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SAN DIEGO COUNTY CHARTER

EFFECTIVE AUGUST 21, 1978

(AMENDED EFFECTIVE 1- 8-79, OPERATIVE 7- 1-79)
(AMENDED EFFECTIVE 12-31-80, OPERATIVE 7- 1-81)
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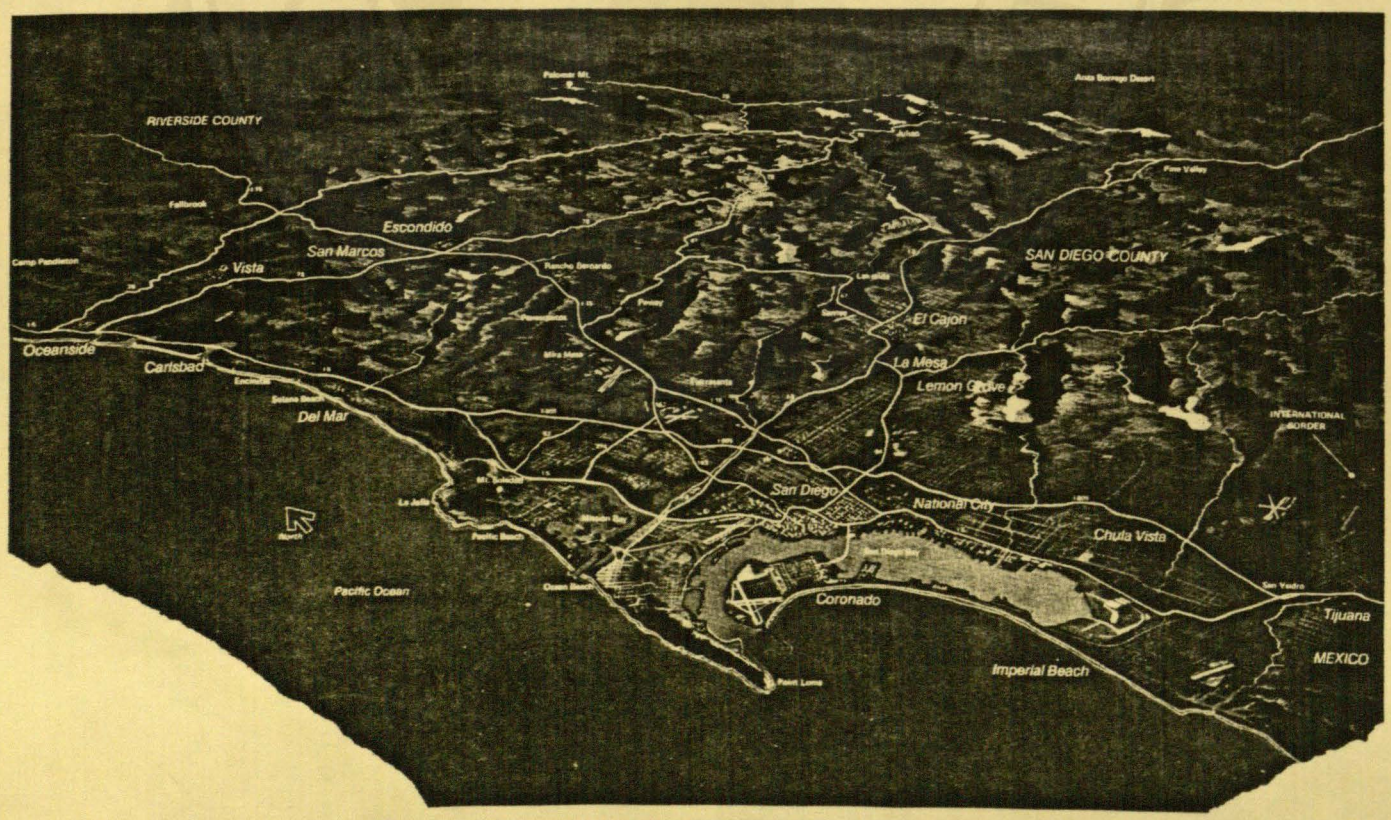
(AMENDED EFFECTIVE 7-30-84)
(AMENDED EFFECTIVE 1-22-85, OPERATIVE 2- 6-85)
(AMENDED EFFECTIVE 8-7-86)



SAN DIEGO COUNTY CHARTER

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CHARTER
San Diego County
State of California

PREAMBLE

We, the People of the County of San Diego, adopt this Charter to protect our rights and to promote a just, honorable, and efficient government.

ARTICLE I
DEFINITIONS

Section 100: General Law. **General Law** means the Constitution, Statutes, and Codes of the State of California.

Section 101: State. **State** means the State of California.

Section 102: County. **County** means the County of San Diego.

Section 103: Board. **Board** means the Board of Supervisors of the County of San Diego.

Section 104: Officers. **Officers** includes elective and appointive County officers as specifically designated by general law, by this Charter, or by ordinance of the Board.

Section 105: Employees. Employees include deputies and all other persons whose personal services are engaged for compensation by the County, except officers and independent contractors.

Section 106: Departments. **Departments** includes County agencies, departments, offices, institutions, boards, commissions, committees, and all other branches and divisions of County administration.

ARTICLE II
INITIATIVE, REFERENDUM, AND RECALL

Section 200: Initiative, Referendum, and Recall. The people of the County may exercise the initiative, referendum, and recall provisions of general law.

