

# Sacramento County Charter<sup>found at</sup>

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## **Sec. 1. County Powers.**

The County of Sacramento, as it now exists, is a body corporate and politic, and as such has and shall have all the rights and powers which are now or may be hereafter provided by the Constitution and laws of the State of California, and by this Charter, including the right and power to acquire, own and operate public utilities; and it shall have such other powers as are necessarily implied.

## **Sec. 2. Exercise of Powers.**

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

## **Sec. 3. County Name.**

The corporate name shall be County of Sacramento, and by that name it must be designated in all actions and proceedings affecting its corporate rights, properties, powers and duties.

## **Sec. 4. Number, Elections.**

The Board of Supervisors shall consist of five members, one from each supervisorial district. Each Supervisor shall be nominated by the electors of this district at the time and in the manner provided by the primary laws of the State. All supervisors shall be elected by the electors of their respective districts.

## **Sec. 5. District Boundaries.**

The County of Sacramento is hereby divided into five supervisorial districts, designated as First, Second, Third, Fourth and Fifth Supervisor Districts, respectively, and they are established and bounded and described as follows:

FIRST SUPERVISOR DISTRICT shall comprise all that portion of the City of Sacramento lying north of a line drawn from the Sacramento River easterly along the

center line of "K" Street to an intersection of the center line of 31st Street also designated as Alhambra Boulevard; thence along the center line of said 31st Street or Alhambra Boulevard, southerly, to an intersection of the center line of "M" Street; thence along the center line of "M" Street, easterly to the center line of Folsom Boulevard; thence along the center line of Folsom Boulevard, easterly, to the City limits.

SECOND SUPERVISOR DISTRICT shall comprise all that portion of the City of Sacramento lying south of a line drawn from the Sacramento River easterly along the center line of "S" Street to an intersection of the center line of 28th Street; thence along the center line of 28th Street southerly to an intersection with the center line of "Y" Street, thence along the center line of "Y" Street easterly, to an intersection of the center line of Sacramento Boulevard; thence along the center line of Sacramento Boulevard southeasterly to an intersection of the center line of 5th Avenue; thence along the center line of 5th Avenue, easterly to the City limits.

THIRD SUPERVISOR DISTRICT shall comprise all of the City of Sacramento not included with the First and Second Supervisor District.

FOURTH SUPERVISOR DISTRICT shall comprise all that portion of Sacramento County, outside the Sacramento City limits, which lies north of the center line of 14th Avenue to the City of Sacramento extended easterly to the eastern boundary of the County which line is common to the center line of township 8 North.

FIFTH SUPERVISOR DISTRICT shall comprise all that portion of Sacramento County, outside of the Sacramento City limits, not included in the Fourth Supervisor District.

NOTE: The boundaries of the Supervisorial Districts have been revised pursuant to Section 8 of this Charter as provided in Chapter 2.02 of the Sacramento County Code.

## **Sec. 6. Supervisor Qualifications.**

Each Supervisor must have been an elector of Sacramento County for at least five years, and of the district wherein he lives for at least one year, immediately preceding the filing of his nominating petition, and he must reside in such district during his incumbency.

NOTE: The five year county residence requirement is invalid (*Zellenga v. Nelson*, 4 Cal.3d 716). The one year district residence requirement is also invalid (*Smith v. Evans*, 42 Cal.App.3d 154; County Counsel Opinion No. 75-139).

## **Sec. 7. Vacancies.**

For the purpose of this Section, a vacancy on the Board of Supervisors occurs whenever an incumbent files a resignation with the Clerk of the Board, dies, or becomes ineligible to hold the office for any reason. A resignation, once filed, may not be withdrawn. For the purpose of filling the vacancy pursuant to this Section, a resignation shall be deemed to cause a vacancy immediately on the date the resignation is filed, irrespective of whether a deferred effective date is specified in the resignation. Any such deferred effective date shall not be later than the 30th day following the date on which the resignation is filed. If a later date is specified, the resignation shall be deemed to be effective on the 30th day after the resignation is filed.

Whenever a vacancy occurs on the Board of Supervisors, it shall be filled as provided in this Section.

(a) If a vacancy occurs during the first 730 calendar days of a term of office, the vacancy shall be filled by a special election. Within ten days after the vacancy occurs, the Registrar of Voters shall select and announce a date for a special primary election and a date for a special run-off election to be used if a run-off election is necessary. The Registrar of Voters shall also select and announce a final filing date for filing to be a candidate, which date shall provide for at least ten days advance notice thereof. The election dates selected shall be the earliest administratively feasible dates available; provided, that the date for the special primary election shall not be more than 60 days after the vacancy occurs and the special run-off election date shall not be more than 28 days after the special primary election date. Except as provided in this Section, the special election shall be conducted in accordance with State law applicable to regular supervisorial elections. If a candidate receives a majority of the votes cast at the special primary election, that candidate shall be elected for the remainder of the term of office. If no candidate receives a majority of the votes, the names of the two candidates receiving the most votes shall be placed on the ballot for the special run-off election at which the candidate receiving the most votes shall be deemed elected for the remainder of the term of office.

(b) If a vacancy occurs during or between the 731st and the 1,095th calendar days of a term of office, the vacancy shall be filled for the remainder of the term by appointment by the Board of Supervisors. If within thirty calendar days following the date on which the vacancy occurs an appointment has not been made, the vacancy shall be filled by special primary and run-off elections scheduled in accordance with the procedures and in the manner prescribed by paragraph (a), above; provided that the times within which the elections must be scheduled shall be 90 days after the vacancy occurs for the special primary election, and not more than 28 days after the special primary election for the special run-off election.

(c) If the vacancy occurs during or between the 1,096th and 1,399th calendar days of a term of office, the vacancy shall be filled by appointment by the Board of Supervisors. If the Board of Supervisors fails to make an appointment, the vacancy shall be filled by the person elected for the succeeding term at either the June primary or

November general election, who shall serve both the remainder of the unexpired term and the next succeeding term for which the person was elected.

(d) If the vacancy occurs during or between the 1,400th and 1,460th calendar days of a term of office, the vacancy shall be filled by the person elected for the next succeeding term at the June primary or November general election, who shall serve both the remainder of the unexpired term and the next succeeding term for which the person was elected."

## **Sec. 8. Boundary Changes.**

The Board of Supervisors may by a four-fifths vote change the boundaries of any Supervisor District in the manner provided by law.

They shall redistrict said County into five Supervisor Districts after each Federal census.

Failure of the Board of Supervisors to redistrict the County in the manner provided by law, and by this Charter, within two years after each Federal census shall constitute misconduct in office. (1961)

## **Sec. 9. Supervisor Terms.**

The term of office of a Supervisor shall be four years. Supervisors from the First, Second and Fifth Districts shall be elected at the general election held in November, 1934; and Supervisors from the Third and Fourth Districts shall be elected at the general election held in November, 1936. At each general election thereafter, either two or three supervisors, as the case may be, shall be elected for four year terms. The term of office shall begin at noon on the first Monday in January following the election.

## **Sec. 10. Supervisor Compensation.**

Supervisors shall receive such compensation as may be provided by the State Legislature plus mileage to and from the place of meeting payable monthly from the County Treasury. (1953)

NOTE: The compensation of Supervisors is now provided for by ordinance adopted by the Board of Supervisors pursuant to Sections 1 and 4 of Article XI of the California constitution.

## **Sec. 11. Board Chairman, Quorum.**

The Board of Supervisors shall elect a chairman who shall preside at all meetings. In the event of his absence or inability to act the members present must, by an order entered in the minutes, select one of their members to act as chairman pro tem, who, while so acting shall have all the authority of the chairman. Any member of the Board may administer oaths, while in the performance of 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.

## **Sec. 12. Not Eligible for County Positions.**

No Supervisor shall, during the term for which he shall have been elected or for one year thereafter, be eligible to any other office or position in the County, carrying compensation, and created by this Charter or by ordinance.

## **Sec. 13. Regular Meetings.**

The Board of Supervisors shall convene, in regular session, at least twice in each calendar month, and said Board, shall, by ordinance, provide for such holding of its regular meeting.

