

Title 2

ADMINISTRATION

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Article 1. Rules Governing Meetings

Sec. 2-1.101. Definitions.

For the purposes of Articles 1, 2, and 3 of this chapter, unless otherwise apparent from the context, certain words and phrases used in Articles 1, 2, and 3 of this chapter are defined as follows:

(a) "Party" shall mean any person disclosed by an application or the records of the County or an officer thereof to have an interest or possible interest in the subject matter of a hearing.

(b) "Person" shall mean any person, firm, association, organization, partnership, business trust, corporation, company, or the County, or an officer or department head thereof. (Rule 42, Ord. 555)

Sec. 2-1.102. Purpose.

The purpose of this article is to provide rules for the conduct of meetings of the Board. (Rule 1, Ord. 555)

Sec. 2-1.103. Time and place.

Regular meetings of the Board shall be held at the times and dates specified by resolution of the Board of Supervisors. (Rule 2, Ord. 555, as amended by §1, Ord. 695, eff. January 23, 1974, §1, Ord. 743, eff. March 1, 1976, §1, Ord. 842, eff. April 19, 1979, §1, Ord. 922, eff. October 22, 1981, §1, Ord. 984, eff. September 13, 1984, §1, Ord. 1086, eff. February 2, 1989, §1, Ord. 1100, eff. January 1, 1990, and § 1, Ord. 1251, eff. August 31, 2000)

Sec. 2-1.104. Adjourned meetings: Notices.

The Board may adjourn any regular, adjourned regular, specials, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so

adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the Clerk of the Board may declare the meeting adjourned to a stated time and place, and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section-2-1.105 of this article for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the Board Chambers or place where the regular, adjourned regular, special, or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. (Rule 3, Ord. 555)

Sec. 2-1.105. Special meetings: Notices.

An emergency or special meeting may be called at any time by the Chairman of the Board, or by a majority of the members of the Board, by delivering personally or by mail a notice in writing to each member and to each local newspaper of general circulation and radio or television station requesting notice. Such notice shall be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Clerk of the Board a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. (Rule 4, Ord. 555)

Sec. 2-1.106. Election of Chairman and Vice-Chairman.

At the first meeting in each calendar year, the Board shall elect a Chairman and a Vice-Chairman. (Rule 5, Ord. 555)

Sec. 2-1.107. Presiding officer.

The Chairman shall preside at all meetings of the Board. The Vice-Chairman shall preside at all meetings of the Board in the absence of the Chairman. (Rule 6, Ord. 555)

Sec. 2-1.108. Duties of presiding officer.

The presiding officer of the Board shall preserve order and decorum and shall decide questions of order, subject to appeal to the Board. Any action on an appeal that would override the requirement for a two-thirds vote must be adopted by a two-thirds vote. The presiding officer may place a motion before the Board from the chair. (Rule 7, Ord. 555, as amended by § 1, Ord. 1227, eff. November 5, 1998)

Sec. 2-1.109. Duties of Clerk.

The Clerk of the Board shall prepare and mail to each member of the Board on or before the Thursday following the regular meeting a copy of the minutes of the previous meeting. Upon a majority vote of the Board, the approval of minutes of previous meetings, may be done without the reading of such minutes. (Rule 8, Ord. 555)

Sec. 2-1.110. Duties of County Counsel.

All questions of law shall be referred to the County Counsel for his opinion. (Rule 9, Ord. 555)

Sec. 2-1.111. Open Meetings.

All meetings of the Board shall be open and public and all persons shall be permitted to attend any meeting of the Board except as provided in Section 2- 1.112 of this article or by State law. (Rule 10, Ord. 555)

Sec. 2-1.112. Executive sessions.

The Board may hold executive sessions during a regular or special meeting to consider the appointment, employment, or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee unless such officer or employee requests a public hearing. (Rule 11, Ord. 555)

Sec. 2-1.113. Actions and decisions.

No action or decision of the Board shall be valid or binding unless a majority of all the members concur therein; provided, however, where required by law or this article, no action or decision shall be valid or binding in the absence of a two-thirds or unanimous vote. Roll call votes, when taken, shall commence with the closest member to the left of the presiding officer and shall continue clockwise, the presiding officer voting last. (Rule 12, Ord. 555, as amended by § 2, Ord. 1227, eff. November 5, 1998)

Sec. 2-1.114. Suspension of rules.

Any of the rules set forth in this article not required by law may be suspended by two-thirds of the members of the Board. (Rule 13, Ord. 555, as amended by § 3, Ord. 1227, eff. November 5, 1998)

Sec. 2-1.115. Amendment and repeal.

Any rule may be altered, amended, or repealed at any time by a majority vote of the Board; provided, however, that the portion of any rule requiring a two-thirds vote may only be amended, altered, or repealed by a two-thirds vote of the Board; and further provided, any amendment or repeal shall not affect any pending matter. (Rule 14, Ord. 555, as amended by § 4, Ord. 1227, eff. November 5, 1998)

Sec. 2-1.116. Reconsideration.

At the meeting at which an otherwise final vote is taken on any question, including a quasi-judicial determination, any member voting with the majority may move reconsideration of the matter. Such a motion made and seconded shall suspend consideration of the matter until the next succeeding meeting of the Board, at which time it shall have precedence over every other motion, except for a motion to adjourn. The matter shall not be deemed final until disposition of the motion for consideration. (Rule 15, Ord. 555, as amended by § 5, Ord. 1227, eff. November 5, 1998)

Sec. 2-1.117. Procedural irregularities.

No deviation from or failure to follow the procedure set forth in this article and Articles 2 and 3 of this chapter shall invalidate any action or decision of the Board unless such deviation or failure shall have effectively prejudiced the rights of any person of the County. (Rule 16, Ord. 555)

Sec. 2-1.118. Motions requiring a two-thirds vote.

Any motion to extend or limit debate or to move the previous question or cut off debate shall require a two-thirds vote of the Board. (§ 6, Ord. 1227, eff. November 5, 1998)

Article 2. Rules Governing Conduct of Business

Sec. 2-1.201. Purpose.

The purpose of this article is to provide rules for the conduct of all business, except judicial or quasi-judicial hearings of the Board, to the end that matters can be expeditiously processed. (Rule 21, Ord. 555)

Sec. 2-1.202. Requests for appearance: Filing.

A request for appearance concerning any matter to be presented and acted upon by the Board at a regular meeting shall be filed in the office of the Clerk of the Board not later than 5:00 p.m. on the Tuesday preceding the regular meeting. Unless a request for appearance is so filed, a matter will not be considered by the Board until the next succeeding regular meeting of the Board. Any matter may be considered upon the request of any member of the Board present at

the meeting. (Rule 22, Ord. 555, as amended by §1, Ord. 605, §2, Ord. 695, eff. January 23, 1974, and §1, Ord. 756, eff. May 6, 1976)

Sec. 2-1.203. Requests for appearance: Form.

Requests for appearance shall be on the form provided and shall specifically set forth both the matter to be discussed and the action requested of the Board, together with sufficient copies of all documentary, informational, or supporting materials. (Rule 23, Ord. 555)

Sec. 2-1.204. County Counsel approval of contracts, ordinances, and resolutions.

All contracts and proposed ordinances and resolutions not prepared by the office of the County Counsel shall be referred to his office for approval as to form. (Rule 24, Ord. 555)

Sec. 2-1.205. Agenda.

An agenda shall be prepared by the Clerk of the Board before each meeting of the Board, and an abstract of all matters requiring action shall be set forth therein. (Rule 25, Ord. 555)

Sec. 2-1.206. Order of business.

The regular order of business of the Board shall be as follows:

- (a) Roll call;
- (b) At the discretion of the presiding officer, an invocation;
- (c) At the discretion of the presiding officer, a flag salute;
- (d) Approval of the minutes of the previous meeting;
- (e) Agenda of the Board; and
- (f) Adjournment. (Rule 26, Ord. 555)

Sec. 2-1.207. Addressing the Board.

Any person desiring to address the Board shall, when recognized by the Chairman, step to the rostrum and give his name and address to the Clerk of the Board. The Chairman, in the interests of facilitating the business of the Board and the avoidance of repetition, may limit the amount of time which a person may use in addressing the Board. (Rule 27, Ord. 555)

Sec. 2-1.208. Referrals.

Any matter coming before the Board may, if deemed necessary, be referred to the officer or department concerned therewith. (Rule 28, Ord. 555)

Sec. 2-1.209. Committees.

The Board shall appoint such standing and special committees as it may deem necessary. (Rule 29, Ord. 555)

Article 3. Rules Governing Conduct of Judicial or Quasi-Judicial Proceedings

Sec. 2-1.301. Purpose.

The purpose of this article is to provide rules for the conduct of judicial and quasi-judicial hearings before the Board to the end that matters can be expeditiously processed and, when a hearing is required by law, the party will have notice of the hearing and an opportunity to appear before the Board and present his case. (Rule 41, Ord. 555)

Sec. 2-1.302. Scope.

Unless otherwise provided by law or by rules and regulations of limited application adopted by the Board, the provisions of this article shall govern all judicial or quasi-judicial proceedings before the Board. (Rule 43, Ord. 555)

Sec. 2-1.303. Hearings: Applications.

Proceedings shall be initiated by application. The application shall be filed with the Clerk of the Board. The application shall set forth specific facts of the matter in sufficient detail to notify the parties of the nature of the proceeding to place the parties upon notice as to how any proposed action may affect their interest so that they may formulate their defense or opposition without being subjected to surprise. The application shall contain the name and address of the applicant and, to the extent known by the applicant, of all parties. (Rule 44, Ord. 555)

Sec. 2-1.304. Hearings: Notices.

At its next regular meeting after the filing of the application, the Board shall set a date for a hearing thereon and shall give notice thereof to the applicant and to all parties disclosed in the application. A notice shall be given by mail, addressed to the party at the address set forth in the application or other address known to the Clerk of the Board, and shall be deposited in the United States mail, postage prepaid, at least five (5) days prior to the date of the hearing. (Rule 45, Ord. 555)

Sec. 2-1.305. Hearings: Default.

When a notice of hearing has been given in accordance with the provisions of this article, a hearing may proceed in the absence of any party, and the Board may decide the matter. (Rule 46, Ord. 555)

Sec. 2-1.306. Hearings.

(a) *Basic standard.* All hearings shall be full and fair in a substantial sense so that all necessary parties shall be afforded ample opportunity to make a showing fairly adequate to establish the propriety or impropriety, from a standpoint of justice and law, of the action proposed to be taken, giving the parties an opportunity to present in a deliberate, regular, and orderly manner issues of law and fact.

(b) *Disqualification.*

(1) Unless a quorum is broken thereby, any member of the Board who has a personal interest or bias in the matter shall disqualify himself.

(2) Mess a quorum is broken thereby, upon a showing of personal interest or bias, the Board shall order the disqualification of a member.

(3) Only members of the Board who have heard the whole matter may participate in the decision.

(c) *Records.*

(1) The Clerk of the Board shall cause all testimony to be summarized and shall receive and mark all exhibits.

(2) Any party may provide and pay the compensation for a shorthand reporter. A transcript of the testimony taken by a certified shorthand reporter so provided shall constitute the official record of testimony.

(d) *Continuances.* The Board may order the hearing continued from time to time without notice. (Rule 47, Ord. 555)

Sec. 2-1.307. Hearings: Evidence.

(a) *Basic standard.* All relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil action.

(b) *Hearsay evidence.* In a contested hearing, incompetent hearsay evidence may be used for the purpose of supplementing or explaining any other evidence but shall not be sufficient in itself to support a finding.

(c) *Privilege.* The rules of privilege shall be effective to the same extent as they are now or hereafter may be recognized in civil actions.

(d) *Burden of proof.* The burden of proof shall rest upon the party asserting the affirmative of an issue.

(e) *Interferences and presumptions.* Rules regarding interferences and presumptions in civil actions shall obtain.

(f) *Rebuttal.* Each party shall have the right to rebut evidence against him. (Rule 48, Ord. 555)

Sec. 2-1.308. Hearings: Witnesses.

(a) *Oath.* The testimony of all witnesses shall be under oath.

(b) *Exclusion.* The Board may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the Board. (Rule 49, Ord. 555)

Sec. 2-1.309. Hearings: Objections.

Unless timely objection is made to the Board, errors shall be waived. (Rule 50, Ord. 555)

Sec. 2-1.310. Hearings: Decisions.