ARTICLE III
COUNTY POWERS

Section 300: County Powers. As a political subdivision of the State, the County has all the powers specifically stated and necessarily implied in general law and this Charter, including the power to assess, levy, and collect taxes.

Section 301: County Authority. The County may exercise its powers only through a five-member Board of Supervisors or through persons authorized by general law, this Charter, or the Board.

ARTICLE IV
BOARD OF SUPERVISORS

Section 400: Number and Apportionment of Districts. For the purpose of electing Supervisors, the County is divided into five legally apportioned districts.

Section 400.1: After each Federal decennial census, the districts of the County shall be reapportioned by the Board in the manner specified by general law and in such a way that the area of at least two districts is as substantially outside the City of San Diego as the population will permit. Failure of the Board to so redistrict within one year constitutes misconduct in office.

Section 401: Election and Appointment of Supervisors. The voters in each of the County's five districts nominate and elect one Supervisor from their district to serve on the Board for a four-year term, beginning at noon on the first Monday after January first following election, and to hold office until the qualification of a successor.

Section 401.1: Elections of Supervisors occur every two years: Supervisors for the first, second and third districts are elected at one general election; Supervisors for the fourth and fifth districts are elected at the alternate general election.

Section 401.2: A candidate for election or appointment as supervisor shall fulfill residency and elector requirements established by general law.

Section 401.3: A candidate who receives a majority of all votes in the primary election is elected. When no candidate is so elected, the two candidates who receive the highest number of votes in the primary are the candidates in the general election, and the one who receives the higher number of votes in the general election is elected. In the event there are no more than two candidates for one office, the office shall be voted upon at the primary election. (Amended, effective 12-31-80, Operative 7-1-81)

Section 401.4: In the event a vacancy occurs in the office of supervisor, the remaining members of the Board shall within thirty (30) days of the vacancy fill the vacancy either by appointment for the unexpired term, by appointment until the qualification of a successor elected at a special election or by calling a special election. If the remaining members of the Board fail to fill the vacancy within such thirty (30) day period, the remaining members of the Board shall immediately cause a special election to be held to fill such vacancy. A special election to fill a vacancy in the office of supervisor shall consist of a special primary election and if necessary, a special general election. A special primary election shall be held in the supervisorial district in which the vacancy occurred on a Tuesday, at least 56 days, but not more than 63 days, following the adoption of the resolution calling the special election, except that any such special primary election may be conducted within 180 days following the adoption of such resolution in order that the special primary election or special general election may be consolidated with the next regularly scheduled statewide election.

Candidates at the special primary election shall be nominated in the manner set forth in the Elections Code for the nomination of candidates for a nonpartisan office for a direct primary election, except that nomination papers shall not be circulated prior to the adoption of the resolution calling the special election and shall be filed with the Registrar of Voters for examination not less than 39 days before the special primary election.

If only one candidate qualifies for the special primary election, that candidate shall be appointed to the vacancy by the remaining members of the Board for the unexpired term, shall serve exactly as if elected to such vacancy, and no special primary election or special general election to fill the vacancy shall be held. A candidate who receives a majority of all votes in the special primary election is elected to fill the vacancy for the unexpired term, and no special general election shall be held. In the event there are no more than two candidates for a vacancy, the office shall be voted upon at the special primary election, and no special general election shall be held.

When no candidate receives a majority of all votes in the special primary election, a special general election shall be held on the fourth Tuesday after the special primary election. The two candidates who received the highest number of votes in the special

primary election shall be the candidates in the special general election, and the one who receives the higher number of votes in the special general election is elected to fill the vacancy for the unexpired term.

In a special election to fill a vacancy in the office of supervisor, the Board may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail, provided that the special primary election or the special general election to be conducted by mail does not occur on the same date as the statewide election with which it has been consolidated. In no event may a special primary election or a special general election be conducted on the day after a state holiday. (Repealed and new Section 401.4 added, effective 12-17-82) (Amended, effective 8-7-86)

Section 402: Compensation. Salaries of Supervisors are established by ordinance of the Board.

Section 402.1: While holding office and for one year after a Supervisor is ineligible for appointment to or employment in any other County position providing compensation.

Section 403: Election of Presiding Officer. At this first meeting following the first Monday after January first, the Board shall elect a Presiding Officer and a Presiding Officer Pro Tem. The Presiding Officer Pro Tem has full authority to act if the Presiding Officer is absent or unable to act.

Section 404: Quorum. Three Supervisors constitute a quorum for the transaction of business. Acts of the Board are invalid unless three Supervisors concur.

ARTICLE V
POWERS AND DUTIES OF THE BOARD OF SUPERVISORS

Section 500: General Powers. The Board has the jurisdiction and all powers granted to it by general law and this Charter.

Section 500.1: The Board has the power to establish, by ordinance, appointive offices other than those required by general law and this Charter and to combine and, having combined, to separate them.

Section 500.2: Unless otherwise specified in this Charter, the Board has the power to fill, by appointment, any vacancy that occurs in an elective office. The appointee holds office until the election and qualification of a successor. The successor is elected at the next primary election, or at the next primary and general elections, to complete the term, if it does not expire the following January, or to begin a new term of office.

Section 500.3: The Board may suspend from office, at its discretion, an officer who has been indicted for official misconduct, an offense involving moral turpitude, or an infamous crime. The Board shall fill the vacancy until final legal action is determined.

