

CHARTER

OF THE
COUNTY OF ALAMEDA

Ratified November 2, 1926

Approved January 18, 1927

Amendment Ratified .....	..... November 6, 1928
Amendment Ratified .....	..... November 4, 1930
Amendment Ratified .....	..... December 19, 1933
Amendment Ratified .....	..... November 5, 1940
Amendment Ratified .....	..... November 7, 1944
Amendment Ratified .....	..... June 4, 1946
Amendment Ratified .....	..... June 8, 1954
Amendment Ratified .....	..... November 2, 1954
Amendment Ratified .....	..... June 5, 1956
Amendment Ratified .....	..... June 3, 1958
Amendment Ratified .....	..... June 2, 1964
Amendment Ratified .....	..... June 7, 1966
Amendment Ratified .....	..... June 4, 1968
Amendment Ratified .....	..... November 7, 1972
Amendment Ratified .....	..... November 2, 1982
Amendment Ratified June 5, 1984
Amendment Ratified November 6, 1984
Amendment Ratified June 3, 1986

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Amendment Ratified March 24, 2000

CHARTER

Of the County of Alameda, State of California

NAME AND RIGHTS OF THE COUNTY

Sec. 1 The County of Alameda as it now exists is a body corporate and politic, and as such has and shall have all the powers, which are now or may be hereafter specified by the Constitution and laws of the State of California, and by this Charter and such other powers as are necessarily implied.

Sec. 2 The powers mentioned in the preceding section can be exercised only by a Board of Supervisors or by agents and officers acting under their authority or by authority of law or of this Charter.

Sec. 3 The corporate name shall be "County of Alameda," which must be thus designated in all actions and proceedings touching its corporate rights, properties and duties. Its boundaries and county seat shall remain the same as they are now, until otherwise changed by law.

BOARD OF SUPERVISORS

Sec. 4 The County of Alameda shall have a Board of Supervisors consisting of five members who shall have such executive, legislative and other powers as are now or may be hereafter specified by the Constitution or laws of the State of California or by this Charter. Each member must be an elector of the district which he/she represents, must reside therein during his/her incumbency, and shall be nominated and elected at the time and in the manner and for the term now or hereafter provided by general law. Each member of the Board of Supervisors shall receive as compensation for his/her services as such Supervisor the salary fixed by general law.

(Amendment ratified November 4, 1986. In effect January 13, 1987.)

Sec. 5: (Repealed. Repeal ratified June 4, 1946. Effective July 25, 1946.)

Sec. 6: The County of Alameda is hereby divided into five supervisor districts, the boundaries and designations of which shall be and remain as they now are until otherwise changed as provided in this Charter.

Sec. 7: The Board of Supervisors may by a two-thirds vote of its members, change the boundaries of any or all of the supervisorial districts of the county; provided, however, that the Board shall, by January 31, 1956, and at intervals of not more than every ten years after said date, change the boundaries of the supervisorial districts of the county pursuant to the method and limitations prescribed by this Section, giving consideration to the following factors: (a) population, (b) topography, (c) geography, (d) cohesiveness, contiguity, integrity, and compactness of territory, and (e) community of interests of the districts. The boundaries of any supervisorial district shall not at any time be changed so as to affect the term of office of any supervisor who has been elected or appointed and whose term of office has not expired. A change in the boundaries of a supervisorial district shall not be made within a period commencing ninety days preceding a primary election and ending the day after the succeeding general election.

(Amendment ratified June 8, 1954. In effect March 8, 1955.)

Sec. 8: Whenever a vacancy occurs on the Board of Supervisors, the Board of Supervisors shall fill the vacancy, provided that, if it shall fail to fill the vacancy within 60 days following its occurrence, the Governor shall fill the vacancy. The appointee shall hold office until the election and qualification of his/her successor. In such case there shall be elected at the next general election a supervisor to fill such vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

(Amendment ratified June 3, 1986. In effect August 22, 1986.)

Sec 9: No supervisor shall, during the term for which he shall have been elected, or for one year thereafter, be eligible for appointment to any office or position carrying compensation and created by this Charter or by ordinance.

Sec. 10: The Board of Supervisors shall elect a Chairman, who shall preside at all meetings. In case of his absence or inability to act, the members present must select one of their number to act as Chairman temporarily. Any member of the Board may administer Oaths when necessary in the performance of his official duties. A majority of the members shall constitute a quorum, and no act of the Board shall be valid or binding unless a majority of the members concur therein.

(Amendment ratified June 4, 1946. In effect July 25, 1946.)

GENERAL POWERS OF THE BOARD OF SUPERVISORS

Sec. 11: Board of Supervisors shall have all the jurisdiction and powers which are now or which may be hereafter granted by the Constitution and laws of the State of California, or by this Charter.

Sec. 12: It shall be the duty of the Board of Supervisors:

- (a) To appoint all county officers other than elective officers, and all officers, assistants, deputies, clerks, attaches and employees whose appointment is not otherwise provided for by this Charter. Except in the cases of appointees to the unclassified service, all appointments by the Board shall be made from the eligible civil service list.
- (b) To provide, by ordinance, for the compensation of elective and appointive officers, assistants, deputies, clerks, attaches and employees unless such compensation is otherwise fixed by this Charter. The compensation of elective officers shall be fixed at least six months prior to the election of such officer. The compensation of elective officers shall not be increased or diminished after the election of such officer or

during his term of office; provided, however, that the Board of Supervisors may allow such additional deputies or assistants as may be necessary and proper, to elective and appointive officers during their terms of office, and that the Board of Supervisors may also increase the compensation of such deputies of assistants during the term of office of such officers.

- (c) (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)
- (d) To provide, by ordinance, for the number of assistants, deputies, clerks, attaches and other persons to be employed from time to time in the several offices and institutions of the County.
- (e) To provide, by ordinance, for the creation of offices, boards and commissions other than those required by the constitution and laws of the State, and for the appointment of persons to fill such offices, boards and commissions, and to prescribe their powers and duties and fix their compensation.
- (f) To require any county or township officer or employee to give bond for the faithful performance of the duties of his office, in such penal sum as may be fixed by the Board. The premium for such bond shall be paid by the County.
- (g) To provide, publish and enforce a complete code of rules not inconsistent with general laws of this Charter, prescribing in detail the duties and the systems of office and institutional management, accounts and reports for each of the offices institutions and departments of the County.
- (h) To provide, by ordinance, for the consolidation and segregation of county offices.
- (i) To let all contracts for any public work in accordance with the laws of the State of California.

(Amendment ratified November 4, 1986. In effect January 13, 1987.)

- (j) (Repealed. Repeal ratified June 4, 1946, effective July 25, 1946.)

Sec. 12-¼: It shall be the duty of the Board of Supervisors to provide in every contract for the performance of labor, that the prevailing schedule of hours in private employment, but not to exceed eight hours, shall constitute a day's work, that the contractor and all subcontractors under him/her shall pay their employees on said work a salary or wage at least equal to the prevailing salary or wages for the same quality of service rendered to private persons, firms, or corporations under similar employment. (Amendment ratified November 4, 1986. In effect January 13, 1987.)

Sec. 12-½: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec. 13: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec 14: (Repealed. Repeal ratified November 2, 1982.)

Sec. 14-½: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec. 14-¾: Notwithstanding any other provision of this Charter, or any ordinance adopted pursuant to the provisions thereof, the Board of Supervisors shall have the authority, by a four-fifths vote of its members, to provide for the participation in the State Employees' Retirement System, or in any other retirement system now or hereafter authorized or established by the Laws of the State of California, of the County of Alameda and all persons in the present County Retirement System and all other persons in the service of the County who are eligible to membership in such state or other retirement system. The Board of Supervisors shall thereupon have authority to provide, by a like vote of its members, for the dissolution of the present County Retirement System, and also to provide, by a like vote of its members, for the transfer of moneys and other assets of the present County Retirement System to such state or other retirement system in accordance with the laws of the State of California in effect at the time of such transfer.

(Amendment ratified June 4, 1946. In effect July 25, 1946.)

COUNTY OFFICERS OTHER THAN SUPERVISORS

Sec. 15: The elective county officers other than the members of the Board of Supervisors shall be:

Auditor

Assessor

Board of Education, Members of

District Attorney

Sheriff

Superintendent of Schools

Treasurer

County Clerk

Recorder

Tax Collector

The Tax Collector shall be ex-officio License Collector.

(Amendment ratified June 5, 1984. In effect September 10, 1984.)

Sec. 16: All elective officers shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law.

Sec. 17: The appointive County officers shall be:

Board of Law Library, Trustees, Members of

Civil Service Commission, Members of

Coroner

Fish and Game Warden

Health Officer

Horticultural Commissioner

Probation Committee, Members of

Probation Officer

Public Administrator

Public Defender

Public Works, Director of

Purchasing Agent

Surveyor

Such other officers as are not mentioned in Section 15 hereof.

Such other officers as may be hereafter provided by law shall also be appointive. (Amendment ratified June 5, 1984. In effect September 10, 1984.)

Sec. 17.2: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec. 17.3: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec. 18: The Members of the Juvenile Justice Commission and the Members of the Law Library Trustees shall be appointed in the manner and for the terms now or hereafter provided by general law. Any Probation Officer taking office on or after January 1, 1995, shall be appointed by a majority of the judges of the Superior Court, with the approval of the Board of Supervisors, from a list of no less than three names nominated by the Juvenile Justice Commission from a list of no less than five names nominated by a candidate rating and screening committee comprised of an equal number of members chosen by the Juvenile Justice Commission, the Superior Court, and the Board of Supervisors. Any such appointee shall serve at the pleasure of a majority of the judges of the Superior Court. Any future Chief Probation Officer taking office after November 6, 2002, shall be appointed by, and serve at the pleasure of, the County Board of Supervisors.

(Amendment ratified June 4, 1968. In effect July 8, 1968; Amendment ratified November 8, 1994. In effect April 8, 1995.)

