

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

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

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

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

**Section 1.** Chapter 2.206, Sections 2.206.010 to 2.206.050, is hereby added to Title 2 of the San Mateo County Ordinance Code as follows:

**Chapter 2.206 Reporting of Improper Governmental Activity**

**Section 2.206. 010 Purpose**

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

This ordinance is also intended 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.

**Section 2.206.020 Complaints Of Improper Governmental Activity**

Any person who believes that a County employee or officer has engaged in improper governmental activity, as set forth below, should 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.

### **Section 2.206.030 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, Employee Relations and/or appropriate law enforcement agencies.

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

### **Section 2.206.040 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 2.206.020 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.

**Section 2.206.050 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.

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

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