Section 500.4: At the request of any city, district, or the state or federal government performing functions within the County, the Board may provide for the County's assumption of functions of the governmental entity which correspond to those of the County. The terms of the agreement shall be established in writing by the County and the governmental entity; and they may include provision for payment to the County, and, notwithstanding the personnel and compensation provisions of this charter, may include provision for employment by the County of the governmental entity's personnel and employee benefits to be granted such personnel. (Amended, effective 8-7-86)

Section 501: Duties. The Board shall appoint the following appointive officers:

(a) The Chief Administrative Officer;
(b) The County Counsel;
(c) The Probation Officer, subject to confirmation by a majority of the judges of the San Diego County Superior Court;
(d) The Director of the Equal Opportunity Management Office; and
(e) The Clerk of the Board of Supervisors.

All other appointive officers, either established by this Charter, general law or ordinance, shall be appointed by the Chief Administrative officer. (Amended, effective 1-22-85, Operative 2-6-85) (Amended, effective 8-7-86)

Section 501.1: The Board shall establish, by resolution or ordinance, the number of nonelective employees and designate all positions as either regular or temporary. (Amended, effective 12-31-80, Operative 7-1-81)

Section 501.2: The Board shall, at least annually, adopt a resolution or ordinance to establish the compensation of all officers and employees, providing uniform compensation for like services. When establishing compensation, the Board shall consider, among other factors, the following:

(a) the prevailing rate of compensation paid and fringe benefits provided by private employers in the County and by other public employers in the State for similar quality or quantity of service;

(b) the fringe benefits provided by the County; and

(c) the revenues available to the County for payment of compensation. The Board of Supervisors shall not delegate legislative power or responsibility which they were elected to exercise in the adoption of any ordinance or resolution setting compensation for appointive County officers and employees. This prohibition against unlawful delegation of the legislative responsibility to set compensation for appointive County officers and employees shall extend to any scheme or formula which seeks to fix the compensation of appointive County officers and employees at the level of compensation paid to officers or employees of any other public agency. (Amended, effective 12-31-80, Operative 7-1-81) (Amended, effective 12-11-81)

Section 501.3: The Board shall require adequate bond, the premium for which is paid by the County, from all officers and employees who handle funds and, when necessary, from other officers and employees.

Section 501.4: The Board shall adopt, by ordinance, an administrative code establishing the powers and duties of all officers and the procedures and rules of operation of all departments.

Section 501.5: The Board shall provide for the regulation of the marking and operation of County vehicles.

Section 501.6: The Board shall establish, by resolution or ordinance, rules for the Civil Service in accordance with this Charter. (Added, effective 12-31-80, Operative 7-1-81)

Section 501.7: The Board shall establish rules which provide for the administration of employer-employee relations and establish a neutral appellate authority regarding unfair labor practices and representation cases. The rules shall not be in conflict with State law. (Added, effective 12-31-80, Operative 7-1-81)

Section 501.8: The Board, or such persons as the Board shall specify, shall represent the County in employer-employee relations and salary matters. (Added, effective 12-31-80, Operative 7-1-81)

Section 501.9: Non-interference. No member of the Board nor any member of the Supervisors' staff shall give orders, instruct, or interfere, publicly or privately, with any officer or employee appointed by or under the Chief Administrative Officer except through the Chief Administrative Officer.

This section does not limit a member of the Board or member of the Supervisors' staff from seeking information. The Chief Administrative Officer shall establish a procedure for responding to requested information from members of the Board and the staff.

A violation of the provisions of this section shall constitute an infraction and violation by a member of the Board of Supervisors shall also constitute misconduct in office. The District Attorney shall enforce the provisions of this section.
(Added, effective 1-22-85, Operative 2-6-85)

ARTICLE VI
ELECTIVE OFFICERS

Section 600: Elective Officers. In addition to Supervisors, the elective officers are:

Assessor
County Clerk
District Attorney
Members of the Board of Education
Recorder
Sheriff and
Treasurer/Tax Collector,

each of whom is nominated and elected according to general law. (Amended, effective 8-7-86)

Section 601: (Repealed, effective 8-7-86)

Section 602: Consolidation of the Offices of Treasurer and Tax Collector. The offices of Treasurer and Tax Collector are consolidated, and the duties of the Treasurer/Tax Collector shall be performed by one person elected by general law. (Amended, effective 8-7-86)

Section 602.1: (Repealed, effective 8-7-86)

Section 603: County Board of Education. The County Board of Education consists of five members elected from and by the voters of their districts. (Amended, effective 8-7-86)

Section 603.1: At the completion of the present incumbent's term of office, each newly elected member of the County Board of Education shall hold office for a four-year term beginning on the first Monday after January first following election, and continue to serve until the election and qualification of a successor. (Amended, effective 1-8-79, Operative 7-1-79)

Section 603.2: A vacancy on the County Board of Education is filled from the district in which it occurs within forty-five days by appointment of a majority of the remaining members of the County Board of Education or thereafter by appointment by the Board of Supervisors. The appointee holds office until the election and qualification of a successor. The successor is elected at the next general election, either to complete the term, if it does not expire the following January, or to begin a new four-year term of office. (Amended, effective 1-8-79, Operative 7-1-79)

Section 603.3: The County Board of Education may, by resolution, change the boundaries of educational districts; however, a change of boundaries may not be made between February first and December first of an even numbered year, may not affect the term of office of an incumbent member and may not take effect until a certified copy of the resolution has been filed with and approved by the Board of Suprvisors.

