

CHARTER
OF THE
COUNTY OF SANTA CLARA
STATE OF CALIFORNIA

Revised March 2, 2004

COUNTY CHARTER EFFECTIVE:
July 11, 1976

AMENDMENTS:

November 7, 1978
November 4, 1980
November 2, 1982
November 4, 1986
June 7, 1988
November 8, 1988
November 6, 1990
June 2, 1992
November 2, 1993
March 26, 1996
June 2, 1998
November 3, 1998
March 2, 2004

***MEMBERS
OF THE
SANTA CLARA COUNTY
BOARD OF SUPERVISORS***

DONALD F. GAGE
District 1

BLANCA ALVARADO
District 2

PETE McHUGH
District 3

JAMES T. BEALL, JR.
District 4

LIZ KNISS
District 5

COUNTY EXECUTIVE
Peter Kutras, Jr.

COUNTY COUNSEL
Ann Miller Ravel

CLERK OF THE BOARD
Phyllis A. Perez

TABLE OF CONTENTS

Article, Title, Page Number:

I. Powers of the County

Section 100,	1
Section 101,	1
Section 102,	1
Section 103,	2

II. Board of Supervisors

Section 200,	2
Section 201,	2
Section 202,	2
Section 203,	4
Section 204,	5
Section 205,	5
Section 206,	5
Section 207,	5
Section 208,	6

III. Powers and Duties of the Board of Supervisors

Section 300,	6
Section 301,	6
Section 302,	7
Section 303,	8

IV. County Executive

Section 400,	9
Section 401,	9
Section 402,	9
Section 403,	10
Section 404,	10
Section 405,	11

V. Officers, Boards and Commissions

Section 500,12
Section 501,12
Section 502,12
Section 503,13
Section 504,13
Section 505,13
Section 506,13
Section 507,15
Section 508,16
Section 509,16

VI. Financial Provisions

Section 600,17
Section 601,17
Section 602,17
Section 603,18
Section 604,18

VII. Personnel System

Section 700,20
Section 701,21
Section 702,22
Section 703,23
Section 704,23
Section 705,25
Section 706,25
Section 707,26
Section 708,26
Section 709,28
Section 710,29
Section 711,29
Section 712,29
Section 713,30

VIII. General Provisions	
Section 800,	30
Section 801,	30
Section 802,	30
Section 803,	31
Section 804,	31
Compendium of Changes,	32

COUNTY CHARTER

We, the People of the County of Santa Clara, adopt this Charter to facilitate the governing of the county, promote equal justice and enable our elected and appointed officers to meet the social, economic, physical and environmental needs and goals of the people.

ARTICLE I **POWERS OF THE COUNTY**

Section 100. The County of Santa Clara is a political subdivision of the State of California. It has all the powers provided by the constitution and laws of the state and this Charter. It has such other powers as necessarily implied.

Section 101. The county seat is San Jose.

Section 102. The initiative and referendum may be invoked by the voters of the county in the manner provided by general law.

Section 103. An elective officer may be recalled by the voters of the county after the officer has held office six months in the manner provided by general law.

ARTICLE II
BOARD OF SUPERVISORS

Section 200. The governing body of the county is a board of supervisors of five members elected by district. Districts are apportioned pursuant to general law.

Section 201. A candidate for election or appointment as supervisor shall be an elector in the district and shall have resided in the district prior to appointment or nomination for election for the period of time fixed by law.

Section 202.¹ The term of office of supervisor is four years. The term of office commences at noon on the first Monday in January.

The elections for Members of the Board of Supervisors shall be staggered so that the Supervisor for the Second, Third and Fifth Districts shall be elected in the same general election as the Presidential election, and Supervisor for the First and Fourth Districts shall be

¹ Section 202: Amended and ratified by the Voters June 2, 1992; June 2, 1998; November 3, 1998.

elected in the same general election as the Gubernatorial election.

A candidate is elected who receives a majority of all votes cast at the primary election. When no candidate is so elected, the two candidates who received the highest number of votes shall be the candidates at the November election.

No charge shall be imposed for a candidate statement of qualifications to be included in the voter's pamphlet. In all other respects the elections shall be conducted pursuant to general law.