## **Sec. 14. Powers Generally.**

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

## **Sec. 15. Specific Powers.**

The Board of Supervisors shall have the power and it shall be their duty:

(a) To appoint all County offices mentioned in Section 26 of this Chapter, and other employees whose appointment is not otherwise provided for by this Charter.

NOTE: The provisions of this Subdivision insofar as it relates to the removal and appointment of employees in the civil service are abrogated by the provisions of Article XVI.

(b) To provide by ordinance, for the compensation of elective and appointive officers, assistants, deputies, clerks, attaches and employees subject to the restrictions of this Charter, 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 officers and shall not be increased after the election of such officer or during his term of office, nor shall it be changed oftener than once in each twelve months; provided, however, that the Board of Supervisors, on the recommendation of the County Executive, shall allow such additional deputies or assistants as may be necessary and proper, to elective and appointive officers during their terms of office, and the Board of Supervisors may also increase or decrease the compensation of such deputies or assistants during the term of office of such officers, if so recommended by the County Executive, subject to the provisions of this Charter.

NOTE: Section 37A authorizes compensation to be set by resolution or contract, as well as by ordinance.

(c) The Board may also provide by ordinance for the number and fix the compensation of such other judge and officers of such inferior courts as are now, or may be hereafter, provided by the Constitution or by general law.

(d) To provide by ordinance for the creation of offices, boards and commissions other than those required by the Constitution and laws of the State or this Charter, (but only upon the recommendation of the County Executive), and for the appointment of persons to fill such offices, boards and commissions, and to prescribe their powers and duties, and terms of office and fix their compensation.

(e) To require if deemed expedient, 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.

(f) To provide, publish and enforce complete code of rules not inconsistent with general laws or 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, elective and appointive, a willful violation of which shall be misconduct.

(g) To provide for the consolidation of any county office with any other county office, and for the segregation of consolidated county offices, provided, that no county offices which shall be consolidated under a specific provision of this Charter may later be segregated by the Board of Supervisors under this general provision, except by unanimous vote of the Board upon the recommendation of the County Executive.

(h) The Board of Supervisors shall let all contracts for public works in accordance with the laws of the State of California. (1957)

(i) To provide in every contract for the performance of labor, that not more than eight hours shall constitute a day's work; that the said contractor and all sub-contractors under him shall pay their employees on said work a salary or wage equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations, under similar employment, in Sacramento County and that

preference shall be given in the employment of labor to citizens who shall have resided in Sacramento County for at least six months prior to employment.

The Supervisors shall publish the wage scale in accordance with general law.

(j) To provide for the assumption of and discharge by county officers of such of the functions of municipalities and of special districts, which now are, or hereafter may be, authorized by general laws, or in the case of chartered municipalities, by provisions of the charters thereof, upon such terms as shall be mutually agreeable.

The terms and conditions upon which such functions are to be performed may be fixed by agreement of the parties, or by Ordinance of the Board of Supervisors, and notwithstanding any other provision of this Charter, said agreement or Ordinance may provide for the consideration to be paid to the County, the blanketing into County Civil Service without examination of any or all officers or employees who have been performing such functions for such municipalities or special districts for at least six months, and for the terms and conditions upon which such persons are to be employed in the classified service of the County, including but not limited to, seniority, sick leave, vacation or retirement benefits granted County Employees. (1957)

(k) To make appropriations for advertising and exploiting county resources, when so recommended by the County Executive.

(l) For purposes of more efficient management and direction of County government the Board of Supervisors may by ordinance establish agencies consisting of groups of departments or lesser organizational units which perform similar or related functions or services. Agency heads shall not be a part of the classified service, except that the Board may by ordinance provide that any agency head shall be a part of the classified service. A department headed by an elected officer may be included in an agency only for purposes of coordination and service. (1972)

## **Sec. 15A. Blanketing Employees into Civil Service.**

When the County assumes and discharges by County officers and employees functions previously performed by any private contractor, public utility, or governmental agency, the Board of Supervisors, by ordinance, and notwithstanding any other provision of this Charter, may provide for the blanketing into County Civil Service without examination of any or all officers or employees who have been performing such functions and for the terms and conditions upon which such persons are to be employed. (1977)

## **Sec. 15B. Campaign Contributions and Expenditures.**

(a) The Board of Supervisors may adopt regulations limiting contributions to, and expenditures by, candidates for county elective offices.

(b) As used in this section, "county elective office"

includes all members of the Board of Supervisors, the Assessor, the Auditor-Controller, the District Attorney, and the Sheriff.

(c) Such regulations may limit the amount of individual private contributions which may be made to candidates for elective County offices or to their committees.

(d) Such regulations may include provisions for contributions to candidates from county funds appropriated for that purpose from time to time in the discretion of the Board. The criteria by which a candidate may qualify for county funding shall be specified in the regulations, including but not limited to a condition that any candidate who accepts county funds shall pledge not to incur campaign expenses in excess of the limits specified in the regulations.

(e) No limit on campaign expenditures shall be imposed on any candidate who either does not qualify for county funding in accordance with the criteria specified in the regulations or who, though qualified, refuses to accept county funding.

(f) Such regulations may be adopted by resolution or ordinance. In the discretion of the Board they may be applicable to one or more county elective offices and may be applicable to primary elections, general elections, or both primary and general elections.

## **Sec. 16. Creation of Office Qualifications.**

The office of the County Executive is hereby created, and the person holding such office shall be chief executive officer of the County. The County Executive shall be a person of demonstrated administrative ability, having had experience in responsible, important executive capacity, and shall be selected and appointed on the basis of his executive and administrative qualifications. No member of the Board of Supervisors, or of the Board of Freeholders who prepared this Charter, and no person who has held an elective county office in this County during the preceding year, shall be eligible to hold such office as the first appointee thereto. Thereafter, no member of the Board of Supervisors shall be eligible for appointment to the office of County Executive during the term of office of such Supervisor, nor within one year after his retirement therefrom.

## **Sec. 17. Vacancy, Appointment of Replacement.**

The County Executive, subject to the approval of the Board of Supervisors, may appoint a qualified member of his staff to act in his place and stead during his absence. Such appointment may be terminated at any time by the Board of Supervisors, in which



event the Board of Supervisors shall appoint one of the County Officers, to be by them designated, as acting County Executive. (1959)

## **Sec. 18. Removal.**

The County Executive may be removed by the Board of Supervisors, four-fifths of the members thereof voting in favor of such removal. It shall be necessary for the Board of Supervisors in the Resolution of Removal, to set forth the reasons therefor; said Resolution shall not become effective until ten days after its adoption, but said officer may be suspended in the meantime; provided, however, that the Board of Supervisors may by unanimous vote remove said County Executive without giving any reason for such removal, in which case said Resolution of Removal may be made effective immediately.

## **Sec. 19. Term of Office and Salary.**

The County Executive shall serve at the will of the appointing power, provided, however, that the County Executive first appointed under this Charter, may not be removed within two years from the date on which he assumes his duties, except for incompetency, malfeasance, misfeasance, or neglect of duties, nor shall any County Executive subsequently appointed be removed within twelve months from the date on which he assumes his duties, except for the same causes.

The County Executive shall receive a salary which shall be fixed by the Board of Supervisors prior to his appointment, and annually thereafter. Such salary shall be payable in twelve equal monthly installments. (1957)

## **Sec. 20. General Powers and Duties.**

The County Executive shall be responsible to the Board of Supervisors for the proper and efficient administration of such of the affairs of the County as are or hereafter may be placed in his charge, or under his jurisdiction or control, pursuant to the provisions of this Charter, or of any ordinance, resolution or order of the Board of Supervisors. He shall also act in an advisory capacity to and with the Board of Supervisors with respect to any necessary or proper coordination of functions of officials and boards not under his jurisdiction or control. He shall be charged with, and shall be responsible for, the enforcement of all ordinances, orders or governmental regulations of the Board of Supervisors, and he is vested with the power to sue, in the name of the County, in the proper court, to enforce same.

## **Sec. 21. Additional Powers and Duties.**

In addition to other powers and duties herein provided, it shall be the duty of the County Executive and he shall have the power:

(a) To appoint and to remove, subject to the provisions of this Charter, all appointive officers, deputies, clerks, attaches and other employees, boards and commissions, except as is otherwise provided by law or by this Charter.