Sec. 19: All officers, boards, and commissions to whom fees are paid for the performance of official duties, and all officers or employees collecting or receiving any moneys pertaining to or for the use of the County, shall make regular monthly settlements and accounts of their collections. Such moneys shall be transmitted or paid to the Treasurer daily, and the Treasurer and the Auditor shall credit such officer or employee with the amount so paid. Such officer or employee shall upon his regular monthly settlement be credited with all amounts so paid to the Treasurer and not included in his previous settlements.

Sec. 20: Whenever a vacancy occurs in an elective County office, other than a member of the Board of Supervisors or Board of Education, or the office of Superintendent of Schools, the Board of Supervisors shall fill such vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case there shall be elected at the next general election an officer to fill such vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election. A vacancy on the County Board of Education or in the office of Superintendent of Schools shall be filled at the time and in the manner and for the term now or hereafter provided by general law.

(Amendment ratified November 3, 1992. In effect immediately.)

Sec. 20.5: The Board of Supervisors shall have the authority to suspend an elected county officer who has been charged by information or indictment with a felony related to misconduct in office, pending the trial of such charges.

Such authority to suspend shall be exercised by the adoption by resolution of the Board of Supervisors of a declaration of intention to suspend such official, which declaration shall set forth the grounds upon which such action is proposed to be taken and specify the time and place of the meeting at which the Board of Supervisors will meet to consider such action, which hearing shall be held not less than 5 days after the adoption of such resolution. The Clerk of the Board of Supervisors shall immediately furnish a copy of such resolution to such officer by delivering it to him personally, or by mailing a copy thereof by registered mail to his official business address and to his residence address.

If the charges are sustained by not less than a majority of the members of the Board of Supervisors, such officer shall be suspended forthwith without compensation pending the trial of such charges, and the Board of Supervisors shall appoint a qualified person to discharge the duties of the office during the period of such suspension, and require the person so appointed to furnish an official bond in an amount to be fixed by the Board of Supervisors.

(Amendment ratified June 7, 1966. In effect February 27, 1967.)

TOWNSHIP OFFICERS

Sec. 21: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec. 22: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec. 23: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec. 24: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

DUTIES OF OFFICERS

Sec. 25: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec. 26: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec. 27: The Public Defender, upon request of the defendant, or upon order of the Court, shall defend without expense to him, all persons who are not financially able to employ counsel, and who are charged with the commission of any contempt, misdemeanor, felony, or other offense. He shall also, upon request, give counsel and advice to such persons, in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in the reversal or modification of the judgment of conviction.

He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed one hundred dollars, and in which, in the judgment of the Public Defender, the claims urged are valid and enforceable in the courts.

He shall also, upon request, defend such persons in all civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

He shall also have the powers and perform the duties now or hereafter prescribed by general law.

Sec. 28: The Purchasing Agent shall be in charge of the County store, and shall purchase, except as otherwise provided in this Charter, all materials, supplies, equipment, and all other personal property for all departments, offices, boards, courts, commissions and institutions of the County. All departments, offices, boards, courts, commissions and institutions shall, when requested, furnish the Purchasing Agent a detailed statement of the materials, supplies, equipment, and other personal property required by each of them during the fiscal year.

The Purchasing Agent shall purchase and keep in the County store, all materials, supplies, equipment and other personal property which reasonably and advantageously may be kept in such store, and shall issue such materials, supplies, equipment and other personal property on requisition of the department, office, board, court, commission or institution requiring them. Other materials, supplies, equipment and personal property shall be purchased by the Purchasing Agent upon the requisition of the department, office, board, court, commission and institution requiring the same.

The Purchasing Agent shall standardize as far as possible, all materials, supplies, equipment and other personal property required for the conduct and operation of all departments, offices, boards, courts, commissions and institutions of the County and maintain a continuous inventory.

The Purchasing Agent shall not furnish any materials, supplies, equipment or other personal property for any department, office, board, court, commission or institution unless there is an unencumbered balance to the credit of such department, office, board, court, commission or institution sufficient to pay therefor.

The Purchasing Agent shall sell all personal property determined by the Board of Supervisors to be no longer required or suitable for County use, in such manner as said Board shall direct. All such sales shall be reported to and ratified by the Board of Supervisors before becoming effective.

Sec. 28.1: Notwithstanding the provisions of Section 28 and Section 29 of this Charter, the Board of Supervisors may provide by contract with any city, town, district, or public agency of the county for the joint purchase of any or all materials, supplies, equipment and other personal property required for the conduct and operation of county departments, offices, boards, commissions and institutions which may be standardized for the mutual benefit of the county and such city, town, district or public agency. Such agreement shall specify the property to be standardized and the agency and method by which such property is to be purchased.

(Amendment ratified June 5, 1956. Effective January 4, 1957.)

Sec. 29: Each county and township officer, board and commission shall have the powers and perform the duties now or hereafter prescribed by general law and by this Charter, as to such officer, Board or Commission.

Sec. 30: The Auditor shall install and maintain a modern accounting system which shall include a standard classification of income and expenditures as will permit of the preparation at any time of a general balance sheet disclosing the exact financial condition of the County as to assets and liabilities. He shall prescribe uniform forms of account blanks, books of record, and other financial stationery used in connection with the accounting system, for all offices and departments of the County.

The Auditor may, with the approval of the Board of Supervisors, contract with a duly certified public accountant, or accountants, to design and install the accounting system herein referred to, or any portion thereof, or extension thereto.

ROADS AND HIGHWAYS

Sec. 31: The Board of Supervisors may provide for the formation of road districts for the care, maintenance, repair and supervision of roads, highways, tunnels, viaducts, conduits, subways and bridges; and for the formation of highway construction divisions for the construction of roads, highways, tunnels, viaducts, conduits, subways, and bridges; for the inclusion in any such district or division of the whole or any part of any incorporated city or town upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town the portion thereof proposed to be so included at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein for such purposes by taxation upon the assent of a majority of the qualified electors of such districts or divisions voting at an election held for that purpose; for the incurring of indebtedness therefor by the county, district, or division for such purposes, respectively, by the issuance and sale by the County, of bonds of the County, District or Division, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the County, District or Division, as the case may be, for the payment of the principal and interest of such indebtedness at

maturity; provided that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the County, District or Division, as the case may be, voting at an election held for that purpose, nor unless before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax to sufficient to pay the interest or such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity which shall not exceed forty years from the time of contracting the same; and the procedure for voting, issuing and selling such bonds, except, insofar as the same shall be otherwise prescribed in this Charter, shall conform to general laws for the authorizing and incurring of bonded indebtedness by counties so far as applicable, provided further, that the construction, care, maintenance, repair and supervision of roads, highways, tunnels, viaducts, conduits, subways, and bridges for which aid from the State is granted, shall be subject to such regulations and conditions as may be imposed by the legislature.

Sec. 32: (Repealed. Repeal ratified June 2, 1964, effective March 18, 1965.)

CIVIL SERVICE

Sec. 33: The Civil Service Commission shall consist of five electors of the County, appointed by the Board of Supervisors. Upon the expiration of the term of any Commissioner, the Board of Supervisors shall appoint his/her successor for a term of five years. Any vacancy in the office of the Commissioner shall be filled by the Board of Supervisors for the unexpired term. Each Commissioner shall serve until the first Monday after the first day of January of the fifth year following his/her appointment, or until his/her successor is appointed and qualified. No Commissioner shall hold any other salaried County office.

The Board of Supervisors by a four-fifths vote of all the members, may remove a Commissioner during his/her term of office, but only upon stating in writing the reasons for such removal, and allowing him an opportunity to be publicly heard in his/her own defense. The Commission shall elect one of its members President.

(Amendment ratified June 3, 1986. In effect August 22, 1986;)

Sec. 34: Each Commissioner shall receive a compensation as may be fixed by the Board of Supervisors for each meeting of the Commission attended by him, not to exceed five meetings in any calendar month. The Commission shall appoint a Chief Examiner, and such other employees as it may deem necessary. The Chief Examiner shall act as secretary.

(Amendment ratified November 6, 1984. In effect December 19, 1984.)

Sec. 35: The Civil Service of the County is hereby divided into the unclassified and the classified service. The unclassified service shall include:

- (a) All officers elected by the people, and their chief deputies.
- (b) All assistants, deputies and other employees in the office of the District Attorney.
- (c) All appointive boards and commissions.
- (d) All persons serving the County without compensation.
- (e) Not to exceed two confidential employees in the office of the Board of Supervisors.
- (f) Not to exceed two persons serving as Assistant Sheriff. (Amendment ratified November 5, 1996. In effect November 27, 1996.)

The classified service shall comprise all positions not specifically included by this Charter in the unclassified service, provided that in the case of a vacancy requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of a person of recognized attainments, competitive examinations may be suspended, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported by the Commission, together with the reasons therefore, to the Board of Supervisors.

(Amendment ratified November 7, 1972. In effect March 1, 1973.)

Sec. 35.1: All appointive agency and department heads, other than department heads reporting to an agency head, appointed by the Board of Supervisors on or after the effective date of this section shall be included in the unclassified service and shall serve at the pleasure of the Board of Supervisors. This section shall supersede any conflicting provision of Section 17.3. Persons hereafter appointed to positions in county hospitals as directors of Highland General and Fairmont Hospitals and their chief assistant administrators, associate directors or associate administrators, deputy directors, medical directors, financial directors, and nursing directors shall be included in the unclassified service and shall serve at the pleasure of the appointing authority.

(Amendment ratified June 3, 1986. In effect August 22, 1986.)

Sec. 35.2: The unclassified service shall include entry level positions designated by an appointing officer with approval of the civil service commission for persons who meet minimum qualifications and are certified as persons with severe disabilities. Notwithstanding any other provisions of the Charter, persons appointed to such positions under this subsection, and whose job performance is certified as satisfactory by their appointing officer, and who remain in said position for one year, shall acquire civil service status. The civil service commission shall adopt rules and regulations to enforce and implement this subsection which shall include performance evaluation requirements, definitions of and standards for the certification of the severely disabled.

(Amendment ratified March 24, 2000. In effect January 1, 2001.)