No person elected or appointed as a Supervisor may serve as such for more than three successive four year terms. Any person appointed to the office of Supervisor to complete in excess of two years of a four year term shall be deemed, for the purpose of this section, to have served one full term upon the expiration of that term. No person having served three successive four year terms may serve as a Supervisor, either by election or appointment, until at least four years after the expiration of the third successive term in office. Any Supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purpose of this Section, to have served a full four year term. The above shall not disqualify any person from running for election to the Board of Supervisors for any term or terms which are not successive.

Section 203.² Whenever a vacancy occurs in the office of supervisor, the vacancy shall be filled by appointment by the Board of Supervisors, or, alternatively, by an election called by the Board. If the appointment or call for an election is not made within 45 days from the occurrence of the vacancy, the Governor shall make the appointment.

If the Board calls for an election, the primary election date shall be within 120 days after the vacancy occurs and the date for the run-off, if necessary, shall be not more than 56 days thereafter. If a candidate receives a majority of the votes cast at the special primary election, that candidate shall hold office for the remainder of the term. If no candidate receives a majority of the votes, the names of the two candidates receiving the most votes shall be placed on the ballot for the run-off election at which the candidate receiving the most votes shall be elected to the office for the remainder of the term.

If the Board makes an appointment, the appointee shall hold office until the election and qualification of the successor. The election of a supervisor to fill an unexpired term shall be held at the next direct primary or general election in each even-numbered year, whichever occurs first. No such election shall be held within 180 days of the occurrence of the vacancy nor within the year preceding the year in which the term

² Section 203: Amended and ratified by the Voters November 2, 1982; November 4, 1986; November 5, 1996; June 2, 1998.

expires. The candidate having the highest number of votes shall be elected.

Section 204. Salaries of supervisors shall be fixed by ordinance and shall be based upon the time required for the proper performance of their public duties and commensurate with their responsibilities.

Section 205. The Board of Supervisors, annually at the first meeting following the first Monday in January, shall elect a presiding officer and a presiding officer pro tem. The presiding officer shall preside at all meetings. In the absence or inability to act of the presiding officer, the presiding officer pro tem shall act with all the authority of the presiding officer.

Three members of the board shall constitute a quorum for the transaction of business. No act of the board shall be valid unless three members concur.

Section 206.³ The Board of Supervisors shall, at their first meeting of each calendar year, adopt a schedule of meetings sufficient to conduct the business of the County and shall provide by ordinance or resolution for the manner and time of holding all regular and special meetings.

Section 207. No supervisor, during the term of office or for one year thereafter, shall be eligible for appointment

³ Section 206: Amended and ratified by the Voters June 2, 1998.

to any county office, position or employment carrying compensation, exclusive of traveling and other authorized expenses.

Section 208.⁴ Nothing in this Charter shall preclude the Board of Supervisors from authorizing an instant run-off voting system for the November general election, which eliminates the need for run-off elections, when such technology is available to the County.

ARTICLE III
POWERS AND DUTIES OF
THE BOARD OF SUPERVISORS

Section 300. The Board of Supervisors shall have all the jurisdiction and powers granted to it by the Constitution, this Charter and laws of the state, except as such laws may be inconsistent with this Charter.

The county may exercise its powers only through the Board of Supervisors or officers acting under its authority or of law or of this Charter.

Section 301.⁵ The Board of Supervisors shall:

⁴ Section 208: Added and ratified by the Voters November 3, 1998.

⁵ Section 301: Amended and ratified by the Voters November 4, 1980; November 2, 1993; June 2, 1998; November 3, 1998.

(a) Adopt a statement of the goals of the county reflecting the quality and direction of the activities of county government for the enhancement of human and physical resources of the county. The board shall annually review the adopted goals and may modify them as necessary.

(b) Encourage cooperation among local public agencies both within Santa Clara County and the San Francisco Bay Area. When appropriate recommend and promote solutions to regional issues of mutual concern to Santa Clara County and other agencies.

(c) Appoint, suspend, or remove subject to the provisions of this Charter the County Executive, County Counsel, Public Defender, Clerk of the Board of Supervisors, Chief of Correction, and members of boards and commissions.

(d) Adopt an administrative code by ordinance which shall prescribe the powers and duties of appointive departments and officers and the procedures and rules of operation of all departments and officers of the county.