The decision of the Board shall be rendered following the conclusion of the hearing and shall set forth the action taken by the Board. (Rule 51, Ord. 555, as amended by §3, Ord. 695, eff. January 23, 1974)

Sec. 2-1.311. Hearings: Findings.

If any party to the proceedings desires written findings of fact, his request shall be in writing and be submitted to the Clerk before the commencement of the hearing. The requesting party may abandon the request and waive findings at the conclusion of the hearing. If the requesting party abandons his request at this time, any other party may orally or in writing renew the request. The Board may impose a reasonable fee, not to exceed Ten and no/100ths (\$10.00) Dollars, for providing written findings. §4, Ord. 695, eff. January 23, 1974)

Article 4. Supervisorial Districts*

* Sections 2-1.401 through 2-1.407, codified from Ordinance No. 532, as amended by Ordinance Nos. 658, effective November 25, 1971, and 663, effective January 26, 1972, repealed by Ordinance No. 916, effective July 30, 1981. Sections 2-1.401 through 2-1.407, codified from Ordinance No. 916, as amended by Ordinance No. 1024, effective December 26, 1985, repealed by Ordinance No. 1127, effective October 31, 1991.

Sec. 2-1.401. Scope.

The boundaries of the supervisorial district of the County shall be as set forth in this article. (8 2, Ord. 1127, eff. October 31, 1991)

Sec. 2-1.402. District Number 1.

District Number 1 shall consist of the territory bounded as follows:
Beginning at the intersection of the center of the Sacramento River on the Yolo-Sacramento County boundary with the northeasterly extension of the northerly line of the old "Tule Jake Road", located in a portion of Section 29, Township 9 North, Range 4 East, Mount Diablo Meridian; thence southeasterly, easterly, and southerly along the center of the Sacramento River and the Yolo-Sacramento County boundary to the intersection with the center of Sutter Slough; thence southwesterly along said center of Sutter Slough to a point on the south line of Section 36, Township 6 North, Range 3 East, Mount Diablo Meridian, being also the intersection with the Yolo-Solano County boundary; thence westerly along the south line of Township 6 North, Range 3 East, Mount Diablo Meridian, and the Yolo-Solano County Boundary to the southwest corner of Section 31, Township 6 North, Range 3 East, Mount Diablo Meridian; thence northerly on the west line of said Section 31 to a point that is distant 1600 feet south from the northwest corner

of said Section 31; thence northeasterly to a point that is distant 1667 feet easterly from the northwest corner of Section 16, Township 6 North, Range 3 East, Mount Diablo Meridian; thence continuing northeasterly to a point that is distant easterly 1800 feet and southerly 660 feet from the northwest corner of projected Section 12, Township 7 North, Range 3 East, Mount Diablo Meridian; thence northerly to a point that is distant 2000 feet easterly from the northwest corner of projected Section 36, Township 9 North, Range 3 East, Mount Diablo Meridian; thence continuing northerly to the intersection with the easterly projection of the center of the Willow Slough Bypass; thence easterly to the intersection with the center of the Reclamation District No. 537 Dredger-Cut; thence northerly along said Dredger-Cut to the intersection with the northerly line of said "Tule-Jake Road"; thence northeasterly along said northerly line to the point of beginning. (§ 2, Ord. 1127, eff. October 31, 1991, as amended by §2, Ord. 1271, eff. September 27, 2001)

Sec. 2-1.403. District Number 2.

Beginning at a point in the center of Putah Creek on the Yolo-Solano County boundary at the intersection of the center of County Road 95A; thence from said point of beginning northwesterly along the center of County Road 95A to the intersection with the center of County Road 32, also known as Russell Boulevard; thence easterly along said center of County Road 32 (Russell Blvd.) to the intersection with the center of County Road 98 at the southwest corner of Section 7, Township 8 North, Range 2 East, Mount Diablo Meridian; thence northerly along the center of County Road 98, approximately five-miles to the intersection with County Road 27 at the northwest corner of Section 19, Township 9 North, Range 2 East, Mount Diablo Meridian; thence easterly along the center of County Road 27 and along the north line of Sections 19 and 20, Township 9 North, Range 2 East, Mount Diablo Meridian, to the northeast corner of said Section 20; thence southerly approximately five-miles along the east line of Sections 20, 29, and 32 of Township 9 North, Range 2 East, Mount Diablo Meridian, and Section 5 of Township 8 North, Range 2 East, Mount Diablo Meridian to the southeast corner of said Section 5 and the center of County Road 31, also known as Covell Boulevard; thence easterly following the center of said Covell Boulevard along the north line of Sections 9 and 10, Township 8 North, Range 2 East, Mount Diablo Meridian to the intersection with the center of 'L' Street; thence southerly along the center of 'L' Street and the projection thereof to the center of Olive Drive; thence easterly along the center of Olive Drive to a point being the intersection with the projected southerly center of Pole Line Road;

thence southerly following the projected line of the center of Pole Line Road to the intersection with the southeasterly line of Interstate Highway 80; thence southwesterly along the southeasterly line of Interstate Highway 80 to the intersection with Cowell Boulevard; thence continuing southwesterly along said southeasterly line to the center of Putah Creek and the intersection with the Yolo-Solano County boundary; thence southwesterly and westerly along the Yolo-Solano County boundary to the point of beginning. (§ 2, Ord. 1127, eff. October 31, 1991, as amended by §2, Ord. 1271, eff. September 27, 2001)

Sec. 2-1.404. District Number 3.

District Number 3 shall consist of the territory bounded as follows:

Beginning at the intersection of the center line of the Sacramento River on the Yolo-Sacramento County boundary with the northeasterly extension of the northerly line of the old "Tule Jake Road", located in a portion of Section 29, Township 9 North, Range 4 East, Mount Diablo Meridian; thence from said point of beginning, southwesterly along said northerly line to intersection with the center of the Reclamation District No. 537 Dredger-Cut; thence southeasterly along said center to a point being the easterly projection of the center line of the Willow Slough Bypass; thence westerly along said line to a point on the east boundary of the City of Davis Water Evaporation fields; thence northerly along the easterly boundary of said City of Davis property to the north line thereof being the north line of Section 29, Township 9 North, Range 3 East, Mount Diablo Meridian; thence westerly along said north line to the northwest corner of said Section 29; thence continuing westerly along the north line of Section 30, Township 9 North, Range 3 East, Mount Diablo Meridian to the northwest corner thereof and the center of County Road 104; thence northerly along the center line of said County Road 104 to the intersection with County Road 27; thence westerly along the center line of County Road 27 to the southwest corner of Section 16, Township 9 North, Range 2 East, Mount Diablo Meridian; thence northerly along the west lines of Sections 16, 9, and 4, Township 9 North, Range 2 East, Mount Diablo Meridian, to the West-Quarter Corner of said Section 9; thence westerly along the Quarter-Section line of Section 5, Township 9 North, Range 2 East, Mount Diablo Meridian, to the West-Quarter Corner of said Section 5 and the center line of County Road 99; thence northerly along the west line of said Section 5, and the center line of West Street, to the northwest corner of said Section 5 and the intersection with Gibson Road; thence continuing northerly along the center of West Street to the intersection with West Main Street, also being the

Northwest corner of Section 32, Township 10 North, Range 2 East, Mount Diablo Meridian; thence westerly along the center of West Main Street to the intersection with the center line of California Street; thence northerly along the center line of California Street to the intersection with West Beamer Street; thence westerly along the center of West Beamer Street to the intersection with Mariposa Street; thence northerly along the center of Mariposa Street to the intersection with the center of West Woodland Avenue; thence westerly along the center of West Woodland Avenue to the intersection with Cottonwood Street; thence northerly along the center of Cottonwood Street to the intersection with Kentucky Avenue on the north line of Section 30, Township 10 North, Range 2 East, Mount Diablo Meridian; thence easterly along the center of Kentucky Avenue, being the north line of Sections 30 and 29, Township 10 North, Range 2 East, Mount Diablo Meridian, to the Northeast corner of said Section 29 and the intersection with East Street, also known as State Highway 113; thence northerly along the center of East Street and State Highway 113 to the intersection with the center of Cache Creek; thence northeasterly, easterly, and southeasterly along the center of Cache Creek to the intersection with the center of County Road 103; thence northerly along the center of County Road 103 to the intersection with an Electric Transmission Line Easement; thence northeasterly along said Easement to the intersection with a private levee road; thence southeasterly along said private road to the intersection with the northerly projection of the north-south Quarter-Section line of Section 13, Township 10 North, Range 2 East, Mount Diablo Meridian; thence southerly along said line to the southwest corner of the Northeast-Quarter of said Section 13; thence easterly along the south line of said Northeast-Quarter of Section 13 to the East-Quarter corner thereof; thence northerly along the east line of said Section 13 to the southwest corner of projected Section 7, Township 10 North, Range 2 East, Mount Diablo Meridian; thence east along the south line of said projected Section 7 to the southwest corner of projected Section 8, Township 10 North, Range 3 East, Mount Diablo Meridian; thence easterly along the south line of said Section 8 to the intersection with the center of an old Tule Canal; thence northeasterly 1600 feet, more or less, to the end of a curve on the southwesterly line of the Knights Landing Ridge Cut Right of Way; thence southeasterly 2000 feet, more or less, to the intersection of the West Levee of the Yolo Bypass; thence northeasterly to the center of the Knights Landing Ridge Cut Right of Way; thence northwesterly along the center of said Right of Way 900 feet, more or less, to a point; thence northeasterly to the intersection with a ditch;

thence southeasterly along said ditch to the intersection with the East Levee of the Yolo Bypass, said point being distant northerly 1900 feet, more or less from the southerly boundary of projected Section 16, Township 10 North, Range 3 East, Mount Diablo Meridian; thence northeasterly and northerly along said East Levee and projection thereof the intersection with the Sacramento River and the Yolo-Sutter County boundary; thence northeasterly, southeasterly, and southerly along the Sacramento River and the Yolo-Sutter County boundary and the Yolo-Sacramento County boundary to the point of beginning. (§ 2, Ord. 1127, eff. October 31, 1991, as amended by §2, Ord. 1271, eff. September 27, 2001)

Sec. 2-1.405. District Number 4.

District Number 4 shall consist of the territory bounded as follows:

Beginning at a point on the center of County Road 27 at the Northwest corner of Section 21, Township 9 North, Range 2 East, Mount Diablo Meridian; thence from said point of beginning, easterly along the center of County Road 27 to the intersection with County Road 104 and the Northeast corner of Section 24, Township 9 North, Range 2 East, Mount Diablo Meridian; thence southerly along the center of County Road 104 to the southeast corner of said Section 24; thence easterly along the north lines of Sections 30 and 29 to the intersection with the easterly boundary of the City of Davis Water Evaporation Fields property; thence southerly along said City of Davis property and projection thereof to the center of the Willow Slough Bypass; thence easterly along the center of said Willow Slough Bypass and projection thereof to a point being distant easterly 2000 feet from the west line of projected Section 25, Township 9 North, Range 3 East, Mount Diablo Meridian; thence on a line southerly to a point being distant 1800 feet easterly and 660 feet southerly from the northwest corner of projected Section 12, Township 7 North, Range 3 East, Mount Diablo Meridian; thence southwesterly to a point on the north line of Section 16, Township 6 North, Range 3 East, Mount Diablo Meridian, that is distant 1667 feet easterly from the northwest corner thereof; thence southwesterly to a point on the west line of Section 31, Township 6 North, Range 3 East, Mount Diablo Meridian, that is distant 1600 feet south from the northwest corner of said Section 31, said point also being on the center of County Road 104 and the Yolo-Solano County boundary; thence northerly along the center of County Road 104 and the Yolo-Solano County boundary to the northwest corner of Section 6, Township 7 North, Range 3 East, Mount Diablo Meridian; thence westerly to the southwest corner of Section 31, Township 8 North, Range 3 East, Mount Diablo Meridian;

thence northerly continuing along the center of County Road 104 and the Yolo-Solano County boundary to the intersection with the center of the old bed of Putah Creek; thence northwesterly and westerly along the center of Putah Creek and the Yolo-Solano County Boundary to the intersection of the southeasterly line of Interstate Highway 80; thence northeasterly along said southeasterly line to the intersection with Cowell Boulevard; thence continuing northeasterly along the southeasterly line of Interstate Highway 80 to the intersection of the center of Pole Line Road projected southerly; thence northerly on said projected line to the intersection with the easterly projected center line of Olive Drive; thence southwesterly along the center of Olive Drive to the center of 'L' Street projected southerly; thence northerly along the projection and the center of 'L' Street to the intersection with the center of Covell Boulevard; thence westerly along the center of Covell Boulevard to the southwest corner of Section 4, Township 8 North, Range 2 East, Mount Diablo Meridian; thence northerly along the west line of said Section 4, and the west line of Sections 33, 28, and 21 Township 9 North, Range 2 East, Mount Diablo Meridian to the northwest corner of said Section 21 and the point of beginning. (§ 2, Ord. 1127, eff. October 31, 1991, as amended by §2, Ord. 1271, eff. September 27, 2001)

Sec. 2-1.406. District Number 5.