Sec. 36: It shall be the duty of the Civil Service Commission:

- (a) To provide for the classification of all positions in the classified Civil Service and from time to time for the reclassification of any or all such positions and for the allocation and reallocation of individual positions to classes in such manner as to permit and encourage the filling of higher classes by promotion. In the performance of such duty, the Commission shall be guided by the principles presently set forth in Section 18,801 of the Government Code of the State of California. Each such action of the Commission shall be submitted to the Board of Supervisors and shall become effective upon approval by said Board.

(Amendment ratified November 2, 1954. In effect March 8, 1955.)

- (b) To provide for the preparation and holding of competitive examinations in order to test the relative fitness of all applicants for appointment to or promotion in the classified Civil Service; provided, however, that noncompetitive qualifying examinations may be given to incumbents with tenure in positions which are reclassified or reallocated, and that the name of each incumbent who qualifies in such qualifying examination shall be placed on an eligible list and the said incumbent shall be appointed subject to probation to the reclassified or reallocated position, anything in this Charter to the contrary notwithstanding. Adequate notice but not less than twenty-five days notice shall be given of each competitive examination.

(Amendment ratified June 7, 1966. In effect February 27, 1967.)

- (c) To provide a period of probation for each class in the classified civil service before appointment or promotion is during which period a probationer may be discharged or reduced. Each such action of the Commission shall be to the Board of Supervisors and shall become effective upon approval by said Board.

(Amendment ratified November 2, 1954. In effect March 8, 1955.)

- (d) To examine the payrolls of all employees in the classified civil service and the County Auditor shall not pay or approve any payment of salaries to such persons unless there appears on the payroll therefor, a certification by the Commission that the persons named thereon have been appointed to their respective positions in accordance with the provisions of this Charter.

(Amendment ratified November 5, 1940. In effect December 4, 1940.)

- (e) To recommend to the Board of Supervisors at least sixty days prior to the end of each fiscal year a rate of pay for each class in the classified civil service based upon a comparison of salaries being paid for like service and working conditions in other comparable places of public and private employment in order that all salaries shall be uniform for like service in each class of the classified civil service.

(Amendment ratified November 2, 1954. In effect March 8, 1955.)

Sec. 37: Appointments to positions in the classified civil service shall be either regular or temporary.

Whenever a position in the competitive classified civil service is to be filled by a regular appointment, the appointing authority shall notify the Commission of that fact, and the Commission shall certify the names and addresses of the candidates having the five highest scores on the eligible list for the class or grade to which such position belongs, and the appointing authority shall appoint to such position one of the persons certified to him.

If a candidate refuses three offers of a regular appointment from the same eligible list, his name shall be moved to the last place on said list, provided however, that a candidate may file a written request with the Commission that his name be withheld from certification, in which event he shall not be certified until he files a written request with the Commission that his name be restored on said list if said list is then in existence.

Whenever a position in the competitive classified civil service is to be filled by a temporary appointment the appointing authority shall notify the Commission of the fact, stating the length of employment, which shall not exceed a period of five months except when employed for the duration of a leave of absence, and the Commission shall certify the names and addresses of the candidates having the five highest scores on the eligible list for the class or grade to which such position belongs, who have filed with the commission a written request for temporary appointments, and the appointing authority shall appoint to such position one of the persons certified to him.

Temporary appointments cannot exceed a total period of five months for any one person in any one county department in any one fiscal year except when employed for the duration of one leave of absence.

During the time a person is occupying a position under a temporary appointment, such person shall be eligible to certification for a regular appointment in the same manner as though such person had not received a temporary appointment.

Employment under a temporary appointment, or under a temporary appointment for the duration of a leave of absence, shall give no right or preference to a regular appointment, and shall serve as no part of a period of probation.

A person in any position in the classified civil service may be appointed to another position of no higher rate of compensation in the same class and grade without certification from an eligible list with the written consent of himself, and where the appointment is to another county department then also with the written consents of the appointing authorities, such consent or consents being first filed with the County Clerk and duplicate copies thereof being filed with the Civil Service Commission.

(Amendment ratified November 6, 1984. In effect December 19, 1984.)

Sec. 38: When a position now in the unclassified Civil Service is by Charter amendment or by action of the Board of Supervisors included in the classified Civil Service, any employee who has held such position for one year prior to the effective date of such action shall be blanketed into the classified Civil Service and shall hold his position until discharged, reduced, promoted or transferred in accordance with the provisions of the Charter relating to Civil Service.

(Amendment ratified June 7, 1966. In effect February 27, 1967.)

Sec. 39: Any person who has served in the armed forces of the United States during a war or campaign as defined by Section 1897 of the Government Code of the State of California and who has been discharged or released under honorable conditions, who shall become eligible for certification from eligible lists by attaining the passing mark established for the examination shall be given one of the following preferential credits which added to his rating on such examination shall constitute his total rating:

(a) In entrance examinations: Disabled Veterans, 10 points; All other Veterans, 5 points;

(b) In promotional examinations: Disabled Veterans, 3 points; All other Veterans, 1 point.

For the purpose of this section "disabled veteran" means any veteran as defined herein who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of his service.

(Amendment ratified June 7, 1966. In effect February 27, 1967.)

Sec. 40: Any officer or employee in the classified civil service may be removed, suspended or reduced in rank or compensation by the appointing authority, after appointment or promotion is complete, by an order in writing, stating specifically the reasons therefor. Said order shall be filed with the Civil Service Commission and a copy thereof shall be furnished to the person to be removed, suspended or reduced. Such employee may reply in writing to said order within ten days from the date of filing said order with the Civil Service Commission. Any person removed, suspended or reduced in rank or compensation, may, within ten working days after presentation to him of the order of removal, suspension or reduction as hereinabove provided, appeal to the Civil Service Commission from such order. The Commission shall within two weeks from the filing of said appeal, commence the hearing thereof, and shall thereupon fully hear and determine the matter, and either affirm, modify or revoke such order. The appellant shall be entitled to appear personally, produce evidence, and to have counsel and a public hearing. The finding and decision of the Commission shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him.

(Amendment ratified June 7, 1966. In effect February 27 1967.)

Sec. 41: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec. 42: The Commission, for the purpose of carrying into effect the civil service provision of this Charter, shall have power to investigate the conduct and operation of any department or board, and to subpoena and require the attendance of witnesses and the production of books and papers, and to administer oaths. Any person failing to obey its subpoena or

refusing to testify or produce books, or papers required of him shall be deemed to be in contempt, and the Commission shall have power to take such proceedings in the punishment thereof as may be taken by boards of supervisors as provided by the laws of the State of California.

Sec. 43: The Commission shall have power to adopt such rules as may be necessary and proper for the enforcement of the foregoing provisions of this Charter.

Sec. 44: No person in the classified civil service or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or because of race or national origin.

(Amendment ratified June 2, 1964. In effect March 18, 1965.)

Sec. 45: If any portion of this Charter relating to civil service should be held to be unconstitutional, the Board of Supervisors shall, by ordinance, provide for a civil service of the County, prescribe the duties of the Civil Service Commission, and such civil service rules and regulations as they shall deem proper to govern the appointment of any and all officers, assistants, deputies, clerks, attaches, and other persons to be employed in the several offices and institutions of the County.

LABOR

Sec. 46: In the employment of persons in the service of the County where sex does not actually disqualify, and where the equality and quantity of service is equal, there shall be no discrimination in selection or compensation on account of sex.

Sec. 47: The Board of Supervisors shall provide the number of hours, but not to exceed eight hours, that shall constitute a day's work for mechanics and others engaged in manual labor in the service of the county; said number of hours to be the prevailing number of hours constituting a day's work for such service rendered in private employment.

(Amendment ratified June 4, 1946. In effect July 25, 1946.)

Sec. 48: In fixing compensation, the Board of Supervisors shall in each instance provide a salary or wage at least equal to the prevailing salary or wage, for the same quality of service rendered to public employers and private persons, firms or corporations under similar employment, in case such prevailing salary or wage can be ascertained.

(Amendment ratified June 2, 1964. In effect March 18, 1965.)

BUDGET

Sec. 49: On or before the first Monday in July of each year every Department, Office, Court, District, Board and Commission of the County shall file with the Auditor an estimate in writing of the amount of expenditures specifying in detail the objects thereof required in such Department, Office, Court, District, Board or Commission, for the current fiscal year, including a statement of all salaries.

Sec. 50: On or before the first Monday in August of each year the Auditor shall transmit to the Board of Supervisors a budget in writing containing an estimate of the expenditures of the County for the current fiscal year as determined by the reports filed as required by the preceding section. Said budget shall include an estimate of the probable revenue of the County exclusive of taxes upon property, classified in detail according to sources; a statement of the amounts necessary to meet the interest and principal of all bonded indebtedness, and the following information arranged in parallel columns:

- (a) Detailed estimate of the expense of conducting each Department, Office, Court, District, Board and

Commission as transmitted to him by the respective Departments, Offices, Courts, Districts, Boards and Commissions.

- (b) Expenditures for corresponding items for the last two fiscal years.
- (c) Detailed objects of expenditures.
- (d) Such other information as the Board of Supervisors may require.

Said budget also shall include an estimate of the probable amount required to be levied and raised by taxation.

Sec. 51: The Board of Supervisors upon receipt of the budget from the Auditor, shall proceed to the consideration thereof at public hearings, notice of which shall be given in the manner prescribed by the Board.

Sec. 52: The Board of Supervisors, on the first Tuesday in September of each year, shall finally pass the annual appropriation ordinance, which ordinance shall provide for the entire cost of the County government during the current fiscal year. Said ordinance shall take effect immediately upon its passage.

No salary or compensation of any appointive officer or employee shall be increased except by provision made therefor in the annual appropriation ordinance. The Board shall have power to create additional offices or positions to provide for urgent necessities.

Sec. 53: The Board of Supervisors may appropriate a sum each year for urgent necessities. No money shall be paid out of such appropriation unless authorized by a four-fifths vote of the Board.

Sec. 54: No expenditure shall be made unless a specific appropriation shall have been made therefor in the annual appropriation ordinance, except as may be otherwise provided in this Charter.

Sec. 55: At the close of each fiscal year, the unexpended balance of each appropriation against which no salaries, contracts for work or supplies, or other commitments are outstanding, shall revert to the fund from which it has been appropriated. Any money in the general fund otherwise unappropriated may be appropriated by the Board of Supervisors at any time by ordinance.