(e) Provide for the number and compensation of all officers and employees.

(f) Adopt such ordinances as may be necessary to establish and carry into effect the provisions of this Charter.

Section 302. The Board of Supervisors shall have power to:

(a) Consolidate, segregate, transfer, abolish, or reassign the powers, duties, and functions of any

appointed county office, commission, department, or division thereof, whenever the respective duties thereof are not inconsistent. The Board shall have similar power as to elected county officers to the extent authorized by general law. If the Board of Supervisors consolidates two or more offices pursuant to general law or this Charter, the department head of the consolidated office need not possess the qualifications required of the occupant of any of the separate offices which are consolidated if the board finds that sufficient personnel possessing the qualifications required are employed in the consolidated office to assure that decisions made by the department head are based upon competent professional advice.

(b) Provide for the assumption by the county of functions of cities or special districts within the county whenever the discharge of such functions is authorized by the cities or special districts.

(c) Inquire into the conduct of any office or department to which the county contributes money, and require periodic or special reports therefrom and examine all records and accounts thereof.

(d) Require the attendance of any officer or employee of the county at any meeting of the board for the purposes of information, advice, or assistance.

Section 303. Except for the purposes of inquiry and information, neither the Board of Supervisors nor any member thereof shall deal with any administrative officer or employee appointed by or under the County Executive except through the County Executive, and

neither the Board of Supervisors nor any member thereof shall give orders to the subordinates of the County Executive either publicly or privately.

ARTICLE IV **COUNTY EXECUTIVE**

Section 400. The County Executive is the chief administrative officer of the county. The County Executive is appointed by the Board of Supervisors and shall be chosen on the basis of executive and administrative qualifications and experience. The County Executive shall not engage in any other business or occupation. The County Executive shall receive a salary commensurate with the responsibilities as chief administrative officer of the county to be fixed by ordinance.

Section 401. The County Executive serves at the pleasure of the Board of Supervisors. In the event of the removal of the County Executive from office, upon request, the Board of Supervisors shall provide the County Executive with a written statement specifying the reasons for such action within three days after receipt of such request.

Section 402. When a vacancy occurs in the office of County Executive, the Board of Supervisors shall immediately appoint a county officer or employee to

serve as Acting County Executive until such time as a county executive is appointed.

Section 403. The County Executive shall appoint, subject to the approval of the Board of Supervisors, a county officer or employee to serve as County Executive pro tem. The appointment shall be made in writing and filed with the Board of Supervisors. The County Executive pro tem shall serve during any temporary absence or disability of the County Executive and at the pleasure of the Board of Supervisors.

Section 404. The County Executive is the head of the administrative branch of the county. The County Executive is responsible to the Board of Supervisors for the proper administration of all affairs of the county. Without limiting the foregoing general grant of powers, responsibilities and duties, the County Executive shall have power and be required to:

(a) Appoint, supervise, suspend, or remove subject to the provisions of this Charter all officers and department heads of the county except elective officers and those officers and department heads whose power of appointment is vested by this Charter in another body.

(b) Recommend to the Board of Supervisors needed amendments to the Administrative Code.

(c) Coordinate the work of all offices and departments, both elective and appointive, and devise ways and means whereby efficiency and economy may be secured in the operation of all offices and departments.

(d) Supervise and direct the preparation of the annual budget of the county for the Board of Supervisors and be responsible for its administration after adoption. The proposed budget and an explanatory budget message shall be submitted by the County Executive on or before June 30th of each year. The County Executive shall require each office and department of the county, whether elective or appointive, to submit budget estimates to the Auditor-Controller for the next ensuing fiscal year.

(e) Formulate and present to the Board of Supervisors plans for the implementation of goals adopted by the Board of Supervisors.

(f) Prepare and submit to the Board of Supervisors, as of the end of each fiscal year, a report on the finances and administrative activities of the county for the preceding year, together with recommendations for the betterment of public service.

(g) Have charge of all county property, buildings, works and improvements.

(h) Make temporary transfers of employees from one county office or department to another when the workload requires such transfer.

(i) Perform such other duties required by the Board of Supervisors as are consistent with this Charter.

Section 405. The County Executive may attend any meeting of the Board of Supervisors except when it is considering the removal of the County Executive. The County Executive shall have the right to participate in the deliberations of the board but shall have no vote.