District Number 5 shall consist of the territory bounded as follows:

Beginning at a point on the center of Putah Creek at the intersection of the Yolo-Solano County boundary with the Yolo-Napa County boundary; thence from said point of beginning, northerly and northwesterly along the Yolo-Napa County boundary to the intersection of the Lake County boundary line; thence northerly along the Yolo-Lake County boundary line to the Colusa County boundary line being on the north line of Township 12 North, Range 5 West, Mount Diablo Meridian; thence easterly along the Yolo-Colusa County boundary line to the center of the Sacramento River and the intersection with the Sutter County boundary being on the north line of Township 12 North, Range 1 East, Mount Diablo Meridian; thence southerly and southeasterly along the center of the Sacramento River, and the Yolo-Sutter County boundary to the northerly projection of the East Levee of the Yolo Bypass; thence southerly along the East Levee of the Yolo Bypass to the intersection with a ditch in a northwesterly direction that is distant northeasterly 1900 feet, more or less from the south boundary of projected Section 16, Township 10 North, Range 3 East, Mount Diablo Meridian; thence in a northwesterly direction along said ditch to the intersection with the northeasterly line of the Knights Landing Ridge Cut Right of Way; thence in a southwesterly

direction to the center of the Knights Landing Ridge Cut Right of Way; thence southeasterly along said center to the intersection with the West Levee of the Yolo Bypass; thence southwesterly along said West Levee to the intersection with the southwesterly line of the Knights Landing Ridge Cut Right of Way; thence northwesterly along said southwesterly line 2000 feet, more or less, to the beginning of a curve to the left in said southwesterly line of the Knights Landing Ridge Cut Right of Way; thence southwesterly 1600 feet, more or less, to a point on the southerly line of projected Section 8, Township 10 North, Range 3 East, Mount Diablo Meridian; thence westerly along said south line to the southwest corner of said projected Section 8; thence west along the south line of projected Section 7, Township 10 North, Range 3 East, Mount Diablo Meridian, to the southwest corner thereof; thence south along the east line of Section 13, Township 10 North, Range 2 East, Mount Diablo Meridian to the East-Quarter Corner of said Section 13; thence west along the south line of the Northeast-Quarter to the southwest corner thereof; thence north along the west line of said Quarter Section and projection thereof to the intersection with a private levee road; thence northwesterly along said private road to the intersection with an Electric Transmission Line Easement; thence southwesterly along said Easement to the intersection with the center line of County Road 103; thence south along the center line of County Road 103 to the intersection with the center of Cache Creek; thence northwesterly, westerly, and southwesterly following the center of Cache Creek to the intersection with the center of State Highway 113; thence south along the center of State Highway 113, also known as East Street, to the intersection with Kentucky Avenue, being the Northeast corner of Section 29, Township 10 North, Range 2 East, Mount Diablo Meridian; thence west along the north line of said Section 29, being the center of Kentucky Avenue, to the northwest corner of said Section 29; thence continuing west and along the north line of Section 30, Township 10 North, Range 2 East, Mount Diablo Meridian, to the center line of Cottonwood Street; thence southerly along the center line of Cottonwood Street to the intersection with the center line of West Woodland Avenue; thence easterly along the center line of West Woodland Avenue to the intersection of the center line of Mariposa Street; thence southerly along the center line of Mariposa Street to the intersection with the center line of West Beamer Street; thence easterly along the center line of West Beamer Street to the intersection with the centerline of California Street; thence southerly along the center line of California Street to the intersection with the center line of West Main Street; thence

easterly along the center of West Main Street to the intersection with the center line of West Street, said point also being the Northeast corner of Section 31, Township 10 North, Range 2 East, Mount Diablo Meridian; thence southerly continuing along the center line of West Street, also being the east line of said Section 31, to the intersection with Gibson Road and the Northwest corner of said Section 5, Township 9 North, Range 2 East, Mount Diablo Meridian; thence continuing southerly along the center of West Street, being the west line of said Section 5 to the West-Quarter Corner thereof; thence easterly along the Quarter-Section line to the East-Quarter Corner and the center of East Street; thence southerly along the center line of East Street, also being the easterly line of Sections 5, 8, and 17, Township 9 North, Range 2 East, Mount Diablo Meridian; thence westerly along the center of County Road 27 and the South lines of Sections 17 and 18, Township 9 North, Range 2 East, Mount Diablo Meridian, to the intersection with the center line of County Road 98; thence southerly approximately five-miles along the center line of County Road 98 to the intersection with County Road 32, also known as Russell Boulevard; thence westerly along the center line of County Road 32 (Russell Blvd.) approximately three-miles to the intersection with County Road 95A; thence southeasterly along the center line of County Road 95A to the intersection with Putah Creek and the Yolo-Solano County boundary; thence westerly, southwesterly, and northwesterly along the Yolo-Solano County boundary to the point of beginning. (§ 2, Ord. 1127, eff. October 31, 1991, as amended by §2, Ord. 1271, eff. September 27, 2001)

Sec. 2-1.407. Supervisorial District Map 2001.

That certain map entitled "Yolo County Supervisorial District Map 2001, County of Yolo," depicting the boundaries set forth in this article and on file with the Clerk of the Board, is hereby adopted by reference and made a part of this chapter. (§ 2, Ord. 1127, eff. October 31, 1991, as amended by §2, Ord. 1271, eff. September 27, 2001)

Article 5. Rules of the County Board of Equalization.

(Sections 2-1.501 through 2-1.505, as added by Ordinance No. 759, effective July 22, 1976, repealed by Ordinance No. 987, effective October 4, 1984)

Article 6. Conflict of Interest Code

Sec. 2-1.601. Adoption of the Conflict of Interest Code.

In compliance with the provisions of Section 87300 of the Government Code of the State, the

Board hereby adopts this Conflict of Interest Code. (§ 1, Ord. 764, eff. September 30, 1976)

Sec. 2-1.602. Application of Code.

This Conflict of Interest Code shall be applicable to members of the Board, whether acting as Board members or as members of any County board or commission. (§ 1, Ord. 764, eff. September 30, 1976)

Sec. 2-1.603. Disclosures.

Board members are already required to disclose investments and interests in real property and income under Sections 87200 et seq. of the Government Code of the State; therefore, no other or additional disclosure requirements are imposed by this Conflict of Interest Code. (§ 1, Ord. 764, eff. September 30, 1976)

Sec. 2-1.604. Circumstances requiring disqualification.

Any member of the Board, whether acting as a Board member or as a governing board member or commissioner of any County agency, shall disqualify himself or herself from making or participating in the making of any decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any economic interest, as defined in Section 87103 of the Government Code of the State. No member shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. (§ 1, Ord. 764, eff. September 30, 1976)

Sec. 2-1.605. Definitions.

Except as otherwise indicated, the definitions contained in the Political Reform Act of 1974 (Section 81000 of the Government Code of the State) and the Regulations adopted pursuant thereto are incorporated into this Conflict of Interest Code. (§ 1, Ord. 764, eff. September 30, 1976)

Chapter 2

BOARDS, COMMISSIONS, AND COMMITTEES

Sections:

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 - 2-2.101 Creation.
 - 2-2.102 Membership.
 - 2-2.103 Membership: Terms.
 - 2-2.104 Membership: Organization.
 - 2-2.105 Quorum.
 - 2-2.106 Minutes and records.
 - 2-2.107 Meeting: Time and place.
 - 2-2.108 Role and purpose.
 - 2-2.109 Recommendations.
 - 2-2.110 Subcommittees.
 - 2-2.111 Absence.
 - 2-2.112 Conflict of Interest.
 - 2-2.113 Unused.
 - 2-2.114 Child Health and Disability Prevention Subcommittee. (Repealed)
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- Article 2. Appeals Board
 - 2-2.201 Established.
- Article 3. Aviation Advisory Committee
 - 2-2.301 Created.
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Article 1. Yolo County Health Council*

* Article 1 entitled "Advisory Committee on Youth and Health Services," consisting of Sections 2-2.101 through 2-2.108, codified from Ordinance No. 471, repealed by Ordinance No. 675, effective December 6, 1972. Article 1 entitled "Advisory Committee on Youth Services and Health Planning," consisting of Sections 2-2.101 through 2-2.115, as added by said Ordinance No. 675, as amended by Ordinance Nos. 717, effective March 26, 1975, 760, effective July 29, 1976, and 763, effective September 9, 1976, repealed by Ordinance No. 771, effective March 24, 1977.

Sec. 2-2.101. Creation.

There is hereby created in the County a committee to be known as the Yolo County Health Council, created in May, 1977. (§ 2, Ord. 771, eff. March 24, 1977, as amended by § 1, Ord. 1084A, eff. December 22, 1988)

Sec. 2-2.102. Membership.

(a) The membership shall consist of seventeen (17) voting rotating members, thirteen (13) non-voting, ex officio members, and one (1) non-voting member representing the Board of Supervisors.

(b) Rotating members: There shall be three (3) rotating members selected by each supervisor. Two (2) of the three (3) appointees shall be residents of the supervisor's district. There shall be two (2) rotating members selected at large by the entire Board of Supervisors. The rotating members shall be residents of the County, both consumers and providers, who are representative of social, economic, linguistic, handicapped and ethnic populations, and geographic areas in the County.

(c) Ex officio (non-voting) members: The thirteen (13) non-voting, ex officio members shall be one representative designated from each of the following:

- (1) Developmental Disability Advisory Committee;
- (2) Maternal, Child, and Adolescent Health Advisory Committee;
- (3) Emergency Medical Care Committee;
- (4) Sexual Health Advisory Group;
- (5) Yolo County Mental Health Board;
- (6) Drug, Alcohol, and Tobacco Advisory Council;
- (7) Salud Clinic Advisory Board;
- (8) Yolo County Adult Day Health Care Special Advisory Board;
- (9) CommuniCare Health Centers Board;
- (10) Yolo County Commission on Aging;
- (11) Migrant Education;
- (12) Community Services Action Board;
- (13) Yolo County Tobacco Prevention Coalition. (§ 2, Ord. 771, eff. March 24, 1977, as amended by §1, Ord. 836, eff. March 8, 1979, §§ 1 and 2, Ord. 864, eff. January 25, 1980, § 1

and 2, Ord. 881, eff. June 5, 1980, § 1, Ord. 959, eff. October 6, 1983, §§ 1 and 2, Ord. 1039, eff. September 11, 1986, § 2, Ord. 1084A, eff. December 22, 1988, and § 1, Ord. 1169, eff. June 16, 1994, and § 1, Ord. 1310, eff. November 20, 2003)

Sec. 2-2.103. Membership: Terms.

The rotating members of the Yolo County Health Council shall be appointed by the Board of Supervisors for a term of four (4) years. Membership shall be effective upon appointment by the Board of Supervisors. However, all terms shall be deemed to have commenced on February 1 following the initial appointment, and thereafter all terms shall be aligned to begin on February 1 and to end on January 31. Terms of members of the Health Council as of the date of the adoption of the ordinance codified in this section shall be extended to the January 31 following their presently scheduled expiration date. The Health Council may make recommendations to the Board of qualified persons to serve as rotating members. (§ 2, Ord. 771, eff. March 24, 1977, as amended by § 2, Ord. 836, eff. March 8, 1979, § 3, Ord. 1084A, eff. December 22, 1988, and § 2, Ord. 1169, eff. June 16, 1994)

Sec. 2-2.104. Membership: Organization.