Sec. 56: The Board of Supervisors shall authorize the disbursement of all public moneys except as otherwise specifically provided by law or by this Charter.

Sec. 57: The Board of Supervisors shall cause to be prepared a preliminary budget to cover all expenditures required between the first day of July in each year and the passage of the annual appropriation ordinance. No warrant shall be drawn except upon an unexhausted specific appropriation.

ANNUAL AUDIT OF ACCOUNTS

Sec. 58: At the beginning of each fiscal year the Board of Supervisors shall employ, at a stipulated compensation, a certified public accountant or accountants, who shall examine the books, records and reports for the preceding fiscal year, of all county and township officers and employees, and make duplicate reports of his or their finding thereon, one of which shall be filed with the Board of Supervisors and one with the Auditor. Such accountant or accountants shall have unlimited privilege of investigation, and the same powers with regard to compelling the attendance of witnesses, the production of books and papers, and the administering of oaths as are conferred on boards of supervisors. Every County and township officer and employee shall give all required assistance and information to such accountant or accountants, and submit to him or them, for examination such books and papers of his office as may be requested, and failing to do so may be removed from office.

APPRAISAL OF PROPERTY

Sec. 59: (Repealed. Repeal ratified January 9, 1931.)

MUNICIPAL FUNCTIONS

Sec. 60: The Board of Supervisors may require any county department, officer, board or commission, to perform any or all of the functions of any department, officer, board or commission of any city, town, district, or public agency in the county whenever requested by such city, town, district or public agency. The terms and conditions upon which such functions are to be performed by the county shall be fixed by agreement, which may provide for the consideration to be paid to the county, the including within county civil service with or without examination of any or all officers or employees who have been performing such functions for such city, town, district, or public agency, and for the terms and conditions upon which such persons are to be employed in the classified service of the county, including pension or retirement benefits, seniority, sick leave, vacation or any other rights or benefits granted county employees.

(Amendment ratified June 5, 1956. Effective January 24, 1957.)

Sec. 61: In every case where the County undertakes the collection of taxes for cities or towns, the tax rate certified by such cities and towns shall be added to the tax rate fixed by the Board of Supervisors in determining the total amount of taxes due on each assessment liable therefor, and it shall not be necessary to enter said city or town tax in a separate column.

RECALL

Sec. 62: Any elective or appointive county or township officer may be recalled by the electors at any time after he has held his office six months. Such recall shall be effected as follows: A petition demanding the election or appointment of a successor to the person sought to be recalled shall be filed with the County Clerk, which petition shall be signed by qualified electors equal in number to at least fifteen percent of the entire vote cast within the County for all candidates for the office of Governor of the State at the last preceding election at which a Governor was elected (or at least twenty-five per cent of such vote cast within the district or township for which the officer sought to be recalled was elected or appointed in case of an official not elected by, or appointed for the County), and shall contain a statement of the grounds on which the recall is sought. No insufficiency of form or substance in such statement shall affect the validity of the election and proceedings held thereunder.

The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his occupation and place of residence, giving street and number, or if no street or number exist, then such a designation of his residence as will enable the location to be readily ascertained. To each separate paper of such petition shall be attached an affidavit made by a qualified elector of the County (or particular subdivision of the County as the case may be), stating that the affiant circulated that particular paper and saw written the signatures appended thereto, and that according to the information and belief of the affiant, each of said signatures is genuine and the signature of a qualified elector of the County, or particular subdivision thereof, as the case may be.

Within ten days from the filing of such petition the County Clerk shall, from the records of registration, determine whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing such determination. If such certificate shows the petition to be insufficient it may be supplemented within ten days from the date of the certificate by the filing of additional papers, duplicates of the original petition, except as to the names signed. The County Clerk shall within ten days after such additional papers are filed, ascertain from the

records of registration and certify whether or not the names of such petition, including such additional papers, are still insufficient, and if insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record. The failure to secure sufficient names shall not prejudice the filing later of an entirely new petition to the same effect. If required by the County Clerk, the Board of Supervisors shall authorize him to employ, and shall provide for the compensation of persons necessary in the examination of said petition and supplementing petition, in addition to the persons regularly employed by him in his office. In case the County Clerk is the officer sought to be recalled, the duties in this Section provided to be performed by him, shall be performed by some other person designated by said Board of Supervisors for this purpose.

If the petition shall be found to be sufficient, the County Clerk shall submit the same to the Board of Supervisors without delay, whereupon the Board shall forthwith cause a special election to be held not less than thirty-five nor more than forty days after the date of the order calling such an election, to determine whether such officer shall be recalled; provided, that if an election is to occur in the same territory within not less than thirty-five days or more than sixty days from the date of the order calling such recall election, the Board may in its discretion, postpone the holding of such recall election to such election.

If a vacancy occurs in said office after a recall petition is filed, and the office is elective, the election shall nevertheless proceed as in this Section provided. One petition is sufficient to propose the recall of one or more officials and the election of successors to such thereof as are elective.

Nomination for any elective office under such recall election shall be made by petition in the manner prescribed by Section 1188 of the Political Code, except that no party affiliation of candidate, signer, or verification deputy shall be given, nor shall the participation in a primary election be a bar to signing such petition.

Upon the sample ballot there shall be printed in not more than two hundred words the grounds set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words the officer may justify himself. There shall be printed on the recall ballot as to every officer whose recall is to be voted on, the following questions: "Shall (name of person against whom the recall petition is filed), be recalled from the office of (title of office)?" Following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each in which the voter shall be stamping a cross (X) indicate his vote for or against such recall. On such ballots under each question there shall also be printed, if the officer sought to be recalled by an elective officer, the names of those persons who shall have been nominated as candidates to succeed him in case he shall be recalled at such election, but no vote shall be counted for any candidate for said office unless the voter also voted on the question of the recall of the person sought to be recalled therefrom. The name of the person sought to be recalled shall not appear on the ballot as a candidate for the office.

If a majority of those voting on said question of the recall of any incumbent, shall vote "No", said incumbent shall continue in said office. If a majority shall vote "Yes" said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass the votes for candidates for said office and declare the result in like manner as in a general election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the incumbent of an appointive office be recalled at such election, his successor shall be appointed immediately after the canvassing of the vote.

Before any petition can be filed under this Section for the recall of any person in the classified service of the County, there shall be presented to and passed upon by the Civil Service Commission, a complaint in writing giving the grounds for and asking the removal of such person. Such complaint must be considered and be finally acted upon by the Commission within twenty days after such filing.

MISCELLANEOUS

Sec. 63: Each county or township officer, Board or Commission shall appoint from the eligible civil service list, except as otherwise provided in this Charter, for either permanent or temporary service, all assistants, librarians, deputies, clerks, attaches, and other persons in the office or department of such officer, Board or Commission, as the number thereof is fixed, and from time to time changed by the Board of Supervisors; provided, that appointments to the unclassified service in their respective offices and departments shall be made by such officers, Boards and Commissions without reference to such eligible list.

WASTE REDUCTION AND RECYCLING

Sec. 64.010: NAME. This Section of the Alameda County Charter shall be known and may be cited as the Alameda County Waste Reduction and Recycling Act of 1990 (hereinafter the "Act").

(Amendment ratified Dec. 20, 1990.)

Sec. 64.020: PURPOSE. The purpose of this Act is to:

- A. Provide for an Alameda County Source Reduction and Recycling Plan (hereinafter the "Recycling Plan") in conformance with new state law requiring all California cities and counties to plan, fund and implement a comprehensive source reduction and recycling program (Paragraph 64.040(B));
- B. Meet, by January 1, 1995, the state-mandated goal at reducing by at least twenty-five percent the refuse landfilled in Alameda County, then meet by January 1, 2000, the further state-mandated goal of fifty percent, and set longer-term goals starting at seventy-five percent (Paragraph 64.040(A));
- C. Ensure that the Recycling Plan provides for at least the following essential elements:
 1. An Alameda County-wide Source Reduction Program (Subsection 64.080) to minimize the generation of refuse;
 2. Residential Recycling Programs (Subsection 64.090) to provide each Alameda County residence with curbside pick-up of recyclable materials;
 3. Commercial Recycling Programs (Subsection 64.100) to reduce the refuse disposal costs of businesses and government agencies;
 4. An Alameda County-wide Recycled Product Market Development Program (Subsection 64.110) to create and strengthen stable markets for recycled materials; and
 5. A Recycled Product Purchase Preference Program (Subsection 64.120) to further encourage recycled materials markets by maximizing the amount of recycled products purchased by County government agencies;
- D. Fund the Recycling Plan by instituting a six dollar per ton surcharge on materials disposed of in Alameda County landfills (Paragraph 64.050(A));
- E. Create an Alameda County Source Reduction and Recycling Board (hereinafter the "Recycling Board") to

coordinate the Recycling Plan (Subsection 64.130); and

F. Prohibit the incineration of refuse within Alameda County (Subsection 64.140).

(Amendment ratified Dec. 20, 1990.)

Sec. 64.030: FINDINGS. The people of Alameda County find and declare that:

- A. The increasing consumption of single-use and environmentally harmful products depletes natural resources, produces huge quantities of refuse (most of which is disposed of in ways that damage the environment (and, ultimately, will injure future generations;
- B. The use of terms such as "garbage" and "solid waste" result from (and serve to reinforce (wasteful attitudes; the materials referred to by these terms retain their value as natural resources, and should instead be described and treated as "discarded materials" to be recycled rather than incinerated or landfilled;
- C. At least ninety percent of the discarded materials generated within Alameda County are landfilled as are vast quantities of discarded materials from neighboring counties; existing landfill capacity in the Bay Area will be exhausted in less than twenty-five years, while new landfills are increasingly difficult and expensive to site; landfill is neither a long-term, nor a sustainable, nor an environmentally safe option for disposal of discarded materials;
- D. Refuse incinerators are a poor alternative to source reduction and recycling; such incinerators damage the environment by wasting natural resources that could instead be recycled, by accelerating the release of greenhouse gasses (which worsen global warming (and by generating toxic substances;
- E. Each person discards materials and should therefore be involved in solving the problems caused by the disposal of such materials; this involvement must include changes in individual behavior resulting from each person's awareness of her or his role in creating or finding solutions to environmental problems; only through such changes can sustainable consumption and disposal patterns be established and the biosphere restored;
- F. The County government shares a responsibility with Alameda County cities and sanitary districts to provide a comprehensive source reduction and recycling program which will foster these necessary changes in individual behavior as well as ensure that the goals set by state law are met; and
- G. The best available method for funding the Recycling Plan is a surcharge on materials disposed of at landfills.