ARTICLE V
OFFICERS, BOARDS AND COMMISSIONS

Section 500. Officers, boards, and commissions created by this Charter or the Constitution or general laws of the state, or hereafter created by the Board of Supervisors, shall have and exercise all the powers and shall perform all the duties vested in and delegated to them by the Constitution, this Charter, or ordinance, and to the extent not in conflict with this Charter or ordinance by the general laws of this state.

Section 501. The Assessor, District Attorney, and Sheriff are elected. The election shall be held at the times and in the manner and for the term that supervisors are elected for the First and Fourth Districts in accordance with Section 202 of this Charter.

Whenever a vacancy occurs in such offices, the vacancy shall be filled by appointment of a voter of the county by the Board of Supervisors. The appointee shall hold office until the election and qualification of the successor, at the times and in the manner specified in the second paragraph of Section 203 of this Charter.

Section 502. County officers and department heads shall have the power to appoint, supervise, suspend, or remove all persons employed under their respective administrations subject to the provisions of Article VII of this Charter.

Section 503.⁶ Deleted.

Section 504.⁷ The County Executive shall appoint, supervise, direct, suspend, or remove the Chief Adult and Juvenile Probation Officer pursuant to Section 404(a) of Article IV of this Charter. Nothing in this section shall preclude the Board of Supervisors from exercising the power granted in Section 302(a) of this Charter.

Section 505. The number and compensation of judges of justice courts and the number, qualifications, and compensation of officers and employees of justice courts shall be fixed by the Board of Supervisors. A clerk of the justice court shall be appointed and removed by the judges of the justice court subject to provisions of Article VII of this Charter. The clerk shall appoint, suspend, and remove all other officers and employees of the court subject to the provisions of Article VII of this Charter. The Sheriff is ex-officio constable of justice courts. This section is repealed when all justice courts in the county are abolished pursuant to law.

Section 506. The Board of Supervisors may create by ordinance such advisory boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with this Charter.

⁶ Section 503: Amended and ratified by the Voters November 6, 1990; deleted and ratified by the Voters June 2, 1998.

⁷ Section 504: Amended and ratified by the Voters March 2, 2004.

The ordinance shall provide for the number of members, the manner of appointment, the term of office, the number of terms a member may serve, meeting times, attendance requirements to retain office and the extent of subpoena authority. The ordinance may provide for the qualifications of members, the remuneration of members, and any other necessary provisions. When required by federal or state law, the ordinance may provide for the manner of appointment of officers and employees authorized to provide services to a board or commission.

Notice shall be given of vacancies on boards and commissions which shall also indicate the nominating and appointing Authority. Any person interested in an appointment shall file an application with the Board of Supervisors. Appointments shall be filled from such applications with appropriate regard for representation by all segments and elements of the county.

Members of boards and commissions shall be residents of the county. If any member ceases to be a resident of the county, or fails to maintain qualifications for the office, the office shall become vacant and the Board of Supervisors shall so declare. Members of boards and commissions appointed by the Board of Supervisors shall be subject to removal by the board for willful or corrupt misconduct in office.

The members first appointed to boards and commissions shall so classify themselves by lot that on each

succeeding July 1 the term of one of their number shall expire. If the total number exceeds four, the classification by lot shall provide for the grouping of terms so that the term of at least one member shall expire on each succeeding July 1.

As soon as practicable, following the first day of July of every year, each board and commission shall organize by electing a chairperson and vice-chairperson to serve at the pleasure of such board or commission. Each board or commission shall hold regular meetings as are required by ordinance and such special meetings as it may require. Each board and commission shall adopt rules of procedure subject to approval by the Board of Supervisors. A majority of the members of a board or commission shall constitute a quorum for the transaction of business and no act of a board or commission shall be valid unless at least a majority of the entire membership concurs therein. All meetings shall be open to the public.

The Board of Supervisors shall periodically evaluate the need for the boards and commissions established pursuant to this section and shall abolish those which no longer serve their intended function.

Section 507.⁸ Deleted.

⁸ Section 507: Amended and ratified by the Voters June 2, 1998; deleted and ratified by the Voters November 3, 1998.