The officers of the Council shall be a chair and vice-chair, and such other officers as the Council may deem necessary, who shall be elected by the members of the Council from among their number. Any vacancy in any office shall be filled by the Council for the unexpired portion of the term of such office. The Chair shall appoint a nomination committee at the April meeting each year; officers shall be elected to a one-year term at the May meeting each year. Officers may serve one term with a two (2) term maximum. The executive committee of the Council shall include the officers, past Chair, and two (2) rotating or ex officio members elected by the Council. (§ 2, Ord. 771, eff. March 24, 1977, and § 4, Ord. 1084A, eff. December 22, 1988, as amended by §2, Ord. 1310, eff. November 20, 2003)

Sec. 2-2.105. Quorum.

Any contrary provision of Section 2-2.3606(a) of this Code notwithstanding, a majority of the currently appointed rotating members shall constitute a quorum for the transaction of business at all meetings of the Council. (§ 2, Ord. 771, eff. March 24, 1977, as amended by § 3, Ord. 836, eff. March 8, 1979, and § 3, Ord. 864, eff. January 25, 1980, § 5, Ord. 1084A, eff. December 22, 1988, and § 3, Ord. 1169, eff. June 16, 1994, and §3, Ord. 1310, eff. November 20, 2003)

Sec. 2-2.106. Minutes and records.

The Director of the Health Department or her/his designee shall serve as the Secretary to the Council, and shall keep the minutes of all meetings of the Council and file a copy thereof with the Clerk of the Board of Supervisors.

Minutes shall include a record of attendance, a listing of reports received, and all action taken and recommendations adopted. The Director of the Health Department shall arrange for such additional clerical or other assistance as the Director deems necessary to be provided. (§ 2, Ord. 771, eff. March 24, 1977, and § 6, Ord. 1084A, eff. December 22, 1988, as amended by § 4, Ord. 1169, eff. June 16, 1994, and §4, Ord. 1310, eff. November 20, 2003)

Sec. 2-2.107. Meeting: Time and place.

The Council shall meet monthly at least nine (9) times per year at such times and places as shall be determined by the Council. Additional meetings of the Council may be called by the President, the Executive Committee, or any five (5) members upon notice mailed to all members of the Council, the Clerk of the Board of Supervisors, and local newspapers not less than five (5) days prior to said meeting and shall be posted by the Clerk of the Board of Supervisors in the Erwin Maier Administration Building, 625 Court Street, Woodland, California. All meetings shall be publicly announced, open to the public, and held in a location accessible to the general public. (§ 2 Ord. 771, eff. March 24, 1977, and § 7, Ord. 1084A, eff. December 22, 1988, as amended by § 5, Ord. 1169, eff. June 16, 1994)

Sec. 2-2.108. Role and purpose.

The role and purpose of the Yolo County Health Council is to advise and make recommendations to the Board of Supervisors, the Director of Public Health, and the Director of County Indigent Health Care Services, on the following:

(a) Establish and maintain activities identifying public health needs and resources of the County; review and make recommendations on health services-related budgets, program plans, policies, grant proposals, and similar matters, in cooperation with other health advisory committees; and review and advise on public health issues facing the County;

(b) Advocate for action to coordinate and make maximum, efficient use of existing and planned facilities, health care services, and personnel in the fields of physical, mental, and environmental health;

(c) Make recommendations for maintaining and improving health services in the County;

(d) Foster effective communication among public agencies, private voluntary agencies, private health providers, health advisory

committees, and the general public, and cooperate with appropriate public, private, and voluntary agencies in the preparation of plans to improve health services in the County;

(e) Coordinate with and provide assistance to local, state, and regional health services planning efforts and other planning councils and commissions. (§ 2, Ord. 771, eff. March 24, 1977, as amended by § 4, Ord. 864, eff. January 25, 1980, § 8, Ord. 1084A, eff. December 22, 1988, and § 6, Ord. 1169, eff. June 16, 1994)

Sec. 2-2.109. Recommendations.

Recommendations of the Council shall be submitted to the Director of Public Health, the Director of Mental Health, and Director of Drug and Alcohol Programs, the Director of County Indigent Health Care Services, and the Yolo County Board of Supervisors, as appropriate. (§ 2, Ord. 771, eff. March 24, 1977, and § 9, Ord. 1084A, eff. December 22, 1988, as amended by § 7, Ord. 1169, eff. June 16, 1994)

Sec. 2-2.110. Subcommittees.

The Yolo County Health Council may appoint subcommittees to investigate, report, and make findings in connection with any subject pertaining to the matters within the jurisdiction of the Council. Such subcommittees may consist of no more than five (5) Council members, and the other subcommittee members may not be Council members but may be other persons designated as Associate Members. Only a member of the Council may serve as a Chairperson of a subcommittee. (§ 2, Ord. 771, eff. March 24, 1977, as amended by § 1, Ord. 920, eff. August 13, 1981, § 10, Ord. 1084A, eff. December 22, 1988, and § 8, Ord. 1169, eff. June 16, 1994)

Sec. 2-2.111. Absence.

Any rotating member of the Council who is absent from any three (3) consecutive regular meetings of the Council within one year shall vacate his or her office on the Council. An absence for which a valid excuse is delivered to the chairperson of the Council prior to or at the time of the meeting shall not be counted for the purposes of this section. (§ 2, Ord. 771, eff. March 24, 1977, and § 11, Ord. 1084A, eff. December 22, 1988, as amended by § 9, Ord. 1169, eff. June 16, 1994)

Sec 2-2.112. Conflict of interest.

No member of the Council shall vote on a proposal or resolution if he or she has a legal conflict of interest. A legal conflict of interest means a conflict as defined by applicable statutory and case law. Any possible legal conflict of interest on the part of a member shall be declared before discussion commences on the agenda item in question. If it is unclear

whether a member has a legal conflict of interest, the question shall be referred to County Counsel for determination of whether the member has a legal conflict of interest, and, if so, to what extent the member may participate, if at all, in the discussion and voting on the agenda item.

In addition, when a member does not have a legal conflict of interest in an agenda item, but her or his participation in discussion and voting on that agenda item would create an appearance of impropriety, the member shall not participate in the voting or discussion of that agenda item. (§ 2, Ord. 771, eff. March 24, 1977, and § 12, Ord. 1084A, eff. December 22, 1988, as amended by § 10, Ord. 1169, eff. June 16, 1994)

Sec. 2-2.113. Unused.

Sec. 2-2.114. Child Health and Disability Prevention Subcommittee.

(§ 2, Ord. 771, eff. March 24, 1977, as amended by § 1, Ord. 784, eff. August 18, 1977, and §§ 4 and 5, Ord. 836, eff. March 8, 1979; repealed by § 5, Ord. 864, eff. January 25, 1980)

Sec. 2-2.115. Developmental Disability Subcommittee.

(§ 2, Ord. 771, eff. March 24, 1977, as amended by §§ 6 and 7, Ord. 836, eff. March 8, 1979; repealed by § 6, Ord. 864, eff. January 25, 1980)

Article 2. Appeals Board

Sec. 2-2.201. Established.

See the Uniform Building Code adopted by Chapter 1 of Title 7 of this Code, the Uniform Mechanical Code adopted by Chapter 3 of Title 7 of this Code, and the Uniform Plumbing Code adopted by Chapter 4 of Title 7 of this Code.

Article 3. Aviation Advisory Committee

Sec. 2-2.301. Created.

There is hereby created the Yolo County Aviation Advisory Committee. (§ 1, Res. 69-8, as amended by § 1, Ord. 777, eff. July 7, 1977)

Sec. 2-2.302. Membership.

The membership of the Aviation Advisory Committee shall consist of seven (7) members selected and appointed by the Board as follows:

(a) One member appointed by each Supervisor;

(b) Two (2) members appointed at large by the Board; and

(c) At least four (4) members shall be licensed pilots. (§ 3, Res. 69-8, as amended by § 1, Ord. 777, eff. July 7, 1977)

Sec. 2-2.303. Membership: Terms.

Upon the adoption of this article, the Board shall appoint said seven (7) members to the Aviation Advisory Committee as follows:

(a) Four (4) members shall be appointed for four (4) year terms.

(b) Three (3) members shall be appointed for two (2) year terms.

(c) Thereafter, as vacancies occur, subsequent appointments shall be made for four (4) year terms.

(d) No member shall serve more than two (2) consecutive terms.

(e) Membership shall be effective upon appointment by the Board, and all terms shall begin on January 1 following the initial appointment and thereafter coincide with the calendar year. (§ 3, Res. 69-8, as amended by § 1, Ord. 777, eff. July 7, 1977)

Sec. 2-2.304. Membership: Termination.

The term of office of a member of the Aviation Advisory Committee who fails to attend three (3) consecutive meetings of the Committee may be terminated by the Board after notification of such member, and the vacancy thereby created shall then be filled by an appointment of another representative of the same area of representation for the remainder of the unexpired term of the member being replaced. A person so appointed may then serve a maximum of two (2) additional terms following the completion of the unexpired term. (§ 4, Res. 69-8, as amended by § 1, Ord. 777, eff. July 7, 1977)

Sec. 2-2.305. Officers.

The members of the Aviation Advisory Committee shall elect a chairman and vice-chairman at the first meeting, and, at each annual meeting thereafter, such offices shall be filled by election for the next succeeding twelve (12) month term. The Airport Director shall serve as secretary to the Committee and shall provide such clerical assistance or supplies as may be necessary. (§ 5, Res. 69-8, as amended by § 1, Ord. 777, eff. July 7, 1977)

Sec. 2-2.306. Meetings.

Meetings of the Aviation Advisory Committee shall be held at least once each six (6) calendar months or more frequently as called by the chairman of the Airport Director. (§ 2, Res. 69-8, as amended by § 1, Ord. 777, eff. July 7, 1977)

Sec. 2-2.307. Meetings: Minutes.

The secretary of the Aviation Advisory Committee shall keep minutes of all meetings of the Committee and shall file a copy of all minutes with the City Clerk of the Board. (§ 1, Ord. 777, eff. July 7, 1977)

Sec. 2-2.308. Meetings: Quorum.

A quorum shall consist of a majority of the currently appointed members of the Aviation Advisory Committee. (§ 1, Ord. 777, eff. July 7, 1977, as amended by § 1, Ord. 878, eff. May 8, 1980)

Sec. 2-2.309. Duties and responsibilities.

The Aviation Advisory Committee shall have the following duties and responsibilities:

- (a) To act in an advisory capacity to the Board;
- (b) To review and make policy recommendations on use or development proposals for the Yolo County Airport;
- (c) To evaluate use or development proposals as to conformity with the policies and guidelines contained in the Airport Specific Plan;
- (d) To review and make recommendations pertaining to updating or changing the policies and guidelines contained in the Airport Specific Plan;
- (e) To advise as to matters of policy concerning the maintenance, operation, capital improvements, and acquisition of land or airspace rights at the Yolo County Airport;
- (f) To advise on policy matters concerning aviation and air transportation within the County; and
- (g) To advise the Board regarding the land use, planning, zoning, restrictions on land usage, and similar matters having a direct impact on the Yolo County Airport or any other airport operated in the County; provided, however, recommendations by the Committee shall in no way limit or diminish the jurisdiction of the Planning Commission or Board on such land use issues. (§ 1, Ord. 777, eff. July 7, 1977)

Article 4. Delinquency Prevention Commission*

* Sections 2-2.401 and 2-2.402, codified from Ordinance No. 597, repealed by Section 1, Ordinance No. 723, eff. July 1, 1975.

Sec. 2-2.401. Created.

Pursuant to the provisions of Sections 535 and 535.6 of the Welfare and Institutions Code of the State and Section 31000.1 of the Government Code of the State, there is hereby created in the County a commission to be known as the Delinquency Prevention Commission. (§ 2, Ord. 723, eff. July 1, 1975)

Sec. 2-2.402. Membership.

The Juvenile Justice Commission of the County is hereby designated ex officio as the Delinquency Prevention Commission. (§ 2, Ord. 723, eff. July 1, 1975, as amended by § 1, Ord. 873, eff. May 1, 1980)

Sec. 2-2.403. Membership: Terms.

(§ 2, Ord. 723, eff. July 1, 1975, as amended by § 1, Ord. 827, eff. March 8, 1979; repealed by § 2, Ord. 873, eff. May 1, 1980)

Sec. 2-2.404. Membership: Organization.

(§ 2, Ord. 723, eff. July 1, 1975; repealed by § 3, Ord. 873, eff. May 1, 1980)

Sec. 2-2.405. Membership: Quorum.

(§ 2, Ord. 723, eff. July 1, 1975; repealed by § 4, Ord. 873, eff. May 1, 1980)

Sec. 2-2.406. Meetings: Minutes.