Section 603.4: The County Board of Education shall, by majority vote appoint the Superintendent of Schools, either to serve at its pleasure, or on a fixed term contract which shall not exceed four years. The Board of Education may, by a majority vote, remove the Superintendent. (Amended, effective 1-8-79, Operative 7-1-79)

Section 604: Restrictions on the District Attorney. The District Attorney's deputies may not engage in private law practice.

Section 605: Sheriff. The Sheriff shall organize the Sheriff's Department for efficient and effective law enforcement.

ARTICLE VII
APPOINTIVE OFFICERS AND BOARDS

Section 700: Appointive Officers. The appointive officers include:

Agricultural Commissioner,
Auditor and Controller,
Clerk of the Board of Supervisors,
Coroner,
County Counsel,
County Librarian,
County Veterinarian,
Director of Parks and Recreation,
Director of Personnel,
Director of Health Services,
Director of Social Services,
Director of Public Works,
Probation Officer,
Public Administrator,
Purchasing Agent,
Registrar of Voters,
Sealer of Weights and Measures,
Superintendent of Schools,
and all other officers who may be required by general law or ordinance. (Amended, effective 8-7-86)

Section 701: Status of Appointive Officers. (Repealed, effective 12-31-80, Operative 7-1-81)

Section 702: Executive Service. (Repealed, effective 12-31-80, Operative 7-1-81)

Section 702.1: (Repealed, effective 12-31-80, Operative 7-1-81)

Section 703: Chief Administrative Officer. The Chief Administrative Officer exercises the Board's administrative supervision over affairs of the County delegated to that officer and over all departments, except the Civil Service Commission and the offices of Assessor, Superintendent of Schools, District Attorney, and Sheriff. The Chief Administrative Officer is responsible to the Board for the proper administration of such affairs of the County. (Amended, effective 8-7-86)

Section 703.1: The Chief Administrative Officer shall be in the Unclassified Service and shall serve at the pleasure of the Board. The Chief Administrative Officer may be removed by a majority vote of all members of the Board fifteen days after written notice of intention to remove. (Amended, effective 1-22-85, Operative 2-6-85)

Section 703.2: The Chief Administrative Officer assists the Board in coordinating the functions and operations of the County.

Section 703.3: The Chief Administrative Officer is responsible for carrying out all of the Board's policy decisions that pertain to the functions assigned to that officer.

Section 703.4: The Chief Administrative Officer supervises the expenditures of all departments and reports to the Board whether those expenditures are necessary.

Section 703.5: The Chief Administrative Officer shall attend Board meetings and shall have the right to report on or discuss any matters before the Board which concern the affairs of any of the departments under that officer's supervision.

Section 703.6: For assistance in carrying out official duties, the Chief Administrative Officer may call upon officers ad employees in departments under the Chief Administrative Officer's supervision, so long as that assistance falls within the legally authorized scope of their activities.

Section 703.7: To promote efficiency, the Chief Administrative Officer may recommend to the Board and to the Civil Service Commission the temporary transfer of personnel within the departments under that officer's supervision. The Chief Administrative Officer may also recommend to the Board the creation or abolition of positions in any departments. New positions shall not be created or filled without the recommendation of the Chief Administrative Officer.

Section 703.8: (Repealed, effective 8-7-86)

Section 703.9: The Chief Administrative Officer is responsible for administering the personnel system in accordance with this Charter, the Civil Service Rules and the policy direction of the Board. (Added, effective 12-31-80, Operative 7-1-81)

Section 703.10: In cases where the County intends to employ an independent contractor, the Chief Administrative Officer shall first determine that the services can be provided more economically and efficiently by an independent contractor than by persons employed in the Classified Service. (Added, effective 8-7-86)

Section 704: County Counsel. The County Counsel acts as legal advisor to the Board and represents the County and its officers, in their official capacity, in civil actions and proceedings in which they are involved, except when an officer is a defendant in an action prosecuted by the State or County.

Section 704.1: The County Counsel performs all of the duties of a district attorney, except those of a public prosecutor, and all duties which a County Counsel is authorized by statute to perform.

Section 704.2: The County Counsel represents the Public Administrator in estate matters administered by that officer, collects the attorney's fee allowed by law, and pays it into the County Treasury.

Section 704.3: When the County Counsel determines that a conflict of interest exists in the performance of a duty and chooses to be disqualified, the Board may ask the District Attorney to perform that duty. However, the Board retains the power to employ counsel to assist the County Counsel at other times.

Section 704.4: With the Board's approval, the County Counsel and the District Attorney may agree to perform any of each other's functions; however, the agreement may be canceled at any time by the County Counsel, by the District Attorney, or by the Board.

Section 704.5: The County Counsel and the County Counsel's deputies may not engage in private law practice.

Section 705: Purchasing Agent. Except in cases of emergency, the Purchasing Agent shall make all purchases for the County and may make them only upon receipt of a requisition signed by an official authorized by the Board. Emergency purchases may be made by others authorized by the Board, but they shall be subsequently either approved by the Purchasing Agent or ratified by a four-fifths vote of the Board. Purchases of property for the County are invalid unless made as specified in this Section.

Section 705.1: Except in cases of emergency, the Purchasing Agent may not issue a formal purchase order without the Auditor and Controller's certification that sufficient funds are, or will become, available in the proper fund.

Section 705.2: The Purchasing Agent shall follow the rules and procedures established by ordinance of the Board for the purchase of necessary materials, supplies, furnishings, and property.

Section 705.3: A Supervisor or an officer shall not attempt, directly or indirectly, to influence or coerce the Purchasing Agent in the Performance of duty. Except for the purpose of inquiry, a Supervisor shall not deal directly with the Purchasing Agent for the purpose of buying supplies. The Board shall conduct official business with the Purchasing Agent only as a Board convened in regular session.