Section 508. The Board of Supervisors shall establish pursuant to Section 506 a county planning commission. The ordinance shall prescribe the powers and duties of the commission. Nothing in this section shall preclude the Board of Supervisors from exercising the power granted in Section 302(a) of this Charter.

Section 509.⁹ The Board of Supervisors shall establish a Department of Correction and appoint a Chief Officer to operate the county jails for sentenced and unsentenced prisoners and to carry out such other functions of a Department of Correction as the Board determines.

The Board shall ensure that there are at all times an adequate number of trained law enforcement personnel who are authorized to use firearms to guard and transport prisoners.

The savings of public funds generated by creation and operation of the Department of Correction shall be used for other essential governmental services.

The Board shall honor the Memorandum of Understanding between the Deputy Sheriff's Association, Inc. of Santa Clara County and the County, effective September 21, 1987, and shall engage in good faith negotiations for successor memoranda. The Department of Correction and Chief Officer thereof shall report directly to the Board of Supervisors.

⁹ Section 509: Added and ratified by the Voters June 7, 1988.

ARTICLE VI
FINANCIAL PROVISIONS

Section 600. The assessment, levy and collection of taxes, the adoption of the county budget, and the appropriation, accounting, and transfer of funds shall be governed by general law except as otherwise provided by this Charter.

Section 601.¹⁰ The Auditor-Controller is the chief accounting officer of the county. The Auditor-Controller shall have the power and duty to:

(a) Keep accounts showing the financial transactions of all offices and departments of the county and those districts whose funds are kept in the county treasury.

(b) Prescribe and exercise general supervision over accounting systems to be installed and maintained and financial reports to be rendered by such offices, departments and districts.

(c) Prepare such reports as the Board of Supervisors or the County Executive may deem necessary for information and use in the management and control of the operations of the county.

Section 602. The Administrative Code shall provide for an audit of the accounts and records of all offices and departments:

¹⁰ Section 601: Amended and ratified by the Voters June 2, 1998.

(a) When requested by the Board of Supervisors, the County Executive or the Auditor-Controller.

(b) Upon a vacancy in any office charged with the responsibility for receipt, disbursement, or custody of cash.

A report on such audits shall be filed with the Board of Supervisors. The employees assigned to conduct these audits shall have full access to all accounts and records of all offices and departments.

Section 603. The Board of Supervisors shall cause a post-audit of the financial transactions and records of all offices and departments of the county to be made at least annually by a certified public accountant. As soon as possible at the end of each fiscal year a final audit and report shall be completed and submitted to the Board of Supervisors. Copies shall be placed on file in the office of the Board of Supervisors and be available for public inspection.

Section 604.¹¹

(a) The Board of Supervisors shall establish a county park fund in the county treasury. Each fiscal year, beginning with July 1, 1997 through and including the 2009 fiscal year, the Board of Supervisors shall transfer from the general fund to the county park fund an

¹¹ Section 604: Amended and ratified by the Voters November 7, 1978; November 4, 1986; November 8, 1988; June 2, 1992; March 26, 1996.

amount of money which shall not be less than an amount estimated by the Auditor-Controller to equal the amount that would be raised for that year by a tax of one and one-half cents (\$0.015) per One Hundred Dollars (\$100.00) of assessed valuation of all real and personal property situated within the County of Santa Clara for FY 98-2002. Each fiscal year, beginning July 1, 2002, through and including 2009 fiscal year, the Board of Supervisors shall transfer from the General Fund to the County Park fund an amount of money which shall not be less than an amount estimated by the Auditor-Controller to equal the amount that would be raised for that year by a tax of \$0.01425 per One Hundred Dollars (\$100.00) of assessed valuation of all real and personal property situated within the County of Santa Clara. In addition, the Board of Supervisors shall transfer into such fund all fees and revenues generated by the operation of county parks and all other monies received from the United States Government, State of California, or any other public agency or any person for county park purposes. Any interest earned on the investment of money in the county park fund shall be credited to the fund.

(b) The Board of Supervisors shall appropriate the money in the county park fund for the acquisition, development, or acquisition and development of real property for county park purposes and for the maintenance and operation of county parks. At least 20% of the funds transferred from the general fund shall be used for the acquisition of real property for county park purposes. The remaining funds shall be

appropriated for the development, maintenance and operation of county parks.