(b) To make recommendations to and requests of the Board of Supervisors concerning all of the matters and things which, pursuant to the provisions of this Charter, are to be performed, done or carried out by said Board upon the recommendation or at the request of the County Executive.

(c) To recommend, for adoption by the Board of Supervisors, such measures and ordinances as may to him seem necessary or expedient, and to make such other recommendations to the Board concerning the affairs of the County as may to him seem necessary or expedient.

(d) To prepare and submit to the Board of Supervisors, such reports as said Board may require, with respect to the activities of any office or institution which is, or hereafter may be, under the control or subject to the direction or supervision of the County Executive.

(e) To keep the Board of Supervisors advised of the financial condition and of the needs of the County.

(f) To employ, by and with the approval of the Board of Supervisors, experts and consultants to perform and advise, in connection with any of the functions of the County, when economically advantageous.

(g) To have charge of all buildings and grounds of the County, and to arrange, by and with the consent of the Board of Supervisors, for adequate facilities for space and equipment necessary or proper in the conduct of any county office or county functions.

(h) To prepare, or cause to be prepared, within the limits of his jurisdiction, such plans, specifications and detailed drawings as may be necessary or proper for work which the Board of Supervisors may order to be done, or for material or supplies which said Board may order to be furnished.

(i) To consult with and make recommendations to the Board of Supervisors with respect to the award of public contracts, within the limits of his jurisdiction and to see that all contracts made with the County are faithfully performed.

(j) To temporarily transfer employees from one position to another within the County. (1971)

(k) To devote his entire time to the duties and interests of the County.

(l) To perform such other duties as may be lawfully prescribed or required by this Charter, or by ordinance, resolution or order of the Board of Supervisors.

(m) To report to said Board of Supervisors recommendations for improvement in the administration of elective and appointive offices of the County, and concerning the increase or decrease of the number of employees therein.

(n) From time to time recommend to the Board of Supervisors such amendments to this Charter as according to his experience, observation and study will produce more efficient and economical government for the County.

(o) To investigate and recommend to the Board of Supervisors, what, if any, offices of the County may be consolidated to increase the economy and efficient operation thereof.

(p) To set proper schedule of fees to be collected for the verifying, checking and approval by the County Surveyor of maps of proposed subdivisions required by law, and to set rates of charges for such other work as may be now or hereafter required by law, but such rates shall not be less than the prevailing or current rates for similar work.

(q) All formal recommendations of the County Executive to the Board of Supervisors should be in writing. (1968)

## **Sec. 22. Advertising and Exploiting Resources of County.**

The County Executive shall consult with the Board of Supervisors with respect to any appropriations made by the Board of Supervisors for advertising and exploiting county resources. Such appropriations made by the said Board of Supervisors shall be only upon the recommendation of the County Executive.

## **Sec. 23. Limitation in Powers.**

The County Executive among other limitations not herein expressly enumerated shall not be vested with power under this Charter:

(a) To exercise any legislative function.

(b) To expend any sums of money, except in pursuance of appropriations or budget authorization adopted by the Board of Supervisors, or authorized by this Charter.

(c) To sell or otherwise dispose of, lease or encumber, any real or personal property belonging to the County, except as otherwise herein provided.

(d) To grant, cancel or revoke any franchise.

(e) To exercise any power, authority or control over Board of Supervisors, or over any elective officer of the County, or over any appointive officer or board whose appointment is by the provisions of this Charter vested in another than himself, except in cases where the power to do so is expressly conferred upon him by this Charter, or by any subsequent amendment thereof, or by a grant of authority by legislative act on the part of the Board of Supervisors; provided, however that the limitations in this Section contained shall in no sense be construed as preventing or prohibiting the County Executive from making timely recommendations to the Board of Supervisors, or to any elected or appointed officer or board, with respect to a more efficient or economical administration of affairs within the particular office or jurisdiction of such board or such officer; nor shall this section be construed as preventing or prohibiting the Board of Supervisors, in proper cases, from ratifying, approving, confirming or validating any action of the County Executive, assumed by him as an emergency measure, if any such there ever should be.

## **Sec. 24. Elective County Officers.**

The elective county officers, other than members of the Board of Supervisors shall be:

Assessor

District Attorney

Sheriff

A Board of Education which shall be elected as required by State Law.

## **Sec. 25. Appointive County Officers, Boards and Commissions.**

Appointive county officers, boards and commissions shall be those enumerated in Section 26 and 27 of this Article, and those provided for by general law, together with such other officers, boards and commissions as may hereafter be made appointive by the Board of Supervisors, pursuant to the provisions of this Charter.

## **Sec. 26. Supervisorial Appointments.**

The Board of Supervisors shall, subject to the provisions of this Charter, appoint a County Executive, a Board of Law Library Trustees, and a Civil Service Commission.

Notwithstanding any provisions of this Charter to the contrary or inconsistent therewith, the Board of Supervisors may appoint a County Counsel and fix his compensation. The County Counsel shall be duly qualified and licensed attorney admitted to practice in all of the Courts of the State of California. He shall act as legal advisory and counsel for the various county officers, boards and commissions, as prescribed by general laws. He shall also act as attorney for the Public Administrator in the matter of all the estates under the jurisdiction of the Public Administrator, and in every such matter collect the attorney fees allowed by law and pay same into the County Treasury. The first appointment shall be made from the Civil Division of the District Attorney's Office. If the person appointed has permanent Civil Service status, he shall have the same status as County Counsel. All employees of the Civil Division of the District Attorney's Office shall become employees of the Office of County Counsel and shall retain their civil service status in the same grade and class. (1968)

## **Sec. 27. County Executive Appointments.**

The County Executive shall, subject to confirmation by the Board of Supervisors, appoint a:

Coroner

Surveyor

County Engineer

Tax Collector

License Collector

County Clerk

Public Administrator

Director of Finance

Recorder

Agricultural Commissioner and Sealer of Weights and Measures

County Librarian

Purchasing Agent

and such other officers as are not mentioned in the foregoing Section 26. The Tax Collector shall be ex-officio License Collector. The offices of the Coroner and Public Administrator are hereby consolidated. The offices of Surveyor and County Engineer are hereby consolidated, and the duties required by law to be performed by the Surveyor shall be performed by the

Engineer. The former offices of Auditor and Treasurer are hereby consolidated and their duties shall be performed by the Director of Finance.

If the Board of Supervisors shall, within thirty days after submission by the County Executive of a nominee for confirmation by said Board, fail to take action upon same, said failure so to act shall be conclusively deemed to be, and shall operate as, a confirmation by the said Board.

## **Sec. 27A. Superintendent of Schools.**

The Board of Education shall appoint a Superintendent of Schools. (1968)

## **Sec. 28. Expiration of Present Terms of Office.**

All county officers holding offices which were elective immediately prior to the time this Charter takes effect shall continue to hold their respective offices until the expiration of their present terms, unless sooner removed in the manner provided by law. The terms of all other county officers shall expire upon the taking effect of this Charter, provided, however, that each shall continue to hold office until his successor has been appointed and has qualified.

## **Sec. 29. Tenure of Office.**

Terms of all officers, employees, boards and commissions, unless otherwise herein or by law provided, shall be at the pleasure of the appointing power.

## **Sec. 30. Probation Officer and Probation committee.**

The manner and method of appointment and removal of the probation officer and assistants and the members of the probation committee, shall be as is now or as hereafter may be provided by general law.

## **Sec. 31. Vacancy in Elective Office—How Filled.**

Whenever a vacancy shall occur in any elective county or township office, other than in the Board of Supervisors, the Board of Supervisors shall fill the same in the manner, and the appointee shall hold office for the time, provided by general law.

## **Sec. 32. Vacancy in Appointive Office—How Filled.**

Whenever a vacancy shall occur in any appointive county or township office such vacancy shall be filled, subject to the manner and method herein provided with respect to the original

appointment, by the person, board or commission, as the case may be, empowered herein to make such original appointment.