Section 706: Director of Public Works. The Director of Public Works acts as County Engineer and Road Commissioner and County Surveyor. (Amended, effective 8-7-86)

Section 706.1: The Director of Public Works has control over County rock quarries and gravel pits. (Amended, effective 8-7-86)

Section 706.2: The Director of Public Works, subject to regulations prescribed by the Board, has control over the construction and maintenance of all County roads and bridges, and related material and property, except work done under contract. The Director shall inspect contract work as it progresses and shall approve it, in a written report to the Board, after it has been completed. (Amended, effective 8-7-86)

Section 706.3: The Director of Public Works may not authorize work on a road or bridge until all rights of way have been obtained, approved by the County Counsel, and accepted by the Board. (Amended, effective 8-7-86)

Section 706.4: The Director of Public Works provides estimates for each proposed construction job. If the estimates are approved by the Board and incorporated in the final budget, they are binding. Neither the Director nor any other person may approve the use of labor, material, or equipment, the cost of which will exceed approved estimates on a project. The continuation of a project in excess of approved estimates can be authorized only by a majority vote of the Board. (Amended, effective 8-7-86)

Section 706.5: The Board may specify whether construction work on a County road or bridge will be done by contract or by the County and may, by a four-fifths vote, authorize nonbudgeted construction work on a road or bridge if the Auditor and Controller certifies that funds are available.

Section 707: (Repealed, effective 8-7-86)

Section 708: Restrictions on the Public Administrator. The Public Administrator may not act as a private administrator, executor, or administrator with the will annexed.

Section 709: District Attorney. The District Attorney is the public prosecutor of the County whose duties are prescribed by law. (Added, effective 8-7-86)

Section 710: Citizen Advisory Board. The Board shall, by ordinance, establish and empower citizen advisory boards on public health and welfare.

Section 710.1: The Board may compensate, consolidate, or separate citizen advisory boards.

Section 710.2: In selecting the members of advisory boards, the Board shall consider, among other factors, qualifications, race, age, sex, and location of residence. Each advisory board shall be representative of the entire County.

ARTICLE VII
BUDGET AND ACCOUNTING

Section 800: Budget. The preparation and adoption of the County Budget and the appropriation, accounting, and transfer of funds are governed by general law and this Charter.

Section 801: Auditor and Controller. As the chief accounting officer of the County, the Auditor and Controller shall:

(a) in accordance with general law and generally accepted accounting principles, maintain accounts of the financial transactions of all departments and of those districts whose funds are kept in the County Treasury;

(b) prescribe and supervise accounting systems and necessary financial reports; and

(c) prepare reports the Board or the Chief Administrative Officer considers necessary for management of County operations.

Section 801.1: The Auditor and Controller shall provide for an audit:

(a) if a vacancy occurs in the office of a department head;
(b) if statute or ordinance requires;
(c) if the Board requests;
(d) if, in the Auditor and Controller's judgment, circumstances demand; or
(e) if an officer request one for that officer's department and obtains the approval of the Board.

Section 801.2: The Auditor and Controller shall file reports of all audits with the Board.

Section 802: External Audit. The Board shall order an annual audit of county financial statements to be conducted by a certified public accountant in accordance with generally accepted auditing standards. The audit shall be completed and the report submitted to the Board as soon as possible after the end of the fiscal year, and copies of the report shall be made available for public inspection by the Clerk of the Board.

Section 803: Access to Records. The Auditor and Controller or an authorized deputy shall have the cooperation of officers and employees, and access to records and documents necessary to conduct an audit or investigation.

Section 803.1: Failure of an officer or employee to cooperate with the Auditor and Controller or an authorized deputy during an audit or investigation constitutes misconduct, and the Auditor and Controller may file a written complaint with the Board. If the Board, after investigation, finds the complaint valid, it shall suspend the person immediately without pay and may not order the suspension lifted until it determines that the reasonable requests of the auditor or investigator have been satisfied.

Section 804: Expenditures. Money in the County Treasury may not be drawn or obligated except in accordance with general law or this Charter.

Section 804.1: An investigation of a claim against the County Treasury may be conducted by the Auditor and Controller. If the legality of the claim cannot be established, payment will be denied and the claim returned, with an explanation, to the requesting officer.

Section 805: Budget Appropriation and Property Tax Revenue Limitations. (Repealed, effective 8-7-86)

Section 805.1: (Repealed, effective 8-7-86)
Section 805.2: (Repealed, effective 8-7-86)
Section 805.3: (Repealed, effective 8-7-86)
Section 805.4: (Repealed, effective 8-7-86)
Section 805.5: (Repealed, effective 8-7-86)

ARTICLE IX
PERSONNEL SYSTEM

(Article IX, effective 8-21-78, repealed and new Article IX added, effective 12-31-80, Operative 7-1-81)

Section 900: Personnel System. The County shall establish, implement, and maintain a personnel system which will assure:
(a) recruitment, selection, promotion and retention of employees on the basis of merit; and
(b) the development of a County career service.

Section 901: Employment Policy. The County shall hire, transfer, promote, compensate, discipline and dismiss individuals on the basis of job-related qualifications, merit, and equal opportunity without regard to age, color, creed, disability, national origin, political affiliation, race, religion, sex, or any other non-job-related factor.