The secretary shall keep the minutes of all meetings of the members of the Delinquency Prevention Commission and shall file a copy of all minutes with the County Clerk-Recorder. The minutes shall include a record of attendance, a listing of the reports received, and all action taken and all recommendations adopted. (§ 2, Ord. 723, eff. July 1, 1975)

Sec. 2-2.407. Duties.

The duties and responsibilities of the Delinquency Prevention Commission shall be to advise and make recommendations to the Board as follows:

- (a) As to the establishment, support, and maintenance of one or more agencies or departments to cooperate with and assist in coordinating on a County-wide basis the work of those community agencies engaged in activities designed to prevent juvenile delinquency;
- (b) As to the establishment, support, and maintenance of a delinquency prevention agency or department;
- (c) As to the establishment, support, and maintenance of the Youth Services Bureau;
- (d) As to any activities designed to prevent juvenile delinquency, including direct and indirect services to persons in the community; and
- (e) As to cooperation with any other agency of government in carrying out its purposes. (§ 2, Ord. 723, eff. July 1, 1975)

Sec. 2-2.408. Absences.

(§ 2, Ord. 723, eff. July 1, 1975; repealed by § 5, Ord. 873, eff. May 1, 1980)

Article 5. Office of Emergency Services

(The title of Article 5, formerly entitled "Disaster Council", amended by Section 1, Ordinance No. 671, effective August 16, 1972, and Section 1, Ordinance No. 673, effective September 20, 1972. Article 5, consisting of Section 2-2.501, repealed by Section 1, Ordinance No. 894, effective November 6, 1980.)

Article 6. Fish and Game Advisory Committee

(Sections 2-2.601 through 2-2.606, codified from Ordinance No. 454, repealed by Ordinance No. 1067, effective January 21, 1988)

Article 7. Health Professional Utilization Review Committee

(Sections 2-2.701 through 2-2.703, codified from Resolution No. 66-80, repealed by Ordinance No. 687, effective October 24, 1973)

Article 8. Highway Transportation Advisory Committee

(Sections 2-2.801 through 2-2.805, codified from Resolution No. 64-40, repealed by Ordinance No. 716, effective February 19, 1975)

Article 9. Historical Advisory Committee*

* Article 9 entitled "Historical Landmarks Advisory Committee", consisting of Sections 2-2.901 through 2-2.905, codified from Ordinance No. 551, amended in its entirety by Ordinance No. 832, effective March 8, 1979. Article 9 entitled "Museum and Historic Landmarks Advisory Committee", consisting of Sections 2-2.901 through 2-2.906, as added by said Ordinance No. 832, as amended by Ordinance No. 875, effective May 8, 1980, amended in its entirety by Ordinance No. 923, effective November 12, 1981.

Sec. 2-2.901. Created.

There is hereby created the Yolo County Historical Advisory Committee. (§ 1, Ord. 923, eff. November 12, 1981)

Sec. 2-2.902. Membership.

The membership of the Historical Advisory Committee shall consist of fifteen (15) rotating members, three (3) members from each supervisorial district, appointed by the Board. All members shall have a demonstrated interest in historic preservation. The members of the Committee should include members of organizations interested in historic preservation, historic societies, museums, archives, heritage groups and civic clubs, as well as members with professional qualifications in such fields as architecture, history, archaeology, urban planning, law and real estate. (§ 1, Ord. 923, eff. November 12, 1981, as amended by § 4, Ord. 1080, eff. August 18, 1988)

Sec. 2-2.903. Membership: Terms.

(a) The initial terms of the members of the Historical Advisory Committee shall be as follows:

(1) Seven (7) members shall be appointed for a term of two (2) years.

(2) Eight (8) members shall be appointed for a term of four (4) years.

(b) Thereafter, all terms shall be for a period of four (4) years. No member shall serve for more than two (2) consecutive full terms; however, an initial two (2) year term shall not be counted as one of the two (2) full terms.

(c) Membership shall be effective upon appointment by the Board. However, all terms

shall be deemed to have commenced on February 1 following the initial appointment; thereafter all terms shall commence on February 1 and end on January 31.

(d) The term of office of a member who has three (3) consecutive unexcused absences from meetings of the Committee may be terminated by the Board upon the notification of the member. The vacancy thereby created shall be filled by appointment in the same manner as the member being replaced. A person so appointed may then serve a maximum of two (2) additional terms following the completion of the unexpired term. (§ 1, Ord. 923, eff. November 12, 1981)

Sec. 2-2.904. Officers.

At the first meeting of the Historical Advisory Committee, and annually thereafter, the members shall elect a chairperson and a vice-chairperson to hold office for a twelve (12) month term. The Director of Parks, Museum, and Grounds shall serve as secretary for the Committee. (§ 1, Ord. 923, eff. November 12, 1981)

Sec. 2-2.905. Meetings.

Meetings of the Historical Advisory Committee shall be held at least once each three (3) calendar months, or more frequently as called by the chairperson. A quorum shall consist of a majority of the currently appointed members, and a majority of those present shall be required for any motion, resolution, or other action.

The secretary of the Committee shall keep minutes of all meetings of the Committee and shall file a copy of the minutes with the Clerk of the Board of Supervisors. Meetings of the Committee shall be held, and notice given in conformance with California Government Code Sections 54951.1 - 54961 (The Ralph M. Brown Act). (§ 1, Ord. 923, eff. November 12, 1981, as amended by § 4, Ord. 1080, eff. August 18, 1988)

Sec. 2-2.906. Duties and responsibilities.

The main duties and responsibilities of the Historical Advisory Committee shall be as follows:

(a) To promote the interpretation and preservation of the history and Historic Resources of Yolo County including:

(1) To recommend to the Historic Preservation Commission which historic resources should be designated for preservation as a historic landmark or in a historic district as well as review demolition or alteration permits;

(2) To recommend to the Board of Supervisors ways to fund and to otherwise make financially feasible the protection of historic landmarks and historic districts in the County;

(b) To recommend to the Board of Supervisors the means to implement the Historic Preservation Element of the General Plan;

(c) To promote the collection and publication of historic information, and the preservation of artifacts pertaining to County history;

(d) To research historic landmarks, historic districts and historic resources and recommend to the Board of Supervisors nomination by resolution for:

(1) Inclusion in the National Register of Historic Places, or

(2) Commemoration as Registered State Historic Landmark or State Point of Historic Interest;

(e) To hold public meetings as may be necessary to encourage public participation and support for matters subject to the purview of the Committee;

(f) To make recommendations to the Board of Supervisors regarding the preservation, maintenance, funding, staffing, and improvement of Yolo County museums, including the land, buildings, and collections; and

(g) Continue to assume the duties of the County's Historical Records Commission to make recommendations to the Board of Supervisors regarding the management and preservation of the Yolo County archives. (§ 1, Ord. 923, eff. November 12, 1981, as amended by § 4, Ord. 1080, eff. August 18, 1988)

Article 10. Housing and Community Development Advisory Committee*

* Article 10 entitled "Home Health Agency Advisory Board", consisting of Sections 2-2.1001 through 2-2.1003, codified from Resolution No. 66-80, repealed by Ordinance No. 687, effective October 24, 1973. The title of Article 10, formerly entitled "Housing Advisory Committee", amended by Ordinance No. 871, effective April 24, 1980.

Sec. 2-2.1001. Created.

There is hereby created in the County a committee to be known as the Yolo County Housing and Community Development Advisory Committee (HACDAC). (§ 1, Ord. 755, eff. April 1, 1976, as amended by § 1, Ord. 871, eff. April 24, 1980, and § 1, Ord. 930, eff. April 8, 1982)

Sec. 2-2.1002. Membership.

(a) The Housing and Community Development Advisory Committee shall consist of ten (10) regular voting members appointed by the Board, of whom two (2) members shall be nominated by each individual Supervisor, and who shall serve without any compensation or reimbursement for expenses, excepting those expenses incurred as a result of travel to normally scheduled meetings. Such travel expenses shall be paid on a mileage reimbursement basis on approved forms provided by the County.

(b) There shall be a substantial representation of low and moderate income citizens, as defined by the guidelines on income levels of the United States Department of Housing and Urban Development, and of members of minority groups among the appointees specified in subsection (a) of this section.

(c) The membership shall also include the following resource members appointed by the Board who shall each have one vote and who shall serve without compensation or reimbursement for expenses, excepting those expenses incurred as a result of travel to normally scheduled meetings. Such travel expenses shall be paid on a mileage reimbursement basis on approved forms provided by the County:

(1) One administrative staff member of the Yolo County Housing Authority;

(2) One representative of the community action board of the Community Action Agency designated by the County;

(3) One representative of the Yolo County Board of Realtors;

(4) One administrative representative of a mortgage lending institution with its office in the County; and

(5) One representative of the Yolo County Commission on Aging.

(d) The membership shall also include a member of the Board who shall have no vote and who shall serve without special compensation or reimbursement, excepting those expenses incurred as a result of travel to normally scheduled meetings. Such travel expenses shall be paid on a mileage reimbursement basis on approved forms provided by the County.

(e) The Community Development Agency shall serve as staff to the Housing and Community Development Advisory Committee. (§ 1, Ord. 755, eff. April 1, 1976, as amended by § 2, Ord. 871, eff. April 24, 1980, and § 2, Ord. 930, eff. April 8, 1982)

Sec. 2-2.1003. Membership: Terms.

(a) The members of the Housing and Community Development Advisory Committee shall be appointed by the Board for a term of three (3) years.

(b) Of the first members so appointed, five (5) members shall be appointed for a term of one year, five (5) members shall be appointed for a term of two (2) years, and the remaining members shall be appointed for a term of three (3) years.

(c) Thereafter, each appointment shall be for a term of three (3) years.

(d) The terms shall commence on February 1 and end on January 31 of the three (3) year time period set forth in subsection (b) of this section.

(e) No member shall serve more than two (2) consecutive full terms on the Committee.

(f) If an individual Supervisor has appointed three (3) regular members prior to March 9, 1982, and a vacancy occurs through resignation or the expiration of a term, no new regular member shall be appointed to fill such vacancy consistent with the provisions of subsection (a) of Section 2-2.1002 of this article. (§ 1, Ord. 755, eff. April 1, 1976, as amended by § 3, Ord. 871, eff. April 24, 1980, and § 3, Ord. 930, eff. April 8, 1982)

Sec. 2-2.1004. Membership: Organization.

(a) The officers of the Housing and Community Development Advisory Committee shall be a chairperson, vice-chairperson, and such other officers as the Committee may deem necessary.

(b) The officers shall be elected by the members of the Committee from among their number.

(c) Any vacancy in any office shall be filled for the unexpired portion of the term of such office by the Committee from among its number.

(d) The officers shall be elected annually during the first quarter of each year, and no one individual shall hold the same office for more than two (2) consecutive terms.

(e) The Committee may pass rules governing the internal organization and conduct of business. (§ 1, Ord. 755, eff. April 1, 1976, as amended by § 4, Ord. 871, eff. April 24, 1980, and § 4, Ord. 930, eff. April 8, 1982)

Sec. 2-2.1005. Meetings.

(a) The Housing and Community Development Advisory Committee shall meet regularly at least quarterly at such times and places as shall be determined by rules adopted by the Committee.

(b) Special meetings of the Committee may be called by the chairperson or a majority of the appointed voting members.

(c) Notice shall be given for all meetings. Such notice shall be given ten (10) days in advance of the meeting in the case of regular meetings, and one day in advance in the case of special meetings, to the Clerk of the Board, to all members, and to all persons requesting a notice. (§ 1, Ord. 755, eff. April 1, 1976, as amended by § 5, Ord. 871, eff. April 24, 1980, and § 5, Ord. 930, eff. April 8, 1982)

Sec. 2-2.1006. Meetings: Quorum.

(a) A minimum of one more than one-half (1/2) of the currently appointed members of the Housing and Community Development Advisory Committee shall constitute a quorum for the transaction of business by the Committee.

(b) A majority of the votes of the members present and voting on any issue shall be required for any action.

(c) It shall be the responsibility of each regular member to notify the staff of the Committee at least forty-eight (48) hours in advance if circumstances prevent the member from attending a regular Committee meeting.

(§ 1, Ord. 755, eff. April 1, 1976, as amended by § 6, Ord. 871, eff. April 24, 1980, and § 6, Ord. 930, eff. April 8, 1982)

Sec. 2-2.1007. Meetings: Minutes.