### **Sec. 33. Method of Suspension and Removal of Appointive Officers.**

Every appointive officer appointed by the Board of Supervisors may be suspended or removed by the Board of Supervisors. Every appointive officer appointed by the County Executive may be suspended or removed by him, except that any suspension or removal of such officer must first be confirmed by the Board of Supervisors. If the officer is a part of the classified service, the suspension or removal shall be in accordance with Section 45-A and the rules of the Civil Service Commission which are applicable to the classified service. (1969)

### **Sec. 34. Annual Salaries of Elective Officers.**

The annual compensation of elective officers of the County of Sacramento shall be fixed by Ordinance of the Board of Supervisors.

### **Sec. 35. Salaries of Appointive Officers.**

The annual compensation of the appointive officers of the County of Sacramento shall be fixed by Ordinance of the Board of Supervisors.

### **Sec. 36. Appointments.**

The Board of Supervisors shall by ordinance fix and regulate the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the County, and they shall, in like manner, prescribe and regulate the powers, duties, qualifications and compensation of such persons, the times at which and the terms for which they shall be appointed, and the manner of their appointment and removal, as in this Charter provided; provided, however, that such ordinance shall authorize elective officers to appoint their deputies and such subordinates as shall be designated and provided by said ordinance, and that appointive officers may appoint their deputies and subordinates, subject to the approval of the County Executive.

NOTE: The provisions of this Section insofar as it relates to the removal and appointment of employees in civil service positions are abrogated by the provisions of Article XVI. Section 37A provides that the Board may establish or eliminate positions by resolution, as well as by ordinance.

### **Sec. 37. Uniform Rate of Pay.**

The Board of Supervisors shall establish a uniform rate of compensation for chief deputies, deputies, assistants, clerks, secretaries, stenographers, typists, copyists, and others, in the employ of the County of Sacramento, not including professionally educated persons so employed, which rate of compensation shall be as recommended by the County Executive.

## **Sec. 37A. Compensation and Positions; Board Actions.**

Except as otherwise required by state law, the Board of Supervisors may provide for the compensation of officers and employees by resolution or contract with recognized employee organizations, as well as by ordinance and may establish or eliminate positions by resolution, as well as by ordinance. (1978)

## **Sec. 38. Court Reporters.**

The Judges of the Superior Court may appoint the phonographic reporters, subject to the provisions of the [Code of Civil Procedure](#) of the State of California, but the Board of Supervisors shall by ordinance determine the fees to be charged by such phonographic reporters.

## **Sec. 39. Payment of Fees into County Treasury.**

Every county or township officer, board or commission, authorized to collect fees or money must pay into the county treasury all such fees or moneys collected by him or them, as the case may be, not later than seven (7) days following receipt thereof, except that the Tax Collector shall deposit his collection with the County Treasurer daily. Said officer, board or commission shall also file therewith a detailed statement of same in writing, a duplicate copy of which shall at the same time be filed with the Auditor, in such form as the Auditor may require.

## **Sec. 40. General Powers and Duties.**

Each and all of the officers, boards and commissions now existing or created hereunder or by the Constitution or general laws of this State, or by the Board of Supervisors, shall have and exercise all the powers and shall perform all the duties vested in and delegated to them by the Constitution and general laws and by this Charter.

## **Sec. 40A. Assessor, Plat Book.**

Notwithstanding any provision of this Charter to the contrary, it shall be the duty and responsibility of the Assessor to prepare all plat books for the use of his office. (1961)

## **Sec. 41. Appointment and Removal of Subordinates.**



The County Executive and the Board or officers authorized by this Charter, or by ordinance, to appoint deputies, clerks, attaches or employees, shall have the right and power to remove them; and where the consent or approval of another Board or officer is required for such appointment, or employment, a similar consent or approval shall be required for the removal.

**NOTE:** The provisions of this Section insofar as it relates to the removal and appointment of employees in civil service positions are abrogated by the provisions of Article XVI.

## **Sec. 42. District Attorney.**

The District Attorney shall perform the duties provided by law, and shall advise the Board of Supervisors and all county, township and district officers in all matters and questions of law pertaining to their respective functions, powers and duties, and, subject to the provisions of the general law empowering the Board of Supervisors to employ special counsel, shall have exclusive charge and control of all civil actions and proceedings in which the County, or any officer, board or commission of the County is a party, or is officially concerned or interested. He shall also act as attorney for the Public Administrator as to all estates in which such officer is personal representative, and shall, in every such matter, collect the attorney's fees allowed therein by law, and pay same into the County Treasury.

**NOTE:** Except for duties relating to criminal law enforcement, the duties provided for above now are the responsibility of the County Counsel, which office has been created pursuant to Section 26.

## **Sec. 43. Engineer.**

The office of County Engineer is hereby created. Upon the expiration of the present term of office of the incumbent County Surveyor, as herein provided, the Engineer shall be ex-officio County Surveyor and shall have the powers and perform the duties of the County Surveyor. He shall be a licensed land surveyor and a registered civil engineer of the State of California, who shall have had, prior to his appointment, practical experience in road construction. The County Engineer, in addition to such other powers and duties as are herein vested in him, shall have and exercise, the following powers and duties:

**NOTE:** The title currently used for the position of County Engineer is the Chief of the County Engineering Division, the ex-officio Surveyor is the County Surveyor, and the Road Commissioner is the Director of the Department of Transportation.

(a) To make all surveys, maps, plans, specifications, tests and inspections, and estimates necessary or required for the construction, improvement, maintenance and repair of the county roads, highways, bridges, ferries and other public works. To prepare plat books for use by the County Assessor, to verify, check and approve maps of proposed subdivisions as required by law, upon receipt of proper notice that fee for such work has been paid.

**NOTE:** As provided in Section 40A, the County Assessor now prepares plat books.

(b) To examine and continuously inspect the work performed on such roads, highways, bridges and other public works, and report to the County Executive as to whether or not the work has been done in accordance with the plans and specifications and contracts therefor.

(c) To inspect, approve and certify to the progress, estimates and allowance for work performed under all contracts for the construction, improvement and maintenance or repair of County roads, highways, bridges, ferries, buildings and other public works.

(d) To inspect or cause to be inspected, all public works within the County and to keep the same clear of obstructions and in good repair, to employ all men, equipment and all help necessary therefor, when the same is not let by contract, and to report to the County Executive with respect thereto; to certify to the correctness of all payrolls for work done by day labor or force account on county roads, highways, bridges and other public works.

(e) To have control and management of all county rock quarries, oil pits, and depots, gravel pits and other materials, property, implements, instruments, tools, machinery and other appurtenances necessary for the construction, improvement, maintenance and repair of county roads, highways and bridges, and other public works.

(f) Subject to the approval of the County Executive to create and establish such road construction and maintenance stations as he may deem to be necessary or proper.

(g) By and with approval of the Auditor, to install such cost accounting system, not inconsistent with the laws of the State, covering unit costs of all work performed on county roads, and highways, as may be necessary to accomplish the purposes set out in this Article.

(h) To prepare annually in triplicate, a proper budget showing in detail the needs of the County for construction, improvement, and maintenance or repair of county roads, highways and bridges and other public works for the ensuing year and to submit one thereof to the Auditor, one thereof to the County Executive and one thereof to the Board of Supervisors at least thirty (30) days prior to the date of the meeting at which the Board of Supervisors is required to fix the county tax rate.

(i) As a basis for the preparation of budget estimates and for the allocation of funds for roads, highways and other public works he shall under the direction of the County Executive classify, from time to time, all county roads and highways according to the amount of traffic each road bears as determined by periodic traffic counts.

## **Sec. 44. Auditor.**

The Auditor shall have and exercise all the powers and shall perform all the duties, vested in and required of a county auditor to be performed by the Constitution and general laws and he shall have such additional powers and perform such additional duties as may be vested in him or by him required to be performed by this Charter or by ordinance of the Board of Supervisors.

He shall publish annually the statement required by Section 4049 "A" of the Political Code, required by Statutes of 1907, page 374.

**NOTE:** Former Section 4049 "A" of the Political Code now is covered by Sections 25253 and 25254 of the [Government Code](#). On July 7, 1954, the Board of Supervisors appointed the County Auditor Ex-officio Controller.

## **Sec. 45. Purchasing Agent.**

The purchasing agent, under such limitations and restrictions as are prescribed by law, shall have and exercise the following powers and duties additional to those which are conferred upon him by general law.