Section 902: Administration. The Personnel Director, who is appointed by the Chief Administrative Officer, is responsible for the administration of the personnel department in accordance with this Charter, the Rules for the Unclassified Service, and the Rules for the Classified Service. (Amended, effective 1-22-85, Operative 2-6-85)

Section 902.1 (Repealed, effective 1-22-85, Operative 2-6-85)

Section 903: Civil Service Commission. The Civil Service Commission consists of five persons appointed by the Board. Each Commissioner shall be an elector of the County.

Section 903.1: Each Commissioner serves a six-year term beginning and ending at noon on the first Monday after January first and continues to serve until the appointment and qualification of a successor. No more than one Commissioner's term may expire in the same year. A Commissioner is limited to one full six-year term; provided, however, that a Commissioner may not be appointed to a full six-year term if the Commissioner has served more than three years of the unexpired term of a previous Commissioner. (Amended, effective 8-7-86).

Section 903.2: A Commissioner may be removed by a majority vote of the Board if the Board serves the Commissioner a written statement containing the reasons for removal, records the statement in its minutes, and allows the commissioner the opportunity to be heard publicly.

Section 903.3: A vacancy on the Commission shall be filled within forty-five days of its occurrence by the Board for the unexpired term.

Section 904: General Duties of the Civil Service Commission. The Commission is responsible for protecting the merit basis of the personnel system through its appellant authority, investigative powers, and review of Civil Service Rules. (Amended, effective 8-7-86)

Section 904.1: The Commission is the administrative appeals body for the County in personnel matters authorized by this Charter. Upon appeal, the Commission may affirm, revoke or modify any disciplinary order, and may make any appropriate orders in connection with appeals under its jurisdiction. The Commission's decisions shall be final, and shall be followed by the County unless overturned by the courts on appeal.

Section 904.2: The Commission's appellate authority includes appeals from actions involving:
(a) discipline of classified employees with permanent status;
(b) the selection process;
(c) complaints of discrimination in personnel matters based on non-job-related factors;
(d) charges filed by a citizen against a person in the classified service, in accordance with the Civil Service Rules; and
(e) such other matters as are provided for in the Civil Service Rules.

Section 904.3: The Commission reviews proposed Rules for the Civil Service pursuant to Section 910 of the Charter.

Section 904.4: The Commission shall establish written procedures to govern the conduct of its duties. The procedures of the Commission shall provide for regular meetings to be held at least monthly, the election of a president and the keeping of minutes of its proceedings. The Commission shall annually submit to the Board a budget for its usual and necessary operating expenses.

Section 904.5: The Commission may advise the Personnel Director, the Chief Administrative Officer and the Board on matters concerning personnel policies and the administration of the personnel system.

Section 905: Hearing Officers of the Commission. The Commission may appoint one of its members, a hearing officer or board to hear appeals and submit findings and a proposed decision to the Commission for its review and action. The appointment of a hearing officer or board is subject to the budgetary and personnel constraints established by the Board.

Section 906: Staff of the Commission. The Commission shall employ an Executive Officer who shall be in the Unclassified Service. The Commission shall employ such other staff as necessary to perform its responsibilities. Such other staff shall be in the Classified Service, and shall be subject to the budgetary and personnel constraints established by the Board. The Commission's staff has no authority to administer personnel services and programs. (Amended, effective 8-7-86)

Section 907: Investigative Powers of the Commission. For purposes of protecting the merit basis of the personnel system, the Commission has the power to investigate, either as a group or as individuals, the conduct and operations of all departments, to administer oaths, and to subpoena witnesses and materials.

Section 907.1: In connection with an investigation, the Commission may make any necessary orders, including, but not limited to, back pay and classification adjustments, to carry out the provisions of the Charter and the Civil Service Rules.

Section 907.2: The Commission has the power to take legal action, as provided by general law for boards of supervisors, against a person who, by failing to comply with its subpoena or by refusing to testify, shall be considered in contempt.

Section 908: Classified and Unclassified Services. Employment in the County is divided into the Classified and Unclassified Services. (Amended, effective 1-22-85, Operative 2-6-85)

Section 908.1: The Classified Service consists of all offices and positions not included by this Charter in the Unclassified Service. (Amended, effective 1-22-85, Operative 2-6-85)

Section 908.2: The Unclassified Service consists of:

(a) elective officers, their chief deputies, and special assistants employed by elective officers;

(b) the Assistant District Attorney, the Chief Deputy District Attorney, the Chief of the Bureau of Investigation, the Assistant Chief of the Bureau of Investigation and the Confidential Secretary to the District Attorney, and not more than three special assistants designated by the District Attorney;

(c) the Under-Sheriff, three Assistant Sheriffs, and not more than three special assistants or deputies designated by the Sheriff;

(d) each appointive County officer and that officer's principal assistant, or principal assistants, except:

(1) the County Counsel, the Auditor and Controller, and their principal assistants, who shall be in the Classified Service; and

(2) appointed officers and their principal assistants who held their offices on January 20, 1969, who shall be in the Classified Service;

(e) Management employees having significant responsibilities for formulating or administering County policies and programs. Each such position shall be exempted from the Classified Service, by ordinance, upon recommendation of the Chief Administrative Officer and approval by the Board;

(f) members of appointed boards and commissions;

(g) an Executive Officer employed by the Civil Service Commission;

(h) the Superintendent of Schools;