(Amendment ratified Dec. 20, 1990.)

Sec. 64.040: RECYCLING POLICY GOALS AND RECYCLING PLAN.

- A. Recycling Policy Goals:
 - 1. Consistent with the California Integrated Waste Management Act of 1990 (hereinafter the "CIWMA"), it shall be County policy to reduce, recycle, and compost, by no later than January 1, 1995, at least twenty-five percent (25%), and by no later than January 1, 2000, at least fifty percent (50%), by weight, all discarded materials generated within Alameda County.
 - 2. The Recycling Board shall establish, not later than January 1, 1999, a date to reduce, recycle, and compost at least seventy-five percent (75%), by weight, of all discarded materials generated within Alameda County, and, as necessary to the establishment of sustainable discarded materials management practices, shall subsequently establish a date (or dates) to reduce, recycle and compost further quantities of discarded materials.

- B. The Recycling Board shall develop, within one (1) year of the effective date of this Act, a plan to establish the recycling programs necessary to meet the recycling policy goals set forth in Subparagraph 64.040(A)(1) (all citations contained in this Act are, unless otherwise noted, to this Act), said plan to be known as the Alameda County Source Reduction and Recycling Plan (Recycling Plan). The Recycling Board subsequently shall amend the Recycling Plan as necessary to meet said policy goals, and as necessary to meet the further recycling policy goals established by the Recycling Board pursuant to Subparagraph 64.040(A)(2). The Recycling Plan shall incorporate all Alameda County recycling programs, whether established by this Act or not. In developing and amending the Recycling Plan, the Recycling Board shall consult with the Alameda County Board of Supervisors (hereinafter the "Board of Supervisors"), the Alameda County Waste Management Authority (hereinafter the "Authority") and Alameda County municipal governing bodies, and furthermore shall seek to maximize public input as to the contents of the Recycling Plan by holding public hearings and establishing public advisory committees.
- C. The Recycling Board shall contract, not more than four (4) years after the effective date of this Act, and then every five (5) years thereafter, for an audit to determine compliance with the Recycling Plan and the degree of progress toward the recycling policy goal then in effect. Said audits shall be conducted by an independent auditor (or auditors) with experience in source reduction and recycling. The reports of said audits shall be completed within one (1) year and issued to each municipality, the Board of Supervisors and the Authority. Said reports shall include at least the following:
1. A narrative and analytical evaluation of all recycling programs within Alameda County, whether funded through this Act or not, both Alameda County-wide and within each municipality;
 2. A statistical measure of the progress toward the recycling policy goal then in effect;
 3. An evaluation of the Recycling Board's activities, including, but not limited to, an accounting of the monies spent by the Recycling Board; and
 4. Recommendations to the Recycling Board, the Board of Supervisors, the Authority and the municipal governing bodies for the maintenance and expansion of recycling programs, and any necessary resulting amendments to the Recycling Plan.

(Amendment ratified Dec. 20, 1990.)

Sec. 64.050: RECYCLING FUND.

- A. Commencing not later than three (3) months after the effective date of this Act, each landfill or incinerator in Alameda County shall collect a surcharge of six dollars (\$6.00) per ton on all refuse accepted for landfilling or incineration at said landfill or incinerator. All monies collected through said surcharge shall be paid by the operators of each landfill or incinerator into a fund, to be known as the Alameda County Recycling fund (hereinafter the "Recycling Fund"), established for the purpose of receiving and disbursing monies pursuant to this Act. The Board of Supervisors shall ensure the collection of said surcharge, either by modifying the use permits of said landfills and incinerators or by any other necessary means.
- B. Should the collection of said surcharge be found to be in violation of an existing contract or agreement to import refuse generated outside of Alameda County for landfilling or incineration within Alameda County, the Board of Supervisors may vote to waive collection of said surcharge for the refuse described within said contract or agreement. However, any future contract or agreement for the importation of refuse for landfilling or incineration within Alameda County, executed or negotiated after the effective date of this Act, shall provide for the collection of said surcharge for the refuse described within said contract or agreement.
- C. Any necessary costs of collection of said surcharge incurred by landfill or incinerator operators shall not be

subtracted from said surcharge but, consistent with Subsection 64.070, shall be passed through to refuse generators by means of the refuse collection rates set by each municipality.

D. Said surcharge may be adjusted only as follows:

1. The Board of Supervisors may place a ballot measure on the Alameda County ballot for an alternative or additional funding mechanism for the Recycling Fund. Said funding mechanism may levy a surcharge or disposal fee on types of discarded materials. Said ballot measure may also include a provision to adjust said surcharge in direct correlation to the funding resultant from the proposed surcharge or disposal fee.
2. The Authority may pay monies within its jurisdiction to the Recycling Fund with the intent of mitigating said surcharge. Should the Authority vote to do so, the Board of Supervisors shall adjust said surcharge accordingly, provided that no such adjustment shall result in a net loss to the total receipts to the Recycling Fund within a given year.
3. The Board of Supervisors may vote at any time to adjust said surcharge in direct accordance with changes in the Consumer Price index.
4. Commencing January 1, 1995, and once every five years thereafter, the Board of supervisors may vote, with the advice of the Authority, and/or a double majority of the cities, to pass an ordinance adjusting said surcharge by up to twenty percent (20%). Said ordinance may take effect immediately, but shall be subject to approval or repeal by a vote of the people at the next regularly scheduled Alameda County election.
5. The Board of Supervisors may vote, with the concurrence of a double majority of the cities, to adjust said surcharge, if either the federal government or the State of California institutes recycling programs that duplicate and fund the recycling programs established by this Act.

- E. The Recycling Board shall administer the Recycling Fund in accordance with the provisions of this Act. Recycling Fund monies that are not immediately expended may be temporarily invested, under the direction of the Recycling Board and in accordance with accepted principles of financial management, in financial instruments that encourage, to the extent possible, source reduction and recycling while discouraging non-sustainable uses of natural resources. Any interest or other income resulting from such investments shall accrue to the Recycling Fund.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.060: SUPPORT FOR RECYCLING PROGRAMS.

- A. During the first twenty-seven (27) months after the effective date of this Act, the Recycling Board shall support recycling programs and otherwise fulfill the provisions of this Act by disbursing monies from the Recycling Fund as follows:
1. Eighty percent (80%) of the total shall be apportioned on a per capita basis to municipalities for the planning and implementation of Residential Recycling Programs and/or Commercial Recycling Programs, for new or expanded recycling programs, and for the preparation of the city source reduction and recycling elements, pursuant to the CIWMA. Funds so disbursed shall be used exclusively for supporting municipal recycling programs.
 2. Twenty percent (20%) of the total shall be applied to the following:
 - a. The development and implementation of the Source Reduction Program, the Recycled Product Market Development Program and the Recycled Product Purchase Reference Program;

- b. The Recycling Board's expenses for the administration of this Act; and
 - c. The preparation of the Alameda County source reduction and recycling element, pursuant to the CIWMA.
- B. Commencing twenty eight (28) months after the effective date of this Act, the Recycling Board shall support recycling programs and otherwise fulfill the provisions of this Act by disbursing monies from the Recycling Fund as follows:
 - 1. Fifty percent (50%) shall be disbursed on a per capita basis to municipalities for the continuation and expansion of municipal recycling programs.
 - 2. Ten percent (10%) shall be applied to a grant program for non-profit organizations engaged in maximizing recycling, composting, and reducing waste within Alameda County. The Recycling Board shall be an organization eligible to receive funds under this Subparagraph, for the purposes of conducting planning, research, and studies directed at furthering the purposes of this Act.
 - 3. Ten percent (10%) shall be applied to the Source Reduction Program.
 - 4. Ten percent (10%) shall be applied to the Recycled Product Market Development Program.
 - 5. Five percent (5%) shall be applied to the Recycled Product Purchase Preference Program.
 - 6. Fifteen percent (15%) shall be disbursed on a discretionary basis by the Recycling Board to support any of the activities described within this Paragraph. A portion of said fifteen percent (15%) may be retained by the Recycling Board to cover the necessary costs of administering the Recycling Fund, provided, however, that said portion shall not exceed three percent (3%) of the total funds paid to the Recycling Fund in a given year.
- C. For the purpose of apportionment of funds under the provisions of this Subsection, and for the purpose of sound planning for source reduction and recycling, the Recycling Board shall cause accurate, reliable, and up-to-date estimates to be maintained of the amounts and kinds of recycling and refuse generation occurring in each municipality.

For the purpose of ensuring comparability of data, any composition study or waste characterization study performed with Recycling Fund monies shall comply with standards to be established by the Recycling Board. Said standards shall include, but shall not be limited to, both methodology and categories of discarded materials. In establishing said standards, the Recycling Board should utilize the categories for discarded materials outlined in Paragraph 64.150(0).

- D. Contracts using Recycling Fund monies shall be made for periods not more than five (5) years, except that, upon a finding of the Recycling Board that a longer period is necessary in order to capitalize a specific project, the Recycling Board may vote to allow a particular contract to be made for a period of not more than ten (10) years. No contract using Recycling Fund monies shall provide for an option to renew or any similar provision that would result in the extension of a contract, on a less than fully competitive basis, for a cumulative period of more than five (5) years or, in the case of a contract which the Recycling Board has authorized to be made for a longer period for purposes of capitalization, more than ten (10) years.
- E. Nothing in this Act shall prevent any municipality, other jurisdiction, or other organization within Alameda County from raising or expending additional funds or taking other actions in support of recycling programs.
- F. Commencing January 1, 1995, the Recycling Board may vote, with the concurrence of the Board of Supervisors and a double majority the cities, to adjust the distribution of funds under Paragraph 64.060(B) in order to further progress toward the recycling policy goal then in effect.