- (a) To prescribe rules and regulations for procedure with respect to purchases of county materials and supplies.
- (b) To enter into term contracts for not exceeding one year for the purchase of materials or supplies for the County, or any officer, board or commission thereof, when duly authorized to do so.
- (c) If and when he becomes authorized by law so to do, to purchase all materials, supplies, furnishings, equipment and all other property necessary or proper for use by any school district with the County.
- (d) To standardize, so far as possible, all materials, supplies equipment and other property required for the conduct and operation of all departments, offices, boards, courts, commissions and institutions of the County, and to maintain a continuous inventory.
- (e) In accordance with such procedures as may be prescribed by the Board of Supervisors, to sell all personal property which, in his judgment, is no longer suitable or necessary for county use, provided, that all such sales shall be reported to and ratified by the Board of Supervisors before becoming effective.
- (f) To perform such other duties as may be lawfully prescribed or required by this Charter or by ordinance, resolution or order of the Board of Supervisors.

## **Sec. 45A. Repealed.**

(1972) See Article XVI.

## **Sec. 46. Budget.**

(a) Except as otherwise provided by this Charter, the financial and accounting procedure and practice shall be as prescribed by general law.

(b) The County Executive shall establish a modern uniform system of accounting and reporting which shall require all officers, boards, and institutions to report to him, at such times and in such manner as he may direct, all necessary information concerning activities, personnel, funds, receipts, and expenditures, and enable him to maintain a continuous audit and the adjustment of existing and contemplated appropriations with the actual current needs of every office, board and institution.

On or before the thirtieth day of May, at such time as the Board of Supervisors may direct, each county officer required by general law to file budget estimates for the next ensuing fiscal year with the Auditor shall submit to the County Executive, on such form and in such manner as the County Executive shall have prescribed, full and complete information concerning the estimates he proposes to submit to the Auditor; and it shall be the duty of the County Executive to consult with and advise such officers concerning their proposed estimates, in order that he may make proper recommendations to the Board of Supervisors when they are considering the adoption of the budget and appropriation ordinances as hereinafter provided.

(c) Upon receipt of the tabulation of budget estimates from the Auditor, the Board of Supervisors shall immediately transmit a copy of such tabulation to the County Executive, who shall examine same and make such written recommendations concerning any reductions, revisions, or changes in the various estimates and proposals as in his opinion are in the best interests of efficiency, economy and service.

(d) The Board of Supervisors may authorize the County Executive to provide for each organization unit in the administrative service a more detailed budget subclassification by functions and activities and within each object of expenditure a more detailed segregation than that provided by general law, and to allocate the proposed expenditures by time periods, in such manner as he may deem expedient, and when such subclassifications or segregations have been approved by the Board of Supervisors, each organization unit shall comply with such detailed classifications and segregations, and the time periods so provided, and transfer from one of such detailed items or periods to another only upon the written authorization of the County Executive.

(e) The County Executive shall have the power and it shall be his duty to recommend in writing to the Board of Supervisors the cancellation by them of any appropriation in whole or part or any item therein, whenever, in his judgment, the expenditure is unnecessary or not in the best interests of efficiency, economy and service.

Whenever such recommendations are made, copies shall be delivered to the Auditor, and the officer, board or institutions whose appropriations are affected thereby, and no expenditure of the items or appropriation referred to in the recommendation shall be made until the Board of Supervisors shall have had an opportunity to act upon the

recommendation in the manner provided by law. When the Board of Supervisors is considering such cancellation, the officer affected thereby shall be allowed an opportunity to appear and defend the continuance of the appropriation if he so desires.

(f) The Board of Supervisors shall hold its budget hearings in accordance with the applicable provisions of General Law. (1959)

## **Sec. 47. Repealed.**

(1957)

## **Sec. 48. County Executive to Prescribe Forms.**

The County Executive shall prescribe forms of accounts and other records, wherever legally possible, which shall be used by all officers of the County who receive and disburse funds. He shall require monthly reports of all fiscal transactions of each county officer and may, at any time, make or cause an audit to be made of the accounts of any county officer.

## **Sec. 49. Emergency Appropriation.**

The Board of Supervisors shall by four-fifths vote have the power by ordinance to pass emergency appropriations in accordance with general law, stating therein the nature of the emergency and the source of the funds to be used therefor.

**NOTE:** MOTOR VEHICLE REVENUES. On November 4, 1976, the voters of Sacramento County approved a ballot measure which authorizes, but does not require, use of motor vehicle revenues for all mass transit guideway purposes specified in Section I(b) of Article XIX of the California Constitution (formerly Cal. Const. Article XXVI).

## **Sec. 50. Consolidation of Existing Road Districts.**

All existing road districts in the County are hereby consolidated into a single road district, which shall comprise all of the territory lying within the County, outside of incorporated area.

## **Sec. 51. County Engineer to be Ex Officio Road Commissioner.**

The County Engineer shall be, ex officio, road commissioner of the existing road districts of the County.

## **Sec. 52. Powers and Duties of County Engineer, as ex officio road commissioner.**

The County Engineer as ex officio road commissioner shall have and exercise the powers and perform the duties vested in road commissioners in pursuance of the provisions of this Charter. He shall also make and keep on file a road mileage record and keep same to date, showing each road in the County upon which county funds are expended. He shall keep accounts of all work done on construction of new roads, reconstruction of old roads, and of maintenance of all county roads and highways, all on a unit basis of per mile costs.

## **Sec. 53. Engineer to Approve Claims for Road Work.**

No claim against the County for work done on its roads, highways, streets, bridges, ferries and other public works, or in connection with the same, or for materials, supplies, implements or machinery used for or in connection therewith, shall be passed by the Board of Supervisors, or paid for by the Treasurer of the County, unless there shall be endorsed thereon the written approval of the Engineer and the County Executive.

## **Sec. 54. Duty of Board of Supervisors to Adopt Ordinances.**

It shall be the duty of the Board of Supervisors, immediately after this Charter shall have become effective, to pass and adopt such ordinances as may by law be necessary or proper to fully carry into effect the provisions of this Article.

## **Sec. 55. Special Districts.**

Before the Board of Supervisors shall create or form any special district it shall submit all petitions for the creation thereof to the County Executive, County Engineer and District Attorney for their advice, counsel, recommendations and suggestions.

## **Sec. 56. Repealed.**

(1968)

## **Sec. 57. Repealed.**

(1963)

## **Sec. 58. Repealed.**

(1963)

## **Sec. 59. Health services.**

The County of Sacramento may provide such health services as the Board of Supervisors deems necessary or appropriate. Such services may be, but are not required to be, provided by operating a general county hospital, outpatient clinics or other appropriate programs or facilities. The Board of Supervisors may contract with any private or public entity for the purpose of providing health services pursuant to this section. (1977)

## **Sec. 60. Superintendent of Social Service.**

The Superintendent of Social Service, subject to the directions of the County Executive, shall have administrative supervision of the relief of the indigent, of the blind, of the aged, and of dependent children. He shall be vested with such other powers and functions, and shall perform such other duties as now are, or hereafter may be, vested in and conferred upon him by general law, or by ordinance of the Board of Supervisors.

**NOTE:** The title now in use currently used for this position is the Director of the Department of Human Assistance.

## **Sec. 61. Discrimination Prohibited.**

No person in the classified or unclassified service, or seeking admission thereto shall be appointed, reduced, removed, or in any way favored or discriminated against because of his race, color, creed, sex, national origin, political affiliation, age or physical or mental handicap. The provisions of this section are not intended to prevent the establishment of special limited programs for the employment of economically, socially, physically or mentally deprived persons.

## **Sec. 62. Hours on Public Works.**

The time of service of all laborers or workmen or mechanics employed upon any public works, whether said work is done by contract or otherwise, shall be limited and restricted to eight (8) hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood or other calamity endangering life or property, or except to work upon public, military or naval defenses in time of war; provided that in the event of any other number of hours being established through the State by any Constitutional or Legislative provision, then such other number of hours shall be the constituted number of hours for the County.