(i) persons serving without compensation;
(j) officers and employees whose appointments must be approved by the State;
(k) students engaged in regularly established, accredited training programs;
(l) persons employed as guards or keepers in law enforcement agencies, including the offices of Sheriff, Marshal and Probation Officer, for less than ninety-one working days during a fiscal year;
(m) deputy registrars of voters employed only to register electors and election workers;
(n) persons employed seasonally as guards, custodians, rangers, or caretakers in County parks;
(o) persons employed for temporary expert professional services in positions that have been exempted from the Classified Service by the Personnel Director for a specified period; and
(p) persons employed for less than ninety-one working days during a fiscal year on a part-time or intermittent basis in positions exempted from the Classified Service by Personnel Director. (Amended, effective 7-30-84; Amended, effective 1-22-85, Operative 2-6-85; Amended, effective 8-7-86)

Section 908.3: (Repealed, effective 1-22-85, Operative 2-6-85)

Section 909: Appointment and Dismissal of Employees. Officers shall have the power to appoint employees the Board may authorize.

Section 909.1: Persons in the Classified Service appointed to regular positions from eligible lists, who have successfully completed the probationary period for that position, shall only be removed for cause and in accordance with the Civil Service Rules. All other persons in the Classified Service serve and are removed from service at the pleasure of their appointing authorities.

Section 909.2: Persons in the Unclassified Service shall acquire no tenure in their position and serve at the pleasure of their appointing authorities. The Board shall adopt rules governing persons other than elective officers in the Unclassified Service. The provisions of Sections 904.3 and 910 of the Charter shall not apply to the adoption or amendment of such rules. The Rules for the Classified Service shall not apply to persons in the Unclassified Service. (Original Section 909.2 repealed and Section 909.3 renumbered 909.2 and amended, effective 1-22-85, Operative 2-6-85)

Section 910: Rules for Civil Service. The Civil Service Rules, which have the force and effect of law, are implemented by the Personnel Director under the administrative jurisdiction of the Chief Administrative Officer. The Commission reviews proposed Rules and amendments and, after a public hearing, makes any modifications it deems appropriate, and transmits the Rules and amendments to the Board. The Board adopts or rejects, but may not modify, the Rules and amendments following review by the Commission in accordance with the procedures established pursuant to Section 910.1(m).

Section 910.1: The Rules for the Classified Service shall include provisions for:
(a) determining the classification of all positions according to duties and responsibilities;
(b) the development of a County career service;
(c) appointments, not exceeding a period of one year, to temporary positions;
(d) open and promotional competitive examinations for classified employees to measure the relative fitness of applicants; and the creation of eligible lists of persons qualified through examination and their certification therefrom;
(e) a process for the temporary suspension of competitive examinations where impractical for positions requiring extraordinary scientific, professional or expert qualifications;
(f) the making of provisional appointments in the absence of eligible lists. Provisional appointments shall not exceed six months and may not be renewed;

(g) probationary periods of six months for classified employees appointed to regular positions from eligible lists. Such probationary periods may be extended to no more than eighteen months for Deputy Sheriffs or no more than twelve months for all other classified employees, upon approval of the Personnel Director. An appointing authority has the right to dismiss a person in the Classified Service during the probationary period if the appointing authority considers the employee unsatisfactory for or incompetent to fulfill the duties of the position. The appointing authority of an employee dismissed during probation shall give the dismissed employee a statement of the reasons for dismissal, and shall file such statement with the Personnel Director; the dismissed employee shall have no right of appeal to the Commission;

(h) procedures for the transfer of employees within the County service;

(i) performance appraisals;

(j) the disciplining of employees in the Classified Service for cause and their rights of appeal;

(k) the appeal processes to be conducted under the jurisdiction of the Commission; and

(l) the review of proposed Rules for the Classified Service and amendments to those Rules. (Amended, effective 1-22-85, Operative 2-6-85; Amended, effective 8-7-86)

Section 911: Preferential Credits. In open examinations the Personnel Director shall, in addition to all other credits, give a credit of five percent of the maximum rating prescribed for the examination to successful examinees who have served during a war (as war is now defined in Section 205 of the State's Revenue and Taxation Code or as it may be defined if that Section is amended) in the military or naval service of the United States, including all uniformed auxiliaries authorized by Congress, and who have subsequently been separated, placed on inactive duty, or retired under honorable conditions without full pensions. However, the Personnel Director gives the credit to veterans only once, only upon their first employment or reemployment after disengagement from service, and only during the eight-year period following their disengagement.

Section 911.1: The surviving spouse of a person who died in the service specified above or who cannot engage in a remunerative occupation because of a disability connected with the service specified above receives a credit of five percent on every open examination taken and passed.

Section 911.2: A person who has been separated, placed on inactive duty, or retired under honorable conditions from the service specified above and who has a service-connected disability, as recognized under Federal law, receives a five percent credit that is separate and distinct from the one authorized by Section 911 on every open examination taken and passed.

Section 912: Citizenship Requirements for Employment. The Board may establish, by resolution or ordinance, whatever citizenship requirements are legal for employment in public service.

Section 913: Reimbursement for Travel. A person who is required to travel in the performance of official County duty shall receive, in addition to regular compensation, reimbursement for travel expenses.

Section 913.1: The Board shall establish, by resolution or ordinance, the types of expenditures which can be reimbursed and the manner and rates of reimbursement, which shall be uniform for all officers and employees and elected officers.

Section 914: Regulation of Political Activities. Officers and employees shall not engage in political activities during hours when they have been directed to perform assigned duties.