(Amendment ratified by Dec. 20, 1990.)

Sec. 64.070: MUNICIPAL RATE STRUCTURES.

- A. In order to be eligible to receive monies from the Recycling Fund, each municipality must, either by adjusting local refuse collection rates or by instituting a product disposal fee, provide for full reimbursement to its local refuse hauler(s) for the costs of the surcharge established by Paragraph 64.050(A).
- B. Upon request of a municipality, the Recycling Board shall cooperate with said municipality, the Alameda County Joint Refuse Rate Review Committee and the refuse hauler(s) serving said municipality to design an incremental refuse collection rate structure which will:
 - 1. Fully reimburse said hauler(s) for the increased costs resulting from the surcharge established by Paragraph 64.050(A);
 - 2. Encourage source reduction and recycling among residents by charging successively higher amounts for each garbage can collected; and
 - 3. Provide residents with the option to use smaller garbage cans at a decreased rate in order to reward source reduction and recycling.
- C. Upon request of a municipality, the Recycling Board shall cooperate with said municipality, the Alameda County Joint Refuse Rate Review Committee, and the refuse hauler(s) serving said municipality to design a product disposal fee, to be levied on purchases of products, with the emphasis on those products that either are non-recyclable or are environmentally harmful, which will:
 - 1. Allow said municipality to fully reimburse, in lieu of or in addition to an increase in refuse collection rates, said hauler(s) for the increased costs resulting from the surcharge established by Paragraph 64.050(A);
 - 2. Encourage source reduction among residents; and
 - 3. Discourage the purchase of environmentally harmful products.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.080: SOURCE REDUCTION PROGRAM. The Recycling Board shall disburse monies allocated in Subparagraphs 64.060(A)(2) and 64.060(B)(3), on a discretionary basis, for the development of an Alameda County-wide Source Reduction Program. Funded components of the Source Reduction Program shall include, but shall not be limited to, the following:

- A. A county waste minimization program with a goal of reducing the weight of County purchases, and with a specific goal of reducing the weight of County purchases of paper products by ten percent (10%) by January 1, 1995, and by fifteen percent (15%) by January 1, 2000. Said program shall emphasize the conservation of paper products by means of a comprehensive employee education program. The Recycling Board may establish further goals for reduction in County purchases.
- B. An annual non-monetary award program for businesses which demonstrate a significant reduction in the use of packaging materials or the use of materials in manufacturing processes, or waste reduction through the durability and/or recyclability of their products.
- C. An industry and/or university program to research and develop source reduction opportunities and incentives.
- D. An intensive public education campaign to promote alternative individual consumer habits and in-house source reduction programs for businesses and institutions.
- E. Disposal cost reduction studies and waste audit services to demonstrate to businesses and institutions the

efficacy of recycling programs.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.090: RESIDENTIAL RECYCLING PROGRAMS. Within two (2) years of the initiation of the Recycling Fund, each municipality receiving monies from the Recycling Fund shall provide a Residential Recycling Program to every resident to whom refuse collection service is offered on a regular schedule which is as frequent as said refuse collection. However, it shall not be mandatory to provide said program to residents more than once a week.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.100: COMMERCIAL RECYCLING PROGRAMS. Within two (2) years of the initiation of the Recycling Fund, each municipality receiving monies from the Recycling Fund shall make an adequate Commercial Recycling Program available to every business, government, and public or private institution to which refuse collection is offered, on a regular schedule. Municipalities may determine that a Recyclable Materials Recovery Program is an appropriate means of satisfying a part of this requirement.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.110: RECYCLED PRODUCT MARKET DEVELOPMENT PROGRAM. The Recycling Board shall disburse monies allocated in Subparagraphs 64.060(A)(2) and 64.060(B)(4) of this Act, on a discretionary basis, for a program to develop and expand markets for recycled products. Funded components of the Recycled Product Market Development Program shall include, but shall not be limited to, the following:

- A. A regional cooperative marketing strategy;
- B. Grants for demonstration projects targeted at new uses of recycled materials and new techniques for recycling materials;
- C. An Alameda County-wide information exchange which targets potential users and sources of recycled products; and
- D. Municipal programs to administer permit assistance to recycling industries.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.120: RECYCLED PRODUCT PURCHASE PREFERENCE PROGRAM.

- A. The County shall purchase recycled products where they are comparable in function and equal in cost to products manufactured from virgin materials.
- B. The County shall apply, to the extent made possible by the availability of monies under Subparagraphs 64.060(A)(2), and 64.060(B)(5), a price preference of ten percent (10%) to its purchases of recycled products where said recycled products are comparable in function to products manufactured from virgin materials.
 - 1. Price preferences shall be applied to a full range of recycled product categories, including, but not limited to, recycled paper products, compost and co-compost products, recycled glass, recycled oil, and recycled solvents and paints.
 - 2. The Recycling Board may establish a price preference which is greater than ten percent (10%) for certain recycled product categories, if it is demonstrated that the manufacturing costs for said recycled product categories are higher than the manufacturing costs for similar products produced with virgin materials such that a ten percent (10%) preference is insufficient for said recycled products to be competitive.
 - 3. Commencing January 1, 1995, the Recycling Board may reduce the price preference for certain recycled

product categories, if it is demonstrated that the manufacturing costs for said recycled product categories are competitive with the manufacturing costs for similar product produced with virgin materials, and that any such reduction will not result in a substantial decrease in the percentage of recycled products purchased in the category affected by the reduction.

4. Any monies remaining after fulfilling the other requirements of this Paragraph in a given year shall be apportioned by the Recycling Board to municipalities which have established similar price preferences and recycled product specifications.
- C. Consistent with Paragraphs 64.120(A) and (B), the County shall modify its purchasing forms and procedures to ensure that, beginning no later than one (1) year after the effective date of this Act, information as to the recycled content, including both postconsumer discards and secondary discards, of all supplies and materials purchased by the County is available and taken into account during the purchasing process. Said information shall also be obtained for the supplies and materials portions of all public works contract bids that are received by the County.
- D. Any County agency which has responsibility for drafting or reviewing specifications for procurement items shall be required to revise said specifications, within one (1) year of the effective date of this Act, to eliminate exclusions of recovered materials and requirements that said items be manufactured from virgin materials.
- E. To the extent that the practice of accepting bids for multiple products inhibits the purchase of recycled products, the County shall accept bids for individual products and/or bids for fewer products.
- F. The Recycling Board may establish standards for a recycled product category which exceed the levels of postconsumer and secondary discard content established by this Act, provided, however, that said standards will not result in a substantial decrease in the percentage of recycled products purchased in said category.
- G. Notwithstanding any other provision of this Charter, this Subsection shall apply to the supplies and materials portions of all public works contracts made by the County. The County may set minimum amounts of recycled products, both by quantity and by category, to be utilized in the execution of said contracts; and shall contract separately for the supplies and materials portions of said contracts where such separate contracting would result in more complete compliance with this Act while not significantly increasing the cost of a given contract, except as allowed by Paragraph 64.120(B).
- H. It shall be a County policy goal to purchase recycled paper products such that, by January 1, 1995, at least fifty percent (50%) of the total dollar amount of paper products purchased or procured by the County shall be purchased or procured as recycled paper products. Not later than January 1, 1999, the Recycling Board shall recommend to the Board of Supervisors further policy goals for County purchases of all types of recycled products.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.130: RECYCLING BOARD.

- A. The Board of Supervisors and the Authority shall appoint an eleven (11) member board, to be known as the Alameda County Source Reduction and Recycling Board (Recycling Board), to administer this Act as well as to carry out any other tasks consistent with the purposes of this Act that may subsequently be given to the Recycling Board by the voters or the Board of Supervisors.
- B. To avoid unnecessary administrative duplication, the Board of Supervisors shall seek the consent of a double majority of the cities for the Recycling Board to serve as the local task force mandated by California Public

Resources Code Section 40950 (as enacted by the CIWMA). A failure to obtain such consent shall not be construed to inhibit the establishment of the Recycling Board. In the event that the Recycling Board is not named as said local task force, the Recycling Board shall review any recommendations of a local task force regarding source reduction and recycling.

- C. To further avoid unnecessary administrative duplication, the Authority may, within ninety (90) days of the effective date of this Act, accept the Recycling Board as a subsidiary body of the Authority. Should the Authority not so accept the Recycling Board, or if the Authority at any time ceases to exist, the Recycling Board shall be established as a separate entity within the structure of County government.

However, notwithstanding an initial failure by the Authority to so accept the Recycling Board, the Board of Supervisors may at any time, upon request of the Authority, make the Recycling Board a subsidiary body of the Authority.

- D. Members of the Recycling Board shall be appointed in accordance with the following:
1. The Authority may appoint five (5) of its members to sit on the Recycling Board. Should any or all of said five (5) Recycling Board members not be appointed by the Authority within four (4) months of the effective date of this Act, the Board of Supervisors shall cooperate with a double majority of the cities to appoint said member or members, except that a member appointed under such circumstances need not be a member of the Authority, but must be a member of the governing body of a municipality.
 2. The Board of Supervisors shall appoint six (6) Alameda County residents to the Recycling Board as follows:
 - a. A representative of an organization engaged primarily in operating recycling programs within Alameda County;
 - b. A source reduction specialist with substantial experience as such;
 - c. A representative of the recyclable materials processing industry;
 - d. A representative of the solid waste industry;
 - e. A representative of an environmental organization with a significant membership active in recycling issues within Alameda County; and
 - f. An environmental educator employed as such on a full-time basis.
 3. The membership of the Recycling Board shall reflect expertise in the field of source reduction and recycling.
 4. No for-profit corporation, including its divisions, affiliates, parents and subsidiaries, wholly or partially owned, may have more than one (1) employee or representative on the Recycling Board at any one (1) time.
 5. All members of the Recycling Board shall be appointed within four (4) months of the effective date of this Act.