(a) The Director of Community Development shall designate a staff member to serve as secretary to the Housing and Community Development Advisory Committee.

(b) The secretary shall keep the minutes of all meetings of the members of the Committee.

(c) The minutes shall include a record of attendance, the time of the arrival or departure of each Committee member, a listing of the reports received, all actions taken, and all recommendations adopted.

(d) The secretary shall file a copy of all minutes with the Clerk of the Board.

(e) Clerical assistance shall be provided by the Community Development Agency. (§ 1, Ord. 755, eff. April 1, 1976, as amended by § 7, Ord. 871, eff. April 24, 1980, and § 7, Ord. 930, eff. April 8, 1982)

Sec. 2-2.1008. Duties.

The purpose and duties of the Housing and Community Development Advisory Committee shall be to act in an advisory capacity and to make recommendations to the Board with regard to the following categories of actions and decisions relating to housing and community development in the County and to conduct appropriate investigations to enable the purpose and duties to be fulfilled:

(a) To participate in the planning and ongoing maintenance of the Housing Element of the General Plan of the County;

(b) To participate in the application, implementation, and review process of the Community Development Block Grant Program;

(c) To participate in the application, implementation, and review process of housing grants, projects, and programs;

(d) To provide assistance when requested by Federal, State, and other local governments or private organizations engaged in housing and community development programs that will aid residents of the County in securing adequate housing facilities;

(e) To provide and receive information to and from the public, especially low and moderate income and aged persons, about the opportunities of which they can avail themselves in order to attain and maintain adequate housing and community facilities;

(f) To study and recommend upon new innovative approaches and developments in the

area of housing and industrial development, such as pending legislation, regulations, the availability of Federal and State grants, and like opportunities and developments;

(g) To receive and review census data and studies accumulated by Federal, State, and regional data sources on housing and housing characteristics; and

(h) To advise the Board on the methods and type of organizational structure that will enhance the County's ability to achieve the goals, policies, and programs of the Housing Element of the General Plan, Community Development Block Grant Program, and H.U.D. sponsored industrial commercial development. (§ 1, Ord. 755, eff. April 1, 1976, as amended by § 8, Ord. 871, eff. April 24, 1980, and § 8, Ord. 930, eff. April 8, 1982)

Sec. 2-2.1009. Recommendations.

All recommendations of the Housing and Community Development Advisory Committee shall be filed with the Clerk of the Board who shall place them on the regular agenda of the Board. (§ 1, Ord. 755, eff. April 1, 1976, as amended by § 9, Ord. 871, eff. April 24, 1980, and § 9, Ord. 930, eff. April 8, 1982)

Sec. 2-2.1010. Subcommittees.

(a) The Housing and Community Development Advisory Committee may appoint subcommittees from time to time to investigate, report, and make findings in conjunction with any subject pertaining to the matters within the jurisdiction of the Committee.

(b) Such subcommittees may consist of any number of persons so determined by the chairperson. The members may be Committee members or other persons designated by the chairperson, but the majority of the members of the subcommittee shall be members of the Housing and Community Development Advisory Committee. (§ 1, Ord. 755, eff. April 1, 1976, as amended by § 10, Ord. 871, eff. April 24, 1980, and § 10, Ord. 930, eff. April 8, 1982)

Sec. 2-2.1011. Absences.

Any member of the Housing and Community Development Advisory Committee who is absent from any two (2) consecutive regular meetings of the Committee within one year shall be referred to the Board, with or without a recommendation by the Committee, unless a valid excuse is delivered to the chairperson of the Committee or Community Development Agency staff prior to or at the time of the meeting. (§ 1, Ord. 755, eff. April 1, 1976, as amended by § 11, Ord. 871, eff. April 24, 1980, and § 11, Ord. 930, eff. April 8, 1982)

Sec. 2-2.1012. Abolishment of other housing committees.

All other citizen advisory committees having duties related to housing and which have been created by resolution or minute order of the Board are hereby disbanded and terminated, and the minute order or resolutions creating them are repealed. (§ 1, Ord. 755, eff. April 1, 1976)

Article 11. Hospital Advisory Board

Sec. 2-2.1101. Created.

There is hereby created in the County a board to be known as the Hospital Advisory Board. (§ I, Ord. 548)

Sec. 2-1.1102. Membership.

The Hospital Advisory Board shall consist of eleven (11) members selected as follows:

(a) Ten (10) rotating members, appointed by the Board of Supervisors. to be selected as follows:

(1) Two (2) members to be selected from each supervisorial district in the County;

(2) Seventy-five (75%) percent of the membership shall consist of medical providers and consumers who use the facilities and services of the Yolo General Hospital; and

(3) Notwithstanding the foregoing criteria, each person serving as a member of the Hospital Advisory Board on September 27, 1984, shall be permitted to complete his or her term of office as established pursuant to Section 2-2.1103 of this article; and

(b) One permanent physician member who shall be a member of the Executive Committee of the Medical staff of Yolo General Hospital. The Executive Committee shall be the appointing authority for its representative and shall be responsible for advising the Clerk of the Board of Supervisors in writing of the name of its representative and of any change in its representative. (§ III, Ord. 548, as amended by § 1, Ord. 576, § 1, Ord. 739, eff. January 7, 1976, § 1, Ord. 753, eff. March 10, 1976, § 1, Ord. 829, eff. March 8, 1979, § 1, Ord. 877, eff. May 8, 1980, and § 1, Ord. 986, eff. September 27, 1984)

Sec. 2-2.1103. Membership: Terms.

(a) Of the ten (10) rotating members initially appointed to the Hospital Advisory Board, five (5) shall serve a two (2) year term, and five (5) shall serve a one-year term. Successive appointments shall be for two (2) year terms.

(b) Membership shall be effective upon appointment by the Board of Supervisors. However, all initial terms shall commence on February 1 following appointment, and thereafter all terms shall commence on February 1 and end on January 31.

(c) No rotating member shall serve for more than two (2) consecutive full terms. An initial one-

year term shall not be counted as one of the two (2) consecutive full terms.

(d) Failure to attend three (3) consecutive meetings by any Hospital Advisory Board member without good cause shall be construed as an indication of insufficient interest in the Hospital Advisory Board's activities, and the remaining Hospital Advisory Board members shall review the case and recommend appropriate action to time Board of Supervisors. The Board of Supervisors shall consider the recommendation of the Hospital Advisory Board and, without the necessity for further evidence of good cause, may terminate the appointment of said member and appoint a successor. (§ IV, Ord. 548, as amended by § 2, Ord. 576, § 2, Ord. 739, eff. January 7, 1976, § 2, Ord. 753, eff. March 10, 1976, and § 2, Ord. 829, eff. March 8, 1979)

Sec. 2-2.1104. Membership: Organization.

The members of the Hospital Advisory Board shall elect a chairman and vice-chairman, and at each March meeting thereafter such offices shall be filled by election for the next succeeding twelve (12) month term. The Hospital Administrator shall be secretary of the Hospital Advisory Board and shall make provisions for such necessary clerical assistance or supplies as may be necessary. (§ V, Ord. 548)

Sec. 2-2.1105. Meetings.

Meetings of the Hospital Advisory Board shall be held at least quarterly at the Yolo County General Hospital or at such other facility as the chairman shall determine. Special meetings may be held on the call of the chairman, subject to at least three (3) days' written notice in advance. A quorum shall consist of a majority of the active members. The Clerk of the Board of Supervisors shall be notified of the date and time of each meeting. (§ VI, Ord. 548, as amended by § 3, Ord. 739, eff. January 7, 1976, and § 3, Ord. 753, eff. March 10, 1976)

Sec. 2-2.1106. Duties.

The duties and responsibilities of the Hospital Advisory Board shall be as follows:

(a) To act in an advisory capacity to the Board of Supervisors and the County Administrative Officer;

(b) To review, evaluate, or recommend improvements in the professional medical and health programs of the Yolo County General Hospital;

(c) To study, review, or recommend programs for the improvement of facilities;

(d) To review, evaluate, and make recommendations on matters referred by the Board of Supervisors or the County Administrative Officer;

(e) To submit all recommendations in writing; and

(f) To file a copy of the minutes of meetings with the Board of Supervisors and the County Administrative Officer. (§ II, Ord. 548)

Article 12. Library Advisory Board

Sec. 2-2.1201. Created.

There is hereby created in the County a board to be known as the Library Advisory Board. (§ I, Ord. 558)

Sec. 2-2.1202. Membership.

The Library Advisory Board shall consist of eight (8) members as follows:

(a) Five (5) rotating members, selected by the Board of Supervisors, one from each of the supervisorial districts, who shall be residents of the district from which appointed; and

(b) Three (3) permanent membership agencies, which shall be the appointing authorities for their representatives, and which shall be responsible for advising the Clerk of the Board of Supervisors in writing of the names of their representatives and any change in their representatives. The three (3) permanent members shall be from the following:

(1) The City of Winters;

(2) The City of Davis; and

(3) The City of West Sacramento.

(§ III, Ord. 558, as amended by § 1, Ord. 830, eff. March 8, 1979, § 1, Ord. 876, eff. May 8, 1980, and § 1, Ord. 1049, February 12, 1987)

Sec. 2-2.1203. Membership: Terms: Vacancies.

The terms of rotating members of the Library Advisory Board shall be four (4) years and shall commence on February 1 and end on January 31. A vacancy on the Library Advisory Board shall exist upon the death, resignation, or termination of residence within the city or area of the supervisorial district from which appointed. Vacancies shall be filled for the unexpired term by the appointing authority. Each member shall serve until the appointment and qualification of his successor; provided, however, no member shall serve more than two (2) consecutive terms. A one-year term shall not be counted as one of the two (2) consecutive terms. (§ IV, Ord. 558, as amended by § 2, Ord. 830, eff. March 8, 1979, § 1, Ord. 979, eff. August 9, 1984, and § 2, Ord. 1049, eff. February 12, 1987)

Sec. 2-2.1204. Membership: Organization.

At their first meeting, the members of the Library Advisory Board shall elect a chairman and vice-chairman to hold office for a twelve (12) month term, and at each June meeting thereafter the members shall elect members to fill such offices for the next succeeding twelve (12) month

term. The County Librarian shall be the secretary of the Library Advisory Board. No person shall hold the office of chairman for more than two (2) consecutive terms (§ VI, Ord. 558)

Sec. 2-2.1205. Meetings: Quorum.

The first regular meeting of the Library Advisory Board shall be in June, 1965, and thereafter regular meetings shall be held bimonthly. Special meetings may be held on call of the chairman with at least one week's written notice of such special meeting. The chairman shall call a special meeting upon receiving the written request of four (4) members of said Board. A quorum to conduct a regular or special meeting shall consist of a majority of the currently appointed members of said Board. (§ V, Ord. 558, as amended by § 2, Ord. 876, eff. May 8, 1980)

Sec. 2-2.1206. Meetings: Minutes.

A copy of the minutes of each meeting of the Library Advisory Board shall be filed with the Clerk of the Board of Supervisors. (§ VII, Ord. 558, as amended by § 3, Ord. 1049, eff. February 12, 1987)

Sec. 2-2.1207. Duties.

The duties and responsibilities of the Library Advisory Board shall be as follows:

- (a) To act in an advisory capacity to the Board of Supervisors and the County Librarian;
- (b) To review library operations and services;
- (c) To consider the needs of the library system pertaining to services and facilities;
- (d) To study and review plans and programs for the long-range development of the County library system;
- (e) To consider proposals or requests submitted by individual citizens or groups, which proposals or requests may pertain to the County library system;
- (f) To review budget proposals and make recommendations on the budget to the Board of Supervisors; and
- (g) To make such recommendations to the County Administrative Officer and the Board of Supervisors as may be necessary and desirable. (§ II, Ord. 558, as amended by § 3, Ord. 876, eff. May 8, 1980)

Article 13. Mental Health Board*

* Sections 2-2.1301 through 2-2.1307, codified from Ordinance No. 517, amended in their entirety by Section 1, Ordinance No. 831, effective March 8, 1979.
Sections 2-2.1301 through 2-2.1309, codified from Ordinance No. 831, amended in their entirety by Ordinance No. 1159, effective May 20, 1993.

Sec. 2-2.1301. Created.

There is created the Yolo County Mental Health Board. (§ 2, Ord. 1159, eff. May 20, 1993)

Sec. 2-2.1302. Duties and responsibilities.