(c) The county shall not acquire real property for any park purpose until the Board of Supervisors has determined that the acquisition is in conformity with the adopted county parks and recreation element of the general plan.

(d) This section shall be operative commencing with the 1997-98 fiscal year (July 1, 1997) and shall be repealed at the end of the 2009 fiscal year; provided, however, any unobligated monies remaining in the fund on June 30, 2009, shall be used only for the purposes set forth in subsection (b) of this section.

(e) The intent of this section is to ensure that a minimum amount of money will be placed into the county park fund for acquisition, development, operation and maintenance purposes. Nothing in this section shall be construed as a limitation on the amount of money the Board of Supervisors may transfer into the county park fund for county park purposes or otherwise appropriate for county park purposes.

ARTICLE VII **PERSONNEL SYSTEM**

Section 700. The personnel system of the county shall be based on merit and equal opportunity.

Appointments and promotions in the administrative service of the county shall be made in conformance with

merit system rules and all applicable law, including that pertaining to the effectuation of equal employment opportunities and affirmative action programs.

No person employed or seeking employment with the county shall be unlawfully discriminated against because of age, color, creed, national origin, political opinions, race, religion, sex, or union activity.

Section 701.¹² Employment by the county shall be divided into the unclassified and classified service.

(a) The unclassified service shall comprise the following officers and positions.

1. All elective county officers.
2. County Executive.
3. County Counsel.
4. Public Defender, Clerk of the Board of Supervisors and Chief of Correction.
5. One confidential secretary and one administrative position to each elected county officer, the County Executive, the County Counsel, the Public Defender, the Clerk of the Board of Supervisors and Chief of Correction.
6. All members of boards and commissions.
7. Positions which are required to be filled by physicians, surgeons, or dentists.
8. Persons employed to render professional, scientific, technical, or expert service of an occasional or exceptional character.

¹² Section 701: Amended and ratified by the Voters November 4, 1980; June 2, 1998.

9. Persons serving the county without compensation.
10. Persons employed to conduct a special inquiry, investigation, examination, or installation, if the Board of Supervisors or the County Executive certifies that such employment is temporary and that the work should not be performed by employees in the classified service.
11. Temporary or seasonal employees as may be provided for by the Board of Supervisors under personnel rules.
12. Deleted.
13. Chief Adult and Juvenile Probation Officers.
14. Employees designated as unclassified pursuant to Section 506 or 507.
15. Employees designated as unclassified pursuant to Section 704(h).

(b) The classified service shall comprise all positions not specifically included by this article in the unclassified service.

Section 702. There shall be a personnel board consisting of five members to be appointed by the Board of Supervisors from the voters of the county, none of whom shall hold any salaried county office or employment. The members of the Personnel Board shall be nominated and appointed in the following manner:

Two members shall be appointed by the Board of Supervisors directly; two members shall be appointed by the Board of Supervisors from lists of persons nominated by the employees in the classified service of the county, such lists to contain three nominations for each position to be filled; and the fifth member shall be

appointed by the Board of Supervisors from a list of three persons nominated by the four thus appointed. The successor of any member of the board shall be nominated and appointed in the same manner as such member was nominated and appointed.

Section 703. The Personnel Board shall:

(a) Recommend to the Board of Supervisors merit system rules.

(b) Advise the Board of Supervisors or the County Executive on matters concerning the administration of the personnel system which are outside the scope of representation with recognized employee organizations.

(c) Hear appeals of any person in the classified service relative to any suspension, demotion, or dismissal unless an alternative hearing procedure is available to the person pursuant to an agreement between the Board of Supervisors and a recognized employee organization.

(d) Exercise such functions consistent with this Charter as may be prescribed by ordinance.

Section 704.¹³ The Personnel Board shall hold a public hearing when it considers the adoption or amendment of a merit system rule. When a rule or amendment is initiated by the Board of Supervisors, the Personnel Board, the County Executive, or a recognized employee organization, the board shall conduct a public hearing.

¹³ Section 704: Amended and ratified by the Voters June 2, 1998.

When a proposed rule or amendment is initiated by any other person the board may decide whether or not to hold a hearing on the request.

After the hearing the board shall approve or reject the rule wholly or in part, or may modify it and approve it as so modified. Rules approved by the board shall then be submitted to the Board of Supervisors, which shall approve or reject them wholly or in part, or may modify them and approve them as modified. Rules shall be adopted by ordinance.