Section 915: Prohibition of Nepotism. No person related by blood or marriage to an officer or department head may be employed in the department of that officer or department head. This section shall not apply to anyone appointed prior to the operative date of this section.

Section 916: Independent Contractors. Nothing in this Article prevents the County from employing an independent contractor when the Board or Purchasing Agent determines that services can be provided more economically and efficiently by an independent contractor than by persons employed in the Classified Service. (Amended, effective 1-22-85, Operative 2-6-85) (Amended, effective 8-7-86)

Section 917: Labor on Public Works. Labor on public works in this County is governed by general law.

Section 918: Continuance in Office. Nothing in this Article affects the present term or the tenure of office of any Commissioner holding office upon the effective date of this Article. (Amended, effective 1-22-85, Operative 2-6-85)

Section 919: Removal of Striking Employees. No employee of the County of San Diego employed under the civil service provisions of this Charter shall instigate, participate in, afford leadership to a strike against the County, or engage in any form of concerted action to withhold service from the County. In the event of any such strike or concerted action against the County, it shall be the duty of the Chief Administrative Officer to ascertain the identity of any employee of the County who is in violation of the provisions of this section and to initiate dismissal proceedings against such employee. Any citizen of the County may file written charges against an employee in violation of the provisions of this section. The Chief Administrative Officer shall, upon receipt of such written charges, investigate without delay any such written charge, and forthwith inform said citizen of the findings and action, or proposed action, to be taken thereon.

The Chief Administrative Officer shall cause timely hearings to be held for any employees charged hereunder. The Board of Supervisors shall adopt procedures governing the conduct of such hearings. If the Chief Administrative Officer, after a hearing, determines that the charges are supported by the evidence submitted, and that the employee willfully engaged in the strike or action, the Chief Administrative Officer shall dismiss the employee involved, and said person shall not be reinstated or returned to County employment except as a new employee who is employed in accordance with the regular employment practices of the County in effect at that time for the particular position of employment.

No officer, board or commission of the County, elected or appointed, shall have the power to grant amnesty to any person charged with a violation of any of the provisions of this section.

Every employee of the County employed under the civil service provisions of this Charter on the effective date of this section, and each person employed pursuant to the civil service provisions of this Charter on or after the effective date of this section, shall be furnished a copy and apprised of the provisions of this section and shall make under oath and file in the office of the Director of Personnel the following declaration:

> "I hereby acknowledge receipt of a copy of the provisions of Section 919 of the Charter of the County of San Diego and hereby declare that during the term of my employment with the County I shall neither instigate, participate in or afford leadership to a strike against the County or engage in any concerted action to withhold my services from the County."

In the event of any strike or concerted action to withhold service from the County by an employee organization, or employees represented thereby, the Board of Supervisors is hereby prohibited from granting any improvement in wages, hours or working conditions beyond those in effect or last offered to the striking organization or employees represented thereby by the County prior to the commencement of such strike or concerted activity, and is prohibited from considering the granting of any such improvement beyond that which may have been last offered by the County prior to the strike or concerted activity until the commencement of meet and confer negotiations in the next subsequent calendar year at the time regularly scheduled for commencement under adopted Board of Supervisors policy governing such negotiations.

Notwithstanding any other provision of this Charter, a dismissal imposed pursuant to this section shall not be appealable to the Civil Service Commission. (Added, effective 12-11-81)

ARTICLE X
GENERAL PROVISIONS

Section 1000: Conflict of Interest. Attorneys, agents, officers, majority stockholders, and employees of firms, associations and corporations doing business under franchises granted by the County or contracts made with the County; persons doing that business; and persons with a financial interest in those franchises, or contracts are ineligible to hold County office if the holding of such office would empower the incumbent to enter into or approve any such franchise or contract. (Amended, effective 12-31-80, Operative 7-1-81)

Section 1001: Prohibition of Bribes. A person who, directly or indirectly, offers, solicits, gives, or takes a bribe in connection with a County purchase is guilty of a misdemeanor and, if convicted, shall be punished by a fine not exceeding five hundred dollars and/or by imprisonment for a period not exceeding one year.

Section 1002: Violation of Charter. Unless otherwise specified in this Charter, a violation of a provision of this Charter constitutes misconduct in office and may be grounds for removal from office as provided by general law. (Amended, effective 12-31-80, Operative 7-1-81)

Section 1003: Severance Clause. If a provision of this Charter is held to be invalid or unconstitutional, the validity or constitutionality of the remaining portions of this Charter shall not be affected.

Section 1004: Operative Date. This addition of Sections 501.6, 501.7, 501.8 and 703.9; the repeal of Sections 701, 702, and 702.1; the repeal of Article IX; the addition of Article IX; and the amendment of Sections 501.1, 501.2, 1000 and 1002 shall be operative on July 1, 1981, if theretofore filed with the Secretary of State according to general law after ratification by the voters at the general election on November 4, 1980. (Added, effective 12-31-80)

Section 1005: Operative Date. The amendment to Section 603.1, 603.2 and 603.4 shall be operative July 1, 1979 if theretofore filed with the Secretary of State according to general law after ratification by the voters at the General Election on November 7, 1978. (Added, effective 1-8-79)

Section 1006: Operative Date. The amendment to the Charter of the County of San Diego approved by the voters at the General Election on November 6, 1984, shall become operative on February 6, 1985 and shall apply to all persons who are in the Executive Service on the date immediately preceding the operative date of these amendments and nothing in these amendments shall affect the continuity of employment of persons in the position held at that time. (Added, effective 1-22-85, Operative 2-6-85)