The Mental Health Board shall have the following duties and responsibilities:

- (a) Review and evaluate the community's mental health needs, services, facilities, and special problems;
- (b) Review any county agreements entered into pursuant to Welfare and Institutions Code Section 5650;
- (c) Advise the governing body and the local mental health director as to any aspect of the local mental health program;
- (d) Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process;
- (e) Submit an annual report to the governing body on the needs and performance of the county's mental health system;
- (f) Review and make recommendations on applicants for the appointment of a local director of mental health services. The board shall be included in the selection process prior to the vote of the governing body;
- (g) Review and comment on the county's performance outcome data and communicate its findings to the County Mental Health Department, the Board of Supervisors, and the State Mental Health Commission. (§ 3, Ord. 1159, eff. May 20, 1993)

Sec. 2-2.1303. Membership.

The Mental Health Board shall consist of sixteen (16) members appointed by the Board of Supervisors as follows:

- (a) *Permanent member.* There shall be one permanent member of the board, who shall be a member of the Board of Supervisors.
- (b) *Rotating members.* There shall be fifteen (15) rotating members appointed as follows:
 - (1) At least fifty (50%) percent of the members shall be consumers or the parents, spouse sibling, or adult children of consumers, who are receiving or have received mental health services;
 - (2) At least twenty (20%) percent of the total membership shall be consumers and at least twenty (20%) percent of the total membership shall be families of consumers.

(c) The Board of Supervisors shall, through its appointments to the Mental Health Board, strive to reflect the ethnic diversity of the client population of the County.

(d) The Board of Supervisors is encouraged to appoint individuals who have experience and knowledge of the mental health system. (§ 4, Ord. 1159, eff. May 20, 1993)

Sec. 2-2.1304. Membership: Terms.

The initial terms of the fifteen (15) rotating members of the Mental Health Board shall be as follows:

(a) Five (5) members shall be appointed for a three (3) year term.

(b) Five (5) members shall be appointed for a two (2) year term.

(c) Five (5) members shall be appointed for a one-year term.

(d) Thereafter, as vacancies occur, subsequent appointments shall be made for three (3) year terms.

(e) Membership shall be effective upon appointment by the Board of Supervisors. However, all terms shall be deemed to have commenced on February 1 following the initial appointment, and thereafter all terms shall be aligned to begin on February 1 and end on January 31.

(f) There shall be an equal number of appointees by each member of the Board of Supervisors.

(g) No member of the Mental Health Board or his or her spouse shall be a full-time or part-time county employee of a County mental health service, an employee of the State Department of Mental Health, or an employee of, or a paid member of the governing body of, a Bronzan-McCorquodale contract agency.

(h) A member of the Mental Health Board shall abstain from voting on any issue in which the member has a financial interest as defined in Section 87103 of the California Government Code.

(i) If, prior to the expiration of a term, a member ceases to retain the status which qualified the member for appointment to the Mental Health Board, the membership of the member shall be terminated, and a vacancy shall be declared.

(j) If it is not possible to secure membership as specified from among persons who reside in the County, the Board of Supervisors may substitute representatives of the public interest in mental health who are not full-time or part-time employees of the County mental health service, the State Department of Mental Health, or on the staff of, or a paid member of the governing body of, a Bronzan-McCorquodale contract agency. (§ 5, Ord. 1159, eff. May 20, 1993)

Sec. 2-2.1305. Meetings: Quorum.

A quorum for meetings of the Mental Health Board shall consist of not less than one-half (1/2) of the currently appointed members. A majority vote of the members present shall be required for any motion, resolution, or other action. (§ 6, Ord. 1159, eff. May 20, 1993)

Sec. 2-2.1306. Membership: Termination.

The term of office of a rotating member who has three (3) consecutive unexcused absences from meetings of the Mental Health Board may be terminated by the Board of Supervisors after notification to the member and the Mental Health

Board. The vacancy thereby created shall be filled by the appointment of another representative of the same group for the remainder of the unexpired term of the member being replaced. A person so appointed may then serve a maximum of two (2) additional terms following the completion of the unexpired term. (§ 7, Ord. 1159, eff. May 20, 1993)

Sec. 2-2.1307. Officers.

The officers shall be a chairperson and a vice-chairperson who shall be Mental Health Board members and who shall serve on a yearly basis and be subject to election in May of each year. A secretary may be elected, unless secretarial staff is otherwise provided. (§ 8, Ord. 1159, eff. May 20, 1993)

Sec. 2-2.1308. Reimbursements for Expenses.

Members of the Mental Health Board shall receive reimbursements for their actual and necessary expenses incurred in the performance of their duties outside the boundaries of the County. A member shall obtain written approval from the Mental Health Director prior to attending any event outside the boundaries of the County for which the member wishes to be reimbursed. Odometer readings and receipts will be required for reimbursement in accordance with the rules established by the County Auditor-Controller.

Reimbursements shall be budgeted and charged against County Mental Health funds and shall be subject to the budget limitations and restrictions placed on such funds. (§ 9, Ord. 1159, eff. May 20, 1993)

Sec. 2-2.1309. Subcommittees.

The Mental Health Board may appoint such subcommittees as it deems appropriate and necessary for the fulfillment of its duties and responsibilities. (§ 10, Ord. 1159, eff. May 20, 1993)

Article 14. Park, Recreation, and Wildlife Advisory Committee*

* Article 14 entitled "Park and Recreation Advisory Committee," consisting of Sections 2-2.1402 through 2-2.1408, codified from Resolution No. 67-14, amended in its entirety by Ordinance No. 1067, effective January 21, 1988.

Section 2-2.1401. Created.

The Park and Recreation Advisory Committee shall henceforth be known as the Park, Recreation, and Wildlife Advisory Committee. (§ 2, Ord. 1067, eff. January 21, 1988)

Sec. 2-2.1402. Membership.

The Park, Recreation, and Wildlife Advisory Committee shall consist of ten (10) Members

appointed by the Board, and each Supervisor shall recommend and nominate two (2) private citizens from the supervisorial district represented by the Supervisor. One member of the Board and the County Administrative Officer shall be ex officio members of the Committee. The members of the Park and Recreation Advisory Committee disbanded by Ordinance No. 1067 shall comprise the initial membership of the Park, Recreation, and Wildlife Committee. (§ 3, Ord. 1067, eff. January 21, 1988)

Sec. 2-2.1403. Membership: Terms.

The members of the Park, Recreation and Wildlife Advisory Committee shall serve at the pleasure of the Board. (§ 4, Ord. 1067, eff. January 21, 1988)

Sec. 2-2.1404. Membership: Organization.

The members of the Park, Recreation, and Wildlife Advisory Committee shall elect a chairperson and a vice-chairperson to hold office for a twelve (12) month term at each March meeting. The Director of Parks and Recreation, who shall not be a member of the Committee, shall serve as secretary of the Committee. (§ 5, Ord. 1067, eff. January 21, 1988)

Sec. 2-2.1405. Membership: Expense reimbursements.

The members of the Park, Recreation, and Wildlife Advisory Committee shall receive reimbursements for their actual and necessary expenses incurred in the performance of their duties outside the boundaries of the County. (§ 6, Ord. 1067, eff. January 21, 1988)

Sec. 2-2.1406. Meetings: Quorum.

The Park, Recreation, and Wildlife Advisory Committee shall meet on the call of the chairperson with at least one week's written notice of such meeting. A quorum to conduct a meeting shall consist of one-half plus one of the current membership of the Committee. The County Clerk-Recorder shall be notified of the date and time of each meeting of the Committee. (§ 7, Ord. 1067, eff. January 21, 1988, as amended by § 1, Ord. 1113, eff. December 20, 1990)

Sec. 2-2.1407. Meetings: Minutes.

A copy of the minutes of each meeting of the Park, Recreation, and Wildlife Advisory Committee shall be filed with the Clerk of the Board and the County Administrative Officer. (§ 8, Ord. 1067, eff. January 21, 1988)

Sec. 2-2.1408. Duties.

The duties and responsibilities of the Park, Recreation, and Wildlife Advisory Committee and shall be as follows:

(a) To act in an advisory capacity to the Board and the Director of Parks;

(b) To consider the needs of the County with respect to the development of a regional park system;

(c) To study and review plans and programs for the long-range development of the County park master plan;

(d) To consider proposals and requests submitted by individual citizens or groups;

(e) To advise and recommend the most economical method for the expenditure of fish and game funds; and

(f) To make recommendations to the Board and the County Administrative Officer about park, recreation, and wildlife matters as may be necessary and desirable. (§ 9, Ord. 1067, eff. January 21, 1988)

Article 15. Personnel Board

Sec. 2-2.1501. Established.

See Chapter 6 of this title.

Article 16. Planning Commission

Sec. 2-2.1601. Authority.

The provisions of this article have been enacted pursuant to the provisions of Chapter 3 of Title 7 of the Government Code of the State (Planning and Zoning Law). (§ 3, Ord. 122)

Sec. 2-2.1602. Membership.

a) The Planning Commission shall consist of seven (7) rotating members appointed by the Board. Five (5) members shall be selected, one from each supervisorial district. The remaining two (2) members shall be selected at large in the following manner. For a period of six months after an at large seat becomes vacant, the seat may be filled only by an appointee who resides in the unincorporated territory of the County. At all times during the recruiting process, all reasonable measures to recruit suitable candidates shall be used, including but not limited to those measures customarily used to seek candidates for vacant positions on other County boards, commissions, and committees. At the expiration of this six-month period, so long as reasonable recruiting measures have been employed, the Board may appoint any qualified individual residing within the County, including incorporated areas, to fill the vacant at large seat. If an individual appointed in such manner resides in an incorporated area, he or she is not eligible for subsequent reappointment as an at large member of the Planning Commission unless the County is again unable to fill the at large

seat during the initial six-month recruiting period.

b) If an at large member appointed during the six-month period subsequently ceases to reside in the unincorporated territory of the County, the Board may terminate the membership of that at large member. In this circumstance, the procedure set forth in subsection (a) shall be followed in seeking a qualified candidate to fill the vacant at large seat. (§ 1, Ord. 122, as amended by § 1, Ord. 430, § 1, Ord. 957, eff. September 8, 1983, and § 1, Ord. 1070, eff. February 4, 1988, as amended by §2, Ord. 1337, eff. September 1, 2005)

Sec. 2-2.1603. Jurisdiction.

The Planning Commission shall be lawfully constituted and have jurisdiction to proceed to act as provided by law upon the appointment of the members thereof by an order of the Board duly entered in the minutes and upon each of such members taking and filing an oath of office as provided by law. (§ 2, Ord. 122)

Sec. 2-2.1604. Rules for the conduct of business.

The Planning Commission, by resolution, shall adopt such rules and regulations governing the conduct of its business as the Commission deems appropriate, which rules shall be consistent with this Code and all provisions of State laws. (§ 1, Ord. 843, eff. April 26, 1979)

Sec. 2-2.1605. Quorum: Commission action: Tie votes.

A majority of the duly appointed members of the Planning Commission shall constitute a quorum for the conduct of Commission business. Action by the Planning Commission shall be taken only on the affirmative vote of a majority of the members then present, excluding those who abstain due to a conflict of interest, but including those who abstain for any other reason.

In the event there is a tie vote on any motion pending before the Planning Commission or Board of Zoning Appeals, the chairman shall call for any further motions of any member on the subject. In the event no further motions are made, or that such further motions also result in a tie vote, the chairman shall call for a motion to declare the Commission or Board deadlocked. If the declaration of a deadlock is passed by a majority of a quorum, or if the vote on the motion of a deadlock is also a tie vote, the chairman shall declare a deadlock.

The declaration of deadlock shall be considered a denial of the matter and shall be appealable to the Board of Supervisors to the same extent and in the same manner as if the Commission or Board had denied the request. The Clerk of the Board of Supervisors is hereby

authorized and instructed to waive the applicable filing fee for any appeal resulting from a declaration of a deadlock. (§ 2, Ord. 843, eff. April 26, 1979, as amended by § 7, Ord. 1178, eff. April 27, 1995)

Sec. 2-2.1606. Board of Permit Appeals.

The Planning Commission hereby is designated as the Yolo County Board of Permit Appeals pursuant to Section 65903 of the Government Code of the State for the purpose of hearing and determining appeals from the decisions of the Zoning Administrator or for reviewing such decisions on its motion or the motion of the Zoning Administrator pursuant to Section 8-2.3232 of Article 32 of Chapter 2 of Title 8 of this Code.