Members of the Recycling Board shall serve a term of two (2) years, and may be reappointed for one (1) successive term, except that, for the purpose of ensuring continuity in the administration of this Act, the initial terms of two (2) of the members appointed by the Authority and three (3) of the members appointed by the Board of Supervisors shall be one (1) year. Should a Recycling Board member appointed by the Authority cease to be a member of the Authority, or if a

Recycling Board member who is a member of the governing body of a municipality should cease to be a member of said governing body, or if a Recycling Board member ceases to be a resident of Alameda County, her or his seat on the Recycling Board shall be immediately deemed to be vacant.

6. Should a Recycling Board member for any reason vacate her or his seat, the governing body (or bodies) that appointed said member shall appoint a new member within two (2) months of the date the seat is vacated, except that if the appointing body is the Authority and the Authority has either ceased to exist or has failed to appoint a new member within said two (2) month period, the Board of Supervisors shall cooperate with a double majority of the cities to make the appointment. All such appointments to the Recycling Board shall otherwise be made in compliance with the requirements that applied to the original appointments.
7. In the event of temporary incapacity or other inability to attend Recycling Board meetings, a Recycling Board member may request that the governing body (or bodies) that appointed said member appoint an interim Recycling Board member to serve, for a period of no more than three (3) months, in the place of said member.
- E. The Recycling Board shall schedule and conduct regular meetings at least once each calendar month, and shall schedule special meetings and committee meetings as necessary to the business of the Recycling Board. Regular meetings shall be scheduled with at least one (1) month advance notice to the public. Special meetings and committee meetings shall be scheduled with at least one (1) week advance notice to the public.
- F. Recycling Board members shall attend at least three-fourths ($\frac{3}{4}$) of the regular meetings within a given calendar year. At such time as a member has been absent from more than one-fourth ($\frac{1}{4}$) of the regular meetings in a calendar year, or from two (2) consecutive such meetings, her or his seat on the Recycling Board shall be considered vacant.
- G. Consistent with the principle of maximizing public participation in all Recycling Board activities, the Recycling Board may establish advisory committees and shall provide for full participation of the public in the functions of such bodies.
- H. The Recycling Board shall hold its meetings, hearings, public hearings, and other proceedings in such places and at such times as are likely to maximize access to said proceedings by as broad a range of Alameda County residents as is reasonably possible. To this end, the Recycling Board shall hold at least one (1) regularly scheduled evening meeting per year in each supervisorial district in a location accessible by public transit and shall ensure full access to all Recycling Board meetings by the physically disabled.
- I. All hearings, meetings, proceedings or other discussions of the Recycling Board, or of any committee or other subsidiary body of the Recycling Board, shall be open to the public, as shall the minutes, records of proceedings or documents received or discussed by the Recycling Board or its subsidiary bodies. Access to meetings or documents of the Recycling Board may be restricted only in circumstances authorized by those provisions of the Ralph M. Brown Act (California Government Code Sections 54950 et seq.), or of the California Public Records Act (California Government Code Sections 6250 et seq.), or of any successor legislation to either said act, relating to actual or imminent litigation or to evaluation of an employee of the Recycling Board. No such restriction shall be lawful unless it is first justified in the relevant written notice of meeting by specific identification of the actual or anticipated litigant or by specific identification of the position of the Recycling Board employee to be evaluated. All Recycling Board documents shall be made

available for copying by members of the public for the direct cost of copies only, not to exceed a limit of ten (10) cents per page. Said limit may be adjusted by the Recycling Board in direct proportion to the Consumer Price Index.

- J. The Recycling Board shall formulate rules for its own procedures and other rules as necessary to facilitate the implementation of the provisions of this Act.
- K. Each Recycling Board member shall have one (1) vote. A quorum for decisions of the Recycling Board shall be a majority of its members, except that a smaller number may vote to adjourn meetings.
- L. The members of the Recycling Board shall elect from their number a chair to be the presiding officer of said Recycling Board. The term of office of said chair shall be no more than one (1) year and shall expire at the end of the calendar year in which the chair sits.
- M. Each Recycling Board member shall receive compensation not to exceed three thousand dollars (\$3,000.00) for one (1) calendar year, not to exceed one hundred dollars (\$100.00) for each meeting of the full Recycling Board, or each special meeting or committee meeting of at least two (2) hours duration, which said member has attended.
- N. The Recycling Board shall hire such staff as are required to implement the provisions of this Act. Staff salaries and benefits shall be paid out of the monies allocated for the administration of this Act, pursuant to Subparagraphs 64.060(B)(2) and 64.060(C)(6).
- O. The Recycling Board may apply for, receive and expend supplementary funding grants from private and public sources.
- P. Conflicts of interest:
 - 1. No Recycling Board member shall participate in any Recycling Board action or attempt to influence any decision or recommendation by any employee of or consultant to the Recycling Board which involves herself or himself, or which involves any entity with which the member is connected as a director, officer, elected official, consultant, or full-time or part-time employee, or in which the member has a direct personal financial interest within the meaning of California Government Code Section 87100, or any successor statute thereto.
 - 2. No Recycling Board member shall participate in any proceeding before any agency of either the County or a municipality as a consultant or in any other capacity on behalf of any solid waste handler, recycling organization, or other person or organization which actively participates in matters before the Recycling Board. Nothing in this Subsection shall be construed to prohibit a representative from a municipality from fully participating in the deliberations of her or his own governing board.
 - 3. For a period of one (1) year after leaving her or his seat on the Recycling Board, a former Recycling Board member shall not act as an agent or attorney for, or otherwise represent, any other person before the Recycling Board by making any formal or informal appearance or by making any oral or written communication to the Recycling Board.
- Q. Ex Parte Communications:
 - 1. No Recycling Board member, or person who serves as a consultant or in any other capacity on behalf of a solid waste handler, recycling organization, or other public or private entity which actively participates in matters before the Recycling Board, or other person who intends to influence the decision of a Recycling

Board member on a matter before the Recycling Board, excepting a staff member of the Recycling Board acting in her or his official capacity, shall conduct an ex parte communication unless the following steps are taken:

- a. The Recycling Board member shall notify the person who engaged in the ex parte communication that a full disclosure of said communication must be entered in the Recycling Record's record; and
 - b. Either the Recycling Board member or the person who engaged in said communication shall, prior to the next regularly scheduled meeting of the Recycling Board, submit a full written disclosure of said communication which shall be entered in the Recycling Board's official record.
2. For the purposes of this paragraph, "ex parte communication" shall mean any oral or written communication concerning matters other than purely procedural issues, under the jurisdiction of the Recycling Board which are subject to a vote of the Recycling Board, but shall not mean any such communication performed before the Recycling Board, or any subsidiary body thereto.
- R. Violations of Paragraphs 64.130(P) or (Q) shall be punishable as a misdemeanor.
- S. Upon request of any person or on her or his own initiative, the Alameda County District Attorney may file a complaint in Alameda County Superior Court alleging that a Recycling Board member has knowingly violated paragraphs 64.130(P) or (Q), including the facts upon which said allegation is based, and asking that said Recycling Board member be removed from office. If, after trial, the court finds that the Recycling Board member has knowingly violated either of said Paragraphs, it shall enter a judgment removing said member from office.
- T. All documents issued by or in the name of the Recycling Board shall be printed double-sided on recycled paper with the highest postconsumer content available.

Sec. 64.140: PROHIBITION OF INCINERATION. It shall be unlawful to operate any incinerator within Alameda County. Furthermore, it shall be unlawful to landfill within Alameda County the ash or residue from any incinerator, regardless of the location of said incinerator.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.150: DEFINITIONS. The following words and phrases used in this Act shall have, for the purposes of interpreting and applying this Act, the following meanings:

- A. "Act" shall mean this Section, Section 64 of the Alameda County Charter as enacted by the Alameda County Waste Reduction and Recycling Act of 1990.
- B. "Alameda County" shall mean the geographic entity, including both the incorporated and unincorporated areas.
- C. "Authority" shall mean the Alameda County Waste Management Authority.
- D. "Board of Supervisors" shall mean the Alameda County Board of Supervisors.
- E. "Buy-Back Program" shall mean a program to purchase recyclable supplies, materials or goods from the public.
- F. "Charter" shall mean the Alameda County Charter as amended by this Act.
- G. "CIWMA" shall mean the California Integrated Waste Management Act of 1989, presently codified as California Public Resources Code Sections 40000 et seq.
- H. "Commercial Recycling Program" shall mean a program to collect, purchase, receive, process, and/or market

discarded materials generated by businesses or institutions, public or private, for the purpose of recycling said discarded materials; and shall include a Recycling Education Program to encourage the participation of said businesses or institutions.

- I. "Compostable materials" shall mean nontoxic materials collected for composting, including, but not limited to, plant debris, putrescibles, wood and soils.
- J. "Composting" means the controlled biological decomposition of organic materials that are separated from the discarded materials stream.
- K. "Composting Program" shall mean a program to collect, purchase, receive, process, and/or market compostable materials, or co-compost said compostable materials with manures, dairy discards, or fish processing discards, with the aim of producing a nontoxic finished product usable as a compost, soil amendment, landfill cover, or potting soil.
- L. "Construction and Demolition Debris Recycling Program" shall mean a program to collect, purchase, receive, process, and/or market discarded materials generated in the construction and/or demolition of improvements to real property.
- M. "Consumer Price Index" shall mean the index for the San Francisco Bay Area issued by the United States Department of Labor.
- N. "County" shall mean the government of Alameda County, including any department, board, commission, agency or duly authorized official thereof.
- O. "Discarded materials," "discarded materials supply" and "discards" shall mean materials that a person, business, industry, or institution has delivered to a disposal facility, or has set in or next to a receptacle that is regularly emptied for disposal, or has abandoned in a public place, but shall not be construed to mean materials that must be handled as hazardous or infectious waste; and shall be composed of the following categories:
 - 1. "Chemicals," including, but not limited to, recyclable and/or reusable solvents, paints, motor oil, and lubricants;
 - 2. "Crushables," but not limited to, rock, ceramics, concrete, and nonreusable brick;
 - 3. "Glass," including, but not limited to, glass containers and window glass;
 - 4. "Manures," including, but not limited to, sewage sludge that has been dewatered, treated or chemically fixed, and livestock and horse manure;
 - 5. "Metals," both ferrous and nonferrous, including cans, parts from abandoned vehicles, plumbing, fences, metal doors and screens, and any other discarded metal objects;
 - 6. "Paper," including, but not limited to, newsprint, ledger paper, computer paper, corrugated cardboard and mixed paper;
 - 7. "Plant debris," including, but not limited to, leaves, cuttings, and trimmings from trees, shrubs and grass;
 - 8. "Plastics," including, but not limited to, beverage containers, plastic packaging, tires, and plastic cases of consumer goods such as telephones or electronic equipment;
 - 9. "Putrescibles," including, but not limited to, garbage, offal and animal, fruit and vegetable debris;
 - 10. "Reusable goods," including intact or repairable home or industrial appliances, household goods, and clothing; intact materials in demolition debris, such as lumber or bricks; building materials such as doors, windows, cabinets, and sinks; business supplies and equipment; lighting fixtures; and any other item that

can be repaired or used again as is;