## **Sec. 63. Employee Compensation.**

In fixing compensation the Board of Supervisors shall at least annually, by ordinance, provide in each instance for the payment of not less than the prevailing rate for comparable service in other employment whenever such prevailing rate can be ascertained in the Sacramento Area. (1969)

**NOTE:** Section 37A authorizes compensation to be set by resolution or contract, as well as by ordinance.

## **Sec. 64. Employment of Noncitizens.**

It shall be unlawful to knowingly employ, engage or appoint any person to serve in the public service who is not native-born or fully naturalized citizen of the United States; and no warrant shall be issued or approved by the Auditor for the payment of any salary or wage to any person, until there shall have been filed with the Auditor an affidavit that such person is such a citizen of the United States; except that this Section shall not apply (a) to the employment of any native-born woman of the United States who has married an alien; (b) to the employment of any specialist or technical expert temporarily employed by a department of this County, and engaged in special teaching, investigation or research; (c) in cases of extraordinary emergencies caused by fire, flood or other calamity endangering health, life or property; (d) to work upon public, military or naval defenses in time of war.

A violation of this Section shall constitute a misdemeanor, and any person convicted thereof shall be punished by a fine of not exceeding FIVE HUNDRED (\$500.00) DOLLARS, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

**NOTE:** Section 64 is invalid (Purdy v. State of Cal. 71 Cal.2d 566; County Counsel Opinion No. 74-14).

## **Sec. 65. Absences.**



Every officer or employee absent from duty, except on account of sickness, shall suffer a deduction in compensation equal to his daily average rate of compensation for each day so absent.

## **Sec. 66. Enforced Labor Prohibited.**

Enforced labor without compensation, as a penalty for the commission of public offenses is hereby prohibited. The net earnings of all County prisoners, based upon such compensation as may be fixed by the Board of Supervisors and which compensation need not be the prevailing rate of compensation for similar services performed, shall go to the support of their dependents, and if such prisoners have no dependents, such net earnings shall accumulate and be paid to them upon their discharge.

## **Sec. 67. State Laws Applicable.**

The laws of the State of California pertaining to labor on public works as they now are and as they may hereafter be, are hereby applicable to all such public works in this County.

## **Sec. 68. Judicial Townships and Justices of the Peace.**

The County shall be divided into six judicial townships. Each such township shall have one justice of the peace, who shall be elected in the manner provided by general law for a term of four years, and shall hold office until his successor is elected, and qualified. The Justice of the Peace of Sacramento township shall devote his entire time to the duties of his office.

**NOTE:** Section 68 is no longer applicable. See Chapter [2.04](#) of the Sacramento County Code.

## **Sec. 69. Constables.**

At least one constable for duty with each of the justice's courts shall be appointed by the Sheriff, subject to the provisions of Section 45-A of Article IX of this Charter. Each constable shall devote his entire time to the duties of his office, and must serve process within the judicial district of the justice's court to which he is assigned or elsewhere in the County when so directed, and shall perform all the duties required of him by general law. All Constables shall be under the control, supervision and direction of the Sheriff in the performance of their official duties. (1949)

## **Sec. 70. Compensation of Justices of the Peace and Constables.**

Compensation of Justices of the Peace and Constables shall be fixed by the Board of Supervisors and must be salaries only, and in such amounts as may be commensurate with their respective duties. Such compensation need not be uniform in amount for the several townships nor proportionate to population therein. Their duties and qualifications shall be such as now are, or may thereafter be prescribed by law. (1943)

## **Sec. 71A. Civil Service Commission.**

(a) There is in county government a Civil Service Commission consisting of five members to be appointed by the Board of Supervisors from the qualified electors of the County, none of whom shall hold any salaried county office or employment. No member of the commission, during membership, or for a period of one year after he has ceased to be a member, shall be eligible for appointment to any salaried county office or employment.

(b) Except for the first appointments, the term of commission members shall be five years and until their respective successors are appointed. On each succeeding first day of July the term of one member shall expire.

(c) As soon as practicable following the first day of July of every year, the commission shall organize by electing one of its members to serve as presiding officer at the pleasure of the commission.

(d) Each commissioner shall receive the compensation fixed by ordinance of the Board of Supervisors. Any vacancy in the office of commissioner shall be filled for the unexpired term.

(e) The Board of Supervisors by a four-fifths vote of all of the members may remove a commissioner during his 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 own defense. (1972)

## **Sec. 71B. Commission Powers and Duties.**

(a) The commission shall establish rules regarding the selection of employees for, and the classification of, civil service positions.

(b) The commission may advise the Board of Supervisors on matters referred to the commission by the Board.

(c) The commission shall make final decisions on appeals from disciplinary actions involving civil service employees with permanent status, provided that appeal procedures

mutually agreed on by the Board of Supervisors and recognized employee organizations shall substitute for appeal procedures established by the commission.

(d) The commission shall make final decisions on appeals involving alleged improper action under, or the denial of any rights provided by, this article or the rules adopted thereunder. The commission's authority in this regard pertains only to examinations and other matters under the jurisdiction of the commission pursuant to this article.

(e) The commission may conduct such investigations as are necessary for the proper administration of its responsibilities. In conducting such investigations and in hearing disciplinary and other appeals the commission shall have the power to subpoena witnesses, books, records and papers, and to administer oaths.

(f) The commission, subject to the approval of the Board of Supervisors, may employ or contract for hearing officers to hear appeals of disciplinary actions and other matters and prepare recommendations for the commission.

(g) The commission may adopt rules to carry out the commission's powers and duties and governing the commission's proceedings under this article.

(h) The commission may employ such employees as may be necessary, subject to budgetary approval of the Board of Supervisors. The commission's employees shall have no authority to administer personnel services and programs, but may provide secretarial services to the commission and may conduct investigations and make recommendations on the matters under the jurisdiction of the commission. (1972)

## **Sec. 71C. Administration.**

(a) The County Executive or his designee shall be responsible for the administration of the County's central personnel services and programs.

(b) The County Executive or his designee shall classify all civil service positions and shall administer examinations subject to final approval of the Civil Service Commission. All administrative acts the County Executive or his designee takes affecting rights under the jurisdiction of the Civil Service Commission shall be subject to appeal and final decision as provided by the commission.

(c) The County Executive or his designee shall, after hearing or with mutual agreement of recognized employee organizations, subject to the approval of the Board of Supervisors, establish personnel rules consistent with this charter, including but not limited to rules providing for leaves of absence, layoff, transfer, reinstatement, and reemployment. Such rules shall specify the circumstances in which an employee who has permanent status in a class who accepts other county employment in probationary, provisional or exempt status, shall have a right to return to his former class. No rule established pursuant to this section shall be effective until approved by the Board of Supervisors. (1972)

## **Sec. 71D. County Civil Service.**

The County civil service shall include every officer and employee of the County except:

- (1) Elective county officers.
- (2) The County Executive.
- (3) The chief deputy to each elective officer.
- (4) One assistant to each member of the Board of Supervisors.
- (5) All members of appointive boards and commissions.
- (6) Persons serving the County without compensation.
- (7) Physicians and dentists employed in their professional capacity to perform the duties of their profession, and including administrative or executive positions for which professional status constitutes only a part of the qualifications therefor.
- (8) Department heads, which shall include persons responsible for directing all activities of a major organizational unit of county government recognized as a department by the Board of Supervisors. The Board of Supervisors may by ordinance include any department head in the civil service. This provision shall not affect the rights of any person who holds civil service status in a department head position. Any such department head position shall not become exempt until it becomes vacant.
- (9) Persons appointed for periods of less than thirty days because of an emergency affecting the public health, safety, or welfare. No person shall be appointed to such an emergency position for more than thirty days in any six calendar months. (1972)

## **Sec. 71E. Classification.**

- (a) All civil service positions shall be grouped into classes. Each class shall include all positions with comparable duties, responsibilities, and qualifications.
- (b) A class shall be considered established when it receives final approval by the Civil Service Commission and the Board of Supervisors.
- (c) Civil service positions shall be allocated to classes by County Executive or his designee subject to the approval of the Civil Service Commission and the Board of Supervisors.
- (d) Salary rates or ranges for each class shall be uniform. However, when it is necessary to recognize unusual conditions, assignments, or hours of work, or prevailing practices for such employment, more than one method of compensation may be provided for a class.