The rules shall include provisions for:

(a) Examinations of applicants for appointments in the classified service which shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the positions which they seek, and must take account of their character, training and experience.

(b) Standardization and classification of all positions in the classified service of the county, which classification into groups and subdivisions shall be made on the basis of duties and responsibilities and so arranged as to fill the higher grades so far as practicable through promotion.

The preparation and maintenance of an up-to-date record of the authority, duties and responsibilities of each position in the classified service.

(c) Certification to the appointing authority of the appropriate eligible list.

(d) Temporary appointments to meet emergencies in the absence of an eligible list.

(e) Original and promotional appointments which shall be for a probationary period of not less than six months during which the appointee may be rejected at any time without the right of a hearing as to original appointments and with the right of such hearing as to promotional appointments.

(f) The filling of vacancies in higher positions in the classified service.

(g) The transfer of employees who have been performing a function assumed by the county to county employment without examination.

(h) The hiring, either in the classified or unclassified service, of employees under a specially designed program to assist persons who are unemployed, disabled, or untrained. Such rules may provide for employment of such persons without examination.

Section 705.¹⁴ Deleted.

Section 706. The spouse, and the parent, child, brother or sister whether by blood or marriage, of any officer or department head shall not be eligible for appointment by such officer or department head to any office or employment.

¹⁴ Section 705: Deleted and ratified by the Voters June 2, 1998.

Section 707. The political activity of county officers and employees shall not be restricted by the Board of Supervisors, except that the board may regulate by ordinance the solicitation of funds from, or the political activity of, officers and employees who are appointed by an elective county officer or board in any campaign for or against any candidate for such office. Such a regulation must be based on a finding after a public hearing that the restriction is necessary to promote a compelling governmental interest.

Section 708.

(a) Any officer or employee holding a position under the classified service shall be subject to suspension without pay for a period not to exceed 30 days in any one calendar year, or to demotion or to removal from the position, but subject to the rights of the employee, other than one serving a probationary period on an original appointment, to a hearing before the Personnel Board in the manner set forth herein. The Board of Supervisors and a recognized employee organization may agree on an alternate hearing procedure. When such an agreement is in effect, it shall supersede the hearing before the Personnel Board.

(b) Notice of a suspension, demotion, or removal shall be provided the officer or employee in writing and shall specify the date and hour when it is to become effective. The notice shall also contain a written statement separately stating each of the charges against the employee upon which such suspension, demotion, or removal is based, and an outline of the subsequent

administrative procedural rights of the employee. A copy of such notice shall be filed with the Personnel Board.

(c) The employee shall have ten working days from receipt of such written notice within which to file an answer to the statement of charges should the employee desire to do so, and the filing of such an answer shall be deemed to be an automatic request for a hearing unless such employee otherwise indicates. The answer to such charges shall be filed with the Personnel Board.

(d) If a hearing is required, the Personnel Board shall conduct said hearing on the suspension, demotion, or removal which shall be called and held as provided for in the rules. The hearing shall be public, may be conducted informally, and the rules of evidence need not apply.

The Personnel Board shall make written findings as to each charge. The board shall also set forth in writing its conclusions based upon such findings, and within ten days after concluding the hearing, shall certify its findings, conclusions and decisions to the board or officer involved, to the County Executive, and to the employee.

The findings, conclusions, and decisions of the Personnel Board shall be final and conclusive and no appeal shall be taken therefrom, except that for management employees such findings, conclusions, and

decisions shall be advisory to the County Executive who shall review them and make the final decision.

(e) A suspended, demoted, or removed employee shall be reinstated in the position immediately without loss of continuity of service or compensation if the charges brought against the employee are not sustained.

When a hearing is to be held on an order of dismissal, demotion, or suspension, the vacancy in the position shall be considered a temporary vacancy pending final action. Such position shall be filled only by a temporary appointment by the board or officer having the appointive power.

(f) Nothing in this section shall preclude the enforcement by the county of a union security provision in an agreement between the Board of Supervisors and a recognized employee organization.