11. "Soils," including, but not limited to, excavation soils from barren or developed land, and excess soils from yards;
 12. "Textiles," including, but not limited to, nonreusable clothing, upholstery and pieces of fabric; and
 13. "Wood," including, but not limited to, nonreusable lumber and pallets.
- P. "Disposal facility" shall mean a facility to receive, purchase, process, incinerate and/or landfill discarded materials.
- Q. "Double majority of the cities" shall mean a majority of the cities representing a majority of the population in the incorporated areas of Alameda County.
- R. "Drop-off Program" shall mean a program to accept the donation of recyclable materials at a fixed site for the purpose of recycling said materials.
- S. "Hazardous waste" shall mean any material defined as hazardous waste by California Health and Safety Code Section 25117 or by any successor statute thereto, but notwithstanding said section or successor statute shall include ash and/or residue from an incinerator.
- T. "Incinerator" shall mean a facility that burns, as a means of disposal and/or energy production, refuse, refuse-derived fuel, any material recovered from a mixed supply of discarded materials, any type of plastic, and/or any type of hazardous waste, but shall not mean a facility dedicated to burning infectious waste or potentially infectious waste.
- U. "Infectious waste" shall mean any material defined as infectious waste by California Health and Safety Code Section 25117.5, or by any successor statute thereto.
- V. "Landfill" shall mean a facility that buries discards as a means of disposal.
- W. "Municipal recycling programs" shall mean recycling programs within a municipality, or recycling programs administered as a joint effort between municipalities.
- X. "Municipality" shall mean a city or sanitary district located in Alameda County.
- Y. "Postconsumer discards" shall mean finished materials which would have been disposed of as discarded materials, having completed their life cycle as consumer items, and does not include manufacturing discards.
- Z. "Recyclable Material Recovery Program" shall mean a program to receive, separate, and process mixed discarded materials for the purpose of removing materials which will later be used in the fabrication of manufacture of recycled products.
- AA. "Recycle" or "recycling" shall mean a process by which any good, material, supply or other object, which otherwise would be wasted, is recycled, reused, salvaged, or otherwise retrieved, collected, processed and/or marketed for return to use by society, either in its original form or in a new form; but shall not mean, with the exception of compost used for landfill cover, a program for landfilling or incinerating.
- BB. "Recycled product" shall mean a product, good, material, or supply, no less than fifty percent (50%) of the total weight of which consists of secondary and postconsumer discards and no less than ten percent (10%) of the total weight of which consists of postconsumer discards; or any product, good, material or supply which has been diverted from the supply of discarded materials by refurbishing and marketing said product, good, material or supply without substantial change to its original form.
- CC. "Recycled Product Market Development Program" shall mean a program to create or improve markets for recycled products, including, but not limited to, one that facilitates the exchange of information between

potential sources and users of recycled products; supports the development of techniques, systems, and practices incorporating recycled materials into finished products; encourages enterprises that use recycled materials in place of non-recycled materials; and/or assists in the establishment of cooperative arrangements or organizations for marketing or purchasing recycled products.

- DD. "Recycling Board" shall mean the Alameda County Source Reduction and Recycling Board established pursuant to this Act.
- EE. "Recycling Education Program" shall mean a program to promote participation in recycling programs and/or disseminate information about the benefits of recycling; and encouraging sound consumption and disposal practices by using language and concepts consistent with achieving a sustainable environment.
- FF. "Recycling Fund" shall mean the Alameda County Recycling Fund established pursuant to this Act.
- GG. "Recycling Plan" shall mean the Alameda County Recycling Plan established pursuant to this Act.
- HH. "Recycling programs" shall mean Buy-Back Programs, Commercial Recycling Programs, Composting Programs, Construction and Demolition Debris Recycling Programs, Drop-Off Programs, Recyclable Material Recovery Programs, Recycled Product Market Development Programs, Recycled Product Purchase Preference Programs, Recycling Education Programs, Residential Recycling Programs, Salvage Programs, Source Reduction Programs, and/or research and planning to implement any of said programs.
- II. "Refuse" shall mean mixed discarded materials that are disposed of by landfilling or incineration, including, but not limited to, discarded materials that have been contaminated and thus rendered non-recyclable during the disposal process, either by being mixed during compaction or by any other process, and discarded products of a manufacturing process which combines natural resources in manner which renders said resources unrecoverable.
- JJ. "Residential Recycling Program" shall mean a program to collect at least three (3) different kinds of materials, from at least two (2) different categories of discarded materials, by means of one (1) or more containers, separate from conventional garbage containers, where said recyclable materials are placed by residents at the curb or an equivalent location; and shall include a Recycling Education Program to encourage the participation of residents.
- KK. "Salvage Program" shall mean a program to collect, purchase, receive, process and/or market any fabricated good material and/or supply for reuse.
- LL. "Secondary discards" shall mean finished products, or fragments of finished products, of a manufacturing process which has converted a resource into a commodity of real economic value, and includes postconsumer discards; but shall not include excess virgin resources of said manufacturing process, such as fibrous wood discards generated during the manufacturing process, including fibers recovered from waste water, trimmings of paper machine rolls (mill broke), wood slabs, chips, sawdust, or other wood residue.
- MM. "Source Reduction Program" shall mean a program that results in a net reduction in the generation of discarded materials, including, but not limited to, a program to reduce the use of non-recyclable materials and hazardous waste; replace disposable materials and products with reusable materials and products; reduce packaging; reduce the amount of plant debris generated; reduce the amount of household hazardous waste generated; establish refuse collection rate structures with incentives to reduce the amount of refuse that generators produce; increase the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials in the manufacturing process; and/or maintain public education programs to accomplish any of these ends; but shall not be construed to include any steps taken after the material is discarded.

NN. "Waste" shall mean discarded materials that have been rendered valueless by being incinerated, buried, contain otherwise destroyed; or the act of incinerating, burying, contaminating, or otherwise destroying the value of discarded materials.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.160: EFFECTIVE DATE. Unless otherwise specified in this Act, the Provisions of this Act shall take effect on the date it is accepted for filing by the California Secretary of State.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.170: EFFECT ON OTHER COUNTY LAWS. No provision of this Act shall be construed to bar the enforcement of any existing County ordinances or regulations where the subject matter of said ordinances or regulations is wholly or partly the same as that of this Act, or to bar the enactment of any future such County ordinances and regulations. All County ordinances or regulations involving the subject matter of this Act shall be construed to further the purposes of this Act.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.180: STATUS OF EXISTING CHARTER PROVISIONS. Any provision of the Alameda County Charter in effect prior to the effective date of this Act which conflicts in any way with any provision of this Act is hereby declared to be amended by implication. No such existing provision of said charter shall be construed to affect the application of any provision of this Act in a manner inconsistent with the purposes of this Act.

(Amendment ratified on Dec. 20, 1990.)

Sec. 64.190: SEVERABILITY. If any subsection, paragraph, subparagraph, sentence, clause, or word of this Act is held unconstitutional or otherwise invalid, either on its face or as applied, the invalidity of said part or application thereof shall not affect the validity of the other parts of this Act, or the applications thereof; and to that end the parts and applications of this Act shall be deemed severable. It is hereby declared, notwithstanding any finding that a part or application of this Act is unconstitutional or otherwise invalid, that each of the parts of this Act would have been enacted separately.

(Amendment ratified on Dec. 20, 1990.)

Sec. 65: All officers, assistants, deputies, clerks, attaches and employees shall be allowed their actual, necessary traveling expenses in the performance of official duties.

Sec. 66: No officer shall hold any other public office that is incompatible with his/her county office. No officer or employee shall be interested directly or indirectly in any contract or transaction with the County, or become surety upon any bond given to the County. No officer or employee shall receive any commission, money, or thing of value, or derive any profit, benefit or advantage, directly or indirectly, from or by reason of any dealings with, or service for the County, by himself/herself or otherwise, except his/her lawful compensation as such officer or employee. Any violation of the provisions of this section shall render the contract or transaction involved voidable at the option of the Board of Supervisors.

It shall be the duty of every officer and employee who shall have knowledge of any violation of the provisions of this Section immediately to report such violation to the Board of Supervisors, and failing so to do may be removed from his/her office or employment.

(Amendment ratified November 4, 1930. In effect January 9, 1931.) (Amendment ratified November 8, 1988. In effect March 31, 1989.)

Sec. 67: Nothing in this Charter is intended to affect, nor shall be construed as affecting, the tenure of office of any of the elective officers of the County or of any district, township or division thereof in office at the time this Charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law; nor shall anything in this Charter be construed as changing or affecting the compensation of any such officer during the term for which he shall have been elected, but the successors of each and all such officers shall be elected or appointed as in this Charter provided, and not otherwise.

Sec. 68: In the purchase of property by the County, price and quality being equal, preference shall be given to Alameda County products.

Sec. 69: Every contract entered into with the County shall contain a provision that, price and quality being equal, preference shall be given by the contractor to Alameda County products.

Sec. 70: (Repealed. Repeal ratified November 4, 1986, effective January 13, 1987.)

Sec. 71: If any section, sub-section, sentence, clause, or phrase of this Charter is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Charter.

It being hereby expressly declared that this Charter, and each section, subsection, sentence, clause and phrase thereof would have been prepared and proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared invalid or unconstitutional.

Sec. 72: This Charter shall take effect immediately upon its approval by the Legislature.