(e) The Civil Service Commission shall provide for the manner in which appeals relating to the classification plan shall be heard and finally determined. (1972)

## **Sec. 71F. Selection.**

(a) The county civil service is career service and all appointments to positions in the civil service shall be based on relative fitness as ascertained by competitive examinations. At least ten days' notice shall be given of each examination.

(b) Eligible lists shall be established upon which shall be entered the names of successful candidates in the order of their standing in examination.

(c) Eligible lists shall be established upon which shall be entered the names of successful candidates in the order of their ranking in the examination. For the filling of one vacancy, the appointment shall be made from among the eligibles whose scores, at the time of certification, represent the three highest ranks on the list. For purposes of ranking, scores of eligibles on an eligible list shall be rounded to the next highest whole percent and a rank shall consist of one or more eligibles with the same whole percentage score. If a special skill is needed for some, but not all positions, in a class, which special skill has been tested for on a pass or fail basis as a part of the examination on which the list is based and the vacancy is one of the positions in the class requiring the special skill, the appointment may be made from the eligibles possessing the special skill who are available for appointment and whose scores at the time of certification represent the three highest ranks on the list of those who possess the special skill. (1977)

(d) When an eligible list of at least three names is not available for the class to which a position belongs, a provisional appointment may be made. An examination for the class shall be scheduled as soon as practicable after a provisional appointment. A provisional appointment shall not exceed twenty calendar days after establishment of an eligible list for the class.

(e) If an eligible list is not available for the class to which the position belongs, appointment may be made from an eligible list considered by the commission to be appropriate.

(f) No person in county service or seeking admission thereto, shall be appointed, reduced, removed, or in any way favored or discriminated against because of his race, color, creed, sex, national origin, political affiliation, age or physical or mental handicap. This provision is not intended to prevent the establishment of special programs for the employment of economically, socially, physically or mentally deprived persons.

(g) The commission shall provide for preference or credits on open examinations for veterans of the United States armed forces who served during time of war and who attain the passing mark for an examination.

(h) The commission may provide promotional preference or credits for permanent county employees who attain the passing mark established for an examination.

(i) The commission may provide for the establishment of programs, including trainee programs, designed to attract and utilize persons with minimal qualifications, but with potential for development, in order to provide career development opportunities among members of disadvantaged groups, handicapped persons, and returning veterans. Such programs may provide for permanent appointment upon the satisfactory completion of the training period without further examination.

(j) The commission may waive examination requirements for students employed temporarily pursuant to academically recognized programs designed to provide work experience in conjunction with formal educational training. (1972)

## **Sec. 71G. Probationary periods.**

Each person appointed to a position in a civil service classification shall serve a period of probation not to exceed twelve months. The commission shall determine the length of the probationary period for each class. Probationary periods of more than six months shall not be established unless the commission finds that a longer probationary period is appropriate on the basis of the cycle of the work performed or because the duration of required training is such that it is not possible to adequately evaluate employee performance within a six-month period. A probationary employee may be rejected during the probationary period. At the expiration of the probationary period the employee shall attain permanent status in the class. (1972)

## **Sec. 71H. Removal, suspension, or reduction.**

(a) Any employee who has permanent civil service status may for cause be removed, suspended or reduced in rank or compensation by the appointing authority, or any person authorized by him, by notifying the employee of the action, pending the service upon him of an order in writing stating specifically the reasons for the disciplinary action.

(b) The disciplinary action is valid only if the written order is filed with the commission and a copy is served on the employee either personally or by mailing a copy to the employee by certified or registered mail not later than 15 calendar days after the effective date of the disciplinary action.

(c) Any person against whom disciplinary action is taken as provided in this section may appeal by filing a written appeal with the commission not later than 15 calendar days after service of the order.

(d) The commission shall provide for the impartial hearing and determination of appeals. The determination may either affirm, modify, or revoke the order. The appellant shall be entitled to appear personally, produce evidence, and to have counsel at a public hearing.

(e) The findings and decision of the commission shall be certified to the official from whose order the appeal was taken, and shall forthwith be enforced and followed by him.

(f) Appeal procedures mutually agreed on by the Board of Supervisors and recognized employee organizations shall be substituted for appeal procedures provided by the commission.

## **Sec. 71I. Construction of Civil Service Provisions.**

(a) All references in this charter to former Section 45-A of this charter shall be deemed references to this article for all purposes.

(b) All rules adopted by the civil service commission pursuant to former Section 45-A shall continue in effect as though established as provided in this article until such time as such rules are replaced by rules established as provided in this article.

(c) The civil service commission appointed pursuant to former Section 45-A shall continue in existence. (1972)

## **Sec. 71J. Contracting for Services.**

Notwithstanding any other provision of the Charter, the Board of Supervisors may contract for the provision of County services for reasons of economy and efficiency when all of the following conditions are met:

(1) The contract does not cause the displacement of civil service employees. The term "displacement" includes, layoff, demotion and involuntary transfer to a new classification. Displacement does not include changes in shifts or days off, nor does it include reassignment to other positions within the same class; and

(2) The County has met and conferred, in accordance with its legal obligation pursuant to [Government Code](#) Sections 3500 et seq., with an organization that represents County employees who perform the type of services to be contracted; and

(3) The contract for services is awarded through a publicized, competitive bidding process.

## **Sec. 72. Nomination and Election.**

Excepting where otherwise herein provided, all elective county and township officers shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law, for the nomination and election of such officers.

## **Sec. 73. Initiative and Referendum.**

All provisions of law relative to the initiative may be invoked by the electors of this County, and all ordinances which may be passed by the Board of Supervisors, shall be subject to referendum whenever the use of initiative or referendum is permitted by law.

## **Sec. 74. Recall.**

The holder of any elective office may be recalled, in the manner provided by law, by the electors after he has held office six months.

## **Sec. 75. Cooperation with County Executive.**

All elective officers of the County and all officers appointed by the Board of Supervisors, shall cooperate with the said County Executive to the end that complete coordination of all officers, services and employment, shall be accomplished, and the refusal of any such officer to so cooperate shall be deemed willful misconduct on the part of the officer so refusing.

## **Sec. 76. Traveling Expenses.**

Whenever any person in the service of the County is compelled to travel in the performance of his duty, he shall, in addition to his regular compensation, be reimbursed for his actual and necessary expenditures for transportation, lodging and meals. An itemized account of such expenditures shall be filed with and approved by the Auditor before payment. The Board of Supervisors shall fix a maximum price to be paid for such travel, lodging and meals, which shall be applicable to all such persons alike, including members of said Board of Supervisors.

## **Sec. 77. Ineligibility to Hold Office.**

No attorney, agent or employee of any firm, association or corporation doing business under or by virtue of any franchise granted by or contract made with the County, or financially interested in any such franchise or contract, shall be eligible to hold any appointive compensated county office.

Relatives to the third degree, whether by blood or marriage, of any officer making an appointment pursuant to the provisions of this Charter shall be ineligible to hold any appointive office or employment, under such officer. Nepotism shall be avoided in all public county employment.

## **Sec. 78. Attention to Duties.**

All persons holding any office or employment under the County of Sacramento, whether elective or appointive, except members of the Board of Supervisors, shall be required to engage



in the active work of the office or employment so held to the extent that their services may be necessary for the full and complete discharge of the duties of such office or employment. (1953)

## **Sec. 79. Repealed.**

(1971)

## **Sec. 80. Political Activity.**

Appointive officers or employees serving with compensation under this Charter are prohibited from engaging in any political activity for, or contributing or soliciting funds or support for or in behalf of, any elective officer provided for herein, or for any candidate for such elective office. Such activity shall constitute a just cause for removal.

**NOTE:** Section 80 is unconstitutional (County Counsel opinion 68-52, May 21, 1968).

## **Sec. 81. County Vehicles.**

The Board of Supervisors shall cause all motor vehicles belonging to the County to have painted conspicuously, on each side, the words, "Property of Sacramento County," "For Official Use Only," except that such motor vehicles as may be designated by the Sheriff, District Attorney and Probation Officer, in their respective departments, with the approval of the Board of Supervisors, as necessary for confidential departmental investigations, may be exempted from the foregoing provision. A record shall be kept showing the use of each motor vehicle.