Section 709.¹⁵ Rates of pay shall be fixed by the Board of Supervisors which are commensurate with those prevailing throughout the county for comparable work. Rates of pay fixed pursuant to an agreement between the Board of Supervisors and a recognized employee organization shall be conclusively presumed to be commensurate with those prevailing throughout the county for comparable work and no action may be brought against the county or any county officer alleging that such rates of pay are not comparable.

¹⁵ Section 709: Amended and ratified by the Voters June 2, 1998.

No officer or employee of the county shall be compensated by fees. All fees collected by such officers or employees shall be deposited in the county treasury.

Section 710. Whenever any officer or employee is authorized by the Board of Supervisors or County Executive to travel, the officer or employee shall be reimbursed for actual and necessary expenditures for mileage, transportation, lodging and meals. The maximum price to be paid for mileage, transportation, lodging and meals may be fixed by agreement with a recognized employee organization but such matters shall be fixed by ordinance for management employees and shall be uniform for all such employees including elected county officers.

Section 711. The Board of Supervisors shall provide for the retirement and pension of county officers and employees or contract for such service.

Section 712.¹⁶ Except as otherwise provided in this Charter, elective and appointive officers and employees serving with compensation are prohibited from engaging in any private practice or business during the regular business hours specified for the performance of their duties and during such hours they shall devote all their time to the duties of their respective positions. This section shall not apply to members of the Board of

¹⁶ Section 712: Amended and ratified by the Voters November 3, 1998.

Supervisors or to officers or employees exempted by the administrative code.

Section 713. All persons charged with the administration of the personnel system shall exercise their functions fairly, honestly, impartially, and free from all corrupt practices.

An officer or employee convicted of the violation of any provision of this article shall be dismissed by the appointing authority subject to a hearing pursuant to Section 708.

ARTICLE VIII **GENERAL PROVISIONS**

Section 800. The violation of any provision of this Charter shall be a misdemeanor and be punishable upon conviction by a fine of not to exceed five hundred dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Section 801. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of this Charter, and the application of such provision to other persons or circumstances not be affected thereby.

Section 802. All ordinances, resolutions, and rules of the Board of Supervisors, not inconsistent with this

Charter, shall continue in full force and effect until amended or repealed. All ordinances, resolutions or rules of the Board of Supervisors, which are inconsistent with this Charter, are repealed insofar as they are inconsistent herewith.

Section 803.¹⁷ Any person holding an office or employment, either elective or appointive, on the effective date of this Charter shall continue in office or employment pursuant to the provisions of this Charter.

Section 804. The Board of Supervisors shall periodically establish by ordinance a charter review committee which shall, after public hearing, recommend to the Board of Supervisors needed amendments to this Charter.

¹⁷ Section 803: Amended and ratified by the Voters November 4, 1980; June 2, 1998.

COMPENDIUM OF CHANGES

Section 202 Amended and ratified by the Voters
June 2, 1992; June 2, 1998; November 3, 1998.

Section 203 Amended and ratified by the Voters
November 2, 1982; November 4, 1986; November 5,
1996; June 2, 1998.

Section 206 Amended and ratified by the Voters
June 2, 1998.

Section 208 Added and ratified by the Voters
November 3, 1998.

Section 301 Amended and ratified by the Voters
November 4, 1980; November 2, 1993; June 2, 1998;
November 3, 1998.

Section 503 Amended and ratified by the Voters
November 6, 1990; deleted and ratified by the Voters
June 2, 1998.

Section 504 Amended and ratified by the Voters
March 2, 2004.

Section 507 Amended and ratified by the Voters
June 2, 1998; deleted and ratified by the Voters
November 3, 1998.

Section 509 Added and ratified by the Voters
June 7, 1988.

Section 601 Amended and ratified by the Voters
June 2, 1998.

Section 604 Amended and ratified by the Voters
November 7, 1978; November 4, 1986; November 8,
1988; June 2, 1992; March 26, 1996.

Section 701 Amended and ratified by the Voters
November 4, 1980; June 2, 1998.

Section 704 Amended and ratified by the Voters
June 2, 1998.

Section 705 Deleted and ratified by the Voters
June 2, 1998.

Section 709 Amended and ratified by the Voters
June 2, 1998.

Section 712 Amended and ratified by the Voters
November 3, 1998.

Section 803 Amended and ratified by the Voters
November 4, 1980; June 2, 1998.