no application for reassessment is made pursuant to this chapter and the Assessor determines that within the preceding twelve (12) months a property has suffered damage caused by a misfortune or calamity that may qualify the owner

for relief pursuant to this chapter, the Assessor shall provide the last known owner of the property with an application for reassessment. The property owner shall file the completed application within sixty (60) days of the date of mailing or delivery by other means of the application by the Assessor but in no case more than twelve (12) months after the occurrence of said damage. This section shall not apply where the Assessor has initiated reassessment pursuant to this code. (Ord. 4129, 08/20/02)

SECTION 3. County Counsel may approve such editorial or other minor changes in numbering or language as may arise during the publication process.

SECTION 4. This Ordinance shall be effective thirty (30) days from the passage date thereof.

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