(1957)

## **Sec. 82. Non-Interference with County Executive.**

No member or members of the Board of Supervisors shall directly or indirectly coerce or attempt to coerce the County Executive, or any other county officer appointed or confirmed by the Board, in the performance of the duties of his office, or attempt to exact any promises from any candidate for any such office, relative to any appointment or removal of any county officer, and any violation of the provisions of this Section shall be willful misconduct of the Supervisor. Except for the purpose of obtaining information, the Board of Supervisors and its members shall deal solely and directly through the County Executive with respect to the part of the county government under his direction.

## **Sec. 83. Preference to Sacramento County Products.**

In purchases by the County of Sacramento, price and quality being equal, preference shall be given to Sacramento County products.

## **Sec. 84. Repealed.**

(1969)

## **Sec. 85. Liberal Construction.**

If any Section, Subsection, 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, Subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

## **Sec. 86. Captions to Articles and Sections.**

Such headings or captions as precede the respective Articles and Sections of this Charter are inserted therein for convenience only, and shall be disregarded in construing said Charter or any part or portion thereof.

## **Sec. 87. No Salary During Suspension.**

During the time any officer or employee is under suspension his salary shall cease.

## **Sec. 88. Coroner—Conflict of Interest.**

No person shall be appointed to the office of Coroner, whether or not that office is consolidated with another public office, who is connected in any way, directly or indirectly, or related by blood or marriage, to any person, firm or corporation engaged in the mortuary business.

## **Sec. 89. Ordinances.**

It shall be the duty of the Board of Supervisors to pass and adopt such ordinances as may be necessary or proper in order to fully carry into effect each and every provision of this Charter.

## **Sec. 90. Effective Date of Charter.**

This Section provided that the original Charter would become effective July 1, 1933, after ratification by the State Legislature.

## **Sec. 91. Declaration of Policy.**

It is hereby declared to be the policy of the County of Sacramento that strikes by deputy sheriffs, probation peace officers, and law enforcement managers are not in the public interest and should be prohibited and that a method should be adopted for peaceably and equitably resolving disputes that might otherwise lead to strikes. Any employee covered by this Article who willfully participates in an illegal strike or work stoppage shall be subject to disciplinary action up to and including termination from employment. (2009)

## **Sec. 92. Employees Covered.**

This Article shall apply to all employees represented by the labor organizations recognized by the County as representing employees in the bargaining units originally determined as the Sheriff Law Enforcement Non-Supervisory Unit (hereinafter referred to as the (003) Non-Supervisory Law Enforcement Unit), the Probation Non-Supervisory Unit, and the Law Enforcement Management Unit. (2009)

## **Sec. 93. Obligation to Negotiate in Good Faith.**

The County, through its duly authorized representatives, shall negotiate in good faith with the organizations recognized as representing the (003) Non-Supervisory Law Enforcement Unit, the probation Non-Supervisory Unit, and the Law Enforcement Management Unit on all matters relating to the wages, hours, and other terms and conditions of County employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of a negotiated agreement. Unless and until agreement is reached through negotiations between authorized representatives of the County and the organization recognized as representing the (003) Non-Supervisory Law Enforcement Unit or the organization recognized as representing the Probation Non-Supervisory Unit or the organization recognized as representing the Law Enforcement Management Unit or a determination is made through the impartial arbitration procedure hereinafter provided, no existing benefit, term or condition of employment for said employee organizations (003) shall be altered, eliminated or changed. (2009)

## **Sec. 94. Impasse Resolution Procedures.**

(a) All disputes or controversies pertaining to wages, hours or terms and conditions of employment which remain unresolved after good faith negotiations between the County and the organization recognized as representing the (003) Non-Supervisory Law Enforcement Unit or the organization recognized as representing the Probation Non-Supervisory Unit or the

organization recognized as representing the Law Enforcement Management Unit shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the county or by the employee organization involved in the dispute.

(b) Representatives designated by the County and representatives of the employee organization involved in the dispute shall each select and appoint one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the county and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the County and the employee cannot agree upon the selection of the neutral arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, either party may then request the State Mediation and Conciliation Service for the State of California Department of Industrial Relations to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If representatives of the county and the employee cannot agree within three (3) days after receipt of such list on one of the seven (7) persons to act as the neutral arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral arbitrator and Chairperson of the Arbitration Board.

(c) Any arbitration proceeding convened pursuant to this Article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California [Code of Civil Procedure](#). The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate or “mede-arb” issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

(d) In the event no agreement is reached prior to the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the remaining issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits and terms and conditions of employment of public and private employment, including but not limited to the following: changes in the average consumer price index for goods and services; the wages, hours, benefits and terms and conditions of employment of employees performing similar services to the extent that such can be reasonably done; and the financial condition of the County of Sacramento and its ability to meet the costs of the decision of the Arbitration Board.

(e) After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten (10) day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board, as it may be modified or amended by the parties, shall be

publicly disclosed and shall be binding on the parties. The County and the employee organization involved in the dispute shall take whatever action is necessary to carry out and effectuate the arbitration award. No other actions by the County Board of Supervisors or by the electorate to confirm or approve the decision of the Arbitration Board shall be required or permitted.

(f) The expenses of any arbitration proceeding convened pursuant to the Article, including the fee for the services of the chairperson of the Arbitration Board and the costs of preparation of the transcript of the proceedings, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses. (2009)

## **Sec. 95. Voter Approval of Certain Arbitrated Labor Contracts.**

(a) Notwithstanding any other provision of the Charter, in the event a ballot measure is approved at the June 2, 1998, primary election, or at any election thereafter, to amend this Charter to require any labor contracts to be submitted to binding arbitration, the results of such arbitration as to certain contract provisions shall be binding only to the extent that those provisions, as designated herein, are approved by the majority of the voters voting in a county-wide election in which the question of approval or disapproval is placed in accordance with the requirements of this section.

(b) In the event of arbitration resulting from a Charter amendment described in subdivision (a) of this section, the Board of Supervisors shall cause provisions of a contract between the county and the affected employee organization approved by the arbitration panel to be submitted to the voters only as follows:

(1) If in the sole and absolute discretion of the Sheriff, or the Chief Probation Officer, any portion of an arbitration panel's decision would substantially interfere with management's prerogative to deploy or assign personnel, that portion only of the panel's decision must, prior to implementation, be submitted to the electorate in accordance with this section;

(2) If in the sole and absolute discretion of the Board of Supervisors, any portion of the arbitration panel's decision would, absent diversion of funds deemed necessary by the Board for other County programs or services, require a tax increase to fund the decision, that portion only of the panel's decision must, prior to implementation, be submitted to the electorate in accordance with this section;

(3) If neither the Sheriff, the Chief Probation Officer, nor the Board of Supervisors makes requisite findings within ten (10) days of receipt of notice of the arbitration panel's decision, no voter approval shall be required and the contract shall become effective in accordance with other provision of this Charter.

(c) If any portion of an arbitration panel's decision is submitted to the electorate in accordance with this section, the contract provision of any existing or expired contract which are modified or amended by the arbitrator panel's decision shall continue to be binding and effective pending voter approval and certification of the election results in accordance with subsection (d) of this section.

(d) Upon approval of provisions of a contract by the voters, those provisions shall become effective no later than thirty (30) days from the date election results are certified by the Registrar of Voters.

(e) Upon disapproval of provisions of a contract by the voters, the decision of the arbitrator(s) as to those issues shall be null and void and the County and affected collective bargaining unit(s) may resume the bargaining process in the same manner as though arbitration on those issues had not yet occurred.

(f) All other contract provisions approved by arbitration required by this Charter and not subject to voter approval shall be given effect in the manner required by this Charter unless modified by agreement of the parties.

(g) In the event contract provisions are to be submitted to the electorate pursuant to this section, the Board of Supervisors shall cause the matter to be placed before the voters of the County at the next regularly scheduled election date on which such a question can be placed on the ballot.

(h) This section shall apply only to those labor contracts subject to any Charter amendment approved at the June 2, 1998, primary election requiring such contracts to be submitted to binding arbitration. (2009)