The procedure for such appeals shall be as set forth in Section 8-2.2706 of Article 27 of Chapter 2 of Title 8 of this Code relating to appeals to the Planning Commission.

The Planning Commission, sitting as the Board of Permit Appeals, may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination upon which the appeal was taken and may make such order, requirement, decision, or determination as should be made.

The action of the Planning Commission, sitting as a Board of Permit Appeals, shall be appealable to the Board of Supervisors as provided in Section 8-2.2706 of Article 27 of Chapter 2 of Title 8 of this Code.

The action of the Board of Permit Appeals to approve or disapprove any project which has been appealed to it shall constitute approval or disapproval by the County pursuant to Section 65950 of the Government Code of the State. If the action of the Board of Permit Appeals is appealed to the Board of Supervisors, such appeal shall stay the effective date of the County's approval and shall toll the time limits set forth in said section. (§ 2, Ord. 888, eff. September 11, 1980)

Sec. 2-2.1607. Community Redevelopment Law.

(a) *Jurisdiction.* The Planning Commission hereby is authorized to perform all functions delegated to a planning commission by the California Community Redevelopment Law (Part 1 of Division 24 of the Health and Safety Code of the State, commencing with Section 33000).

(b) *Appealability of actions: Standing.* Any decision of the Planning Commission pursuant to this section may be appealed to the Board by filing an appeal with the Clerk of the Board within fifteen (15) days following the Planning Commission's action. The Board shall sustain, modify, reject, or overrule the Planning Commission's decision and may either declare its

decision to be final or, in its discretion, remand the matter to the Planning Commission.

Any aggrieved person shall have standing to file such appeal, including the executive director of any redevelopment agency affected by the decision.

There shall be no filing fee for any such appeal. (§ 1, Ord. 1019, eff. September 26, 1985)

Sec. 2-2.1608. Historic Preservation Commission.

The Planning Commission hereby is designated as the Historic Preservation Commission. The main duties and responsibilities of the Historic Preservation Commission shall be as follows:

(a) To establish various criteria, guidelines and Standards to carry out the intent of the Historic Preservation ordinance codified in Chapter 8 of Title 8 of the Yolo County Code;

(b) To maintain a comprehensive inventory of historic landmarks and historic districts within the County; publicize and update it periodically;

(c) With the help and cooperation of the Historical Advisory Committee, to recommend to the Board of Supervisors the designation of historic landmarks and historic districts;

(d) To participate in administering regulations pertaining to historic landmarks and historic districts.

The secretary of the Commission shall keep minutes of all meetings of the Commission and shall file a copy of the minutes with the Clerk of the Board of Supervisors. Meetings of the Commission shall be held, and notice given in conformance with California Government Code Sections 54951.1 - 54961 (The Ralph M. Brown Act). (§ 1, Ord. 1080, eff. August 18, 1988)

Sec. 2-2.1609. Business License Appeals Board.

The Planning Commission hereby is designated as the Business License Appeals Board pursuant to Section 12-1.203 of the County Code for the purpose of hearing and determining appeals from the decisions of the Business Licensing Officer. The procedures for such appeals shall be as set forth in Article 5 of Title 12 of the Yolo County Code.

The Planning Commission, sitting as the Business License Appeals Board, may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination upon which the appeal was taken.

The action of the Planning Commission, sitting as the Business License Appeals Board, shall be appealable to the Board of Supervisors as provided in Section 8-2.2706 of Article 27 of Chapter 2 of Title 8 of this Code.

The action of the Business License Appeals Board to approve or disapprove any project which has been appealed to it shall constitute

approval or disapproval by the County. If the action of the Business License Appeals Board is appealed to the Board of Supervisors, such appeal shall stay the effective date of the County's approval or disapproval. (§3, Ord. 1275, eff. December 6, 2001)

Article 17. Employer/Employee Occupational Health and Safety Committee

* Sections 2-2.1701 through 2-2.1706, codified from Ordinance No. 510, as amended by Ordinance Nos. 833, effective March 8, 1979, and 928, effective March 18, 1982, repealed by Ordinance No. 1109, effective October 18, 1990; repealed in its entirety by Ordinance No. 1283, effective May 30, 2002.

Article 18. Waste Advisory Committee*

* Sections 2-2.1801 through 2-2.1803, codified from Minute Order No. 64-504, as amended by Minute Order No. 67-18, repealed by implication by Ordinance No. 834, effective March 8, 1979. See Article 28 of this chapter. Sections 2-2.1801 through 2-2.1809, codified from Ordinance No. 1106, effective June 21, 1990, amended in their entirety by Ordinance No. 1184, effective December 7, 1995. Section 2-2.1808(b) amended by Ordinance 1370, effective April 25, 2008.

Sec. 2-2.1801. Created.

There is hereby created in the County a committee to be known as the Yolo County Waste Advisory Committee as required pursuant to Section 25135.2 of the Health and Safety Code.

The Waste Advisory Committee shall perform the duties of the Local Task Force as required pursuant to Section 40950 of the Public Resources Code. (§ 1, Ord. 1184, eff. December 7, 1995)

Sec. 2-2.1802. Definitions.

(a) A "rotational member" shall mean a member of the committee appointed for a fixed term. Unless otherwise expressly specified, all members shall be rotating members and shall be appointed by the Board of Supervisors.

(b) A "constituent member" means a member appointed to represent the public or a portion thereof at large, as opposed to one appointed to represent a particular professional or technical expertise. (§ 1, Ord. 1316, eff. April 1, 2004)

Sec. 2-2.1803. Membership; Residency; Limitations.

(a) The membership of the Waste Advisory Committee shall consist of eleven (11) rotating members who shall be selected as follows:

(1) One member from each city shall be appointed by the Cities of Davis, West Sacramento, Winters, and Woodland.

(2) One member shall be appointed by the Board of Supervisors to represent the University of California-Davis.

(3) The Board of Supervisors shall appoint six (6) members as follows: one representative of industry, one representative of an environmental organization, one representative of a special district such as a fire protection district or a community services district, and three (3) representatives of the public who, to the extent possible, have expertise concerning aspects of integrated waste management planning, including, but not limited to, engineering, geology, and water quality.

(b) To the extent possible, City members shall be constituent members and residents of Yolo County.

(c) Every Board-appointed member of the committee shall be a resident of Yolo County; provided, however, that the foregoing provision shall not apply if the Board of Supervisors determines that there is no County resident reasonably available with the qualifications or subject matter expertise as required by (a)(2) or (3) above.

(d) County employees may not serve as a constituent member of the committee if the committee decisions or recommendations pertain to the functional areas in which the employee works. Any dispute regarding the application of the foregoing shall be decided by the Board of Supervisors. (§8 1, Ord. 1184, eff. December 7, 1995, as amended by §2, Ord. 1316, eff. April 1, 2004)

Sec. 2-2.1804. Membership terms.

a) The term of membership shall be four (4) years.

(b) Notwithstanding the foregoing, the term of one City-appointed member shall expire each year, and the term of not less than one, but not more than two (2) of the County-appointed members shall expire each year. The Director of Public Works shall develop a schedule to stagger the terms as set forth herein. The Appointing Authority shall be advised of the expiration of the member's term a minimum of two (2) months prior to the end of the term.

(c) Terms shall begin on February 1st and shall expire on January 31st. (§ 1, Ord. 1184, eff. December 7, 1995)

Sec. 2-2.1805. Membership termination; Vacancy.

(a) A Board-appointed member shall be appointed by majority vote of the Board of Supervisors, shall serve at the pleasure of the Board, and may be removed at any time for any reason by majority vote of the Board, and

(b) A City-appointed member shall be appointed by, serve at the pleasure of, and be

removed at any time for any reason by the appointing authority for that member.

(c) The Yolo County Waste Advisory Committee may recommend termination of membership if in their opinion a member is not adequately performing the duties for which the member was appointed. The Appointing Authority shall terminate the membership of any person who in their opinion is not adequately performing the duties for which the member was appointed.

(1) Member attendance records shall be provided to the members and appointing authorities semi-annually.

(2) Three (3) consecutive absences by any committee member will result in a notice of non-attendance performance being sent to the member's Appointing Authority. It will be at the Appointing Authorities discretion to determine what action, if any, is required.

(d) A vacancy shall occur upon the death, resignation, removal or disqualification of any member (including but not limited to the termination of residency in the County, city or other area if required, or the cessation of the status which qualified the member for appointment.

(e) Resignations of members shall be accompanied by a letter or written documentation from the resigning member.

(f) In the event of death, resignation, removal or disqualification, the Appointing Authority shall appoint a new member for the remainder of the unexpired term. (§1, Ord. 1184, eff. December 7, 1995, as amended by §3, Ord. 1316, eff. April 1, 2004)

Sec. 2-2.1806. Membership organization.

(a) The Waste Advisory Committee shall meet and elect a chairperson and vice-chairperson annually at its first meeting after February 1st. Such officers shall serve until their successors are elected. The Director of Public Works or a designee of the Director shall serve as staff liaison to the Committee and shall provide secretarial services to the Committee. The County Health Officer or a designee of the County Health Officer shall also serve as staff liaison. The Board of Supervisors shall appoint one Board member to serve as its liaison to the committee. (§1, Ord. 1184, eff. December 7, 1995, as amended by §4, Ord. 1316, eff. April 1, 2004)

Sec. 2-2.1807. Meetings, Quorum; Minutes.

(a) *Date.* Meetings of the Waste Advisory Committee shall be held on a regular date set by the Committee. Either the Chairperson or a majority of the appointed members may call special meetings as necessary.

(b) *Quorum.*

(1) Unless otherwise provided by law, a majority of all currently appointed members shall be required to constitute a quorum.

(2) A majority vote of those present and constituting a quorum, excluding those who abstain due to a legal conflict of interest, but including those who abstain for any other reason, shall be required for any action by the committee, except that a vote of a majority of those present shall be sufficient to adjourn or continue any proceeding.

(c) *Minutes.* Minutes shall include the names of all members who are present and absent, all reports received, approved or otherwise considered, any formal actions or votes taken (including but not limited to recommendations adopted) and the vote of each member as voted thereon, and such additional information as is deemed necessary and appropriate. The minutes and member attendance shall be filed with the clerk of the Board of Supervisors, and the Clerks of the city Councils. (§1, Ord. 1184, eff. December 7, 1995, as amended by §5, Ord. 1316, eff. April 1, 2004)

Sec. 2-2.1808. Duties.

(a) The duties and responsibilities of the Local Task Force shall be as follows:

(1) Identify solid waste management issues of countywide or regional concern.

(2) Determine the need for solid waste collection and transfer systems, processing facilities and marketing strategies, that can serve more than one local jurisdiction within the region.

(3) Facilitate the development of multi-jurisdictional arrangements for the marketing of recyclable materials.

(4) To the extent possible, facilitate resolution of conflicts and inconsistencies between or among City and County source reduction and recycling elements.

(5) Develop goals, policies and procedures which are consistent with guidelines and regulations adopted by the Board, to guide the development of the siting element of the Countywide integrated waste management plan.

(b) The duties and responsibilities of the Waste Advisory Committee shall be as follows:

(1) Advise the County staff, the Board of Supervisors of the County, and the staff, Mayors and Council Members of the Cities within the County on issues related to the development, approval, and administration of the County Hazardous Waste Management Plan.

(2) Hold informal public meetings and workshops as required on the County Hazardous Waste Management Plan.

(3) Review issues of integrated waste management relative to the County and provide recommendations to the County and Cities within the County on those issues. (§ 1, Ord. 1184, eff. December 7, 1995)

(4) Conduct hearings for those appealing decisions made under Article 6, Chapter 15 of the Yolo County Code. (§1, Ord. 1370, eff. April 25, 2008)

Sec. 2-2-1809. Compliance With Laws.

All meetings and actions of the committee and its members shall comply with the Brown Act (Government Code Section 54950 and following), the Political Reform Act and other conflict of interest laws (Government Code Sections 1090 and following and 81700 and following; Yolo County Code Section 2-6.42 and the Yolo County Conflict of Interest Resolution), the Public Records Act (Government Code Section 6250 and following), Health and Safety Code Section 25135.2, and Public Resources Code Section 40950, as well as with all other applicable laws and regulations as may be adopted or amended from time-to-time. (§ 6, Ord. 1316, eff. April 1, 2004)

Article 19. Water Resources Board*

* Sections 2-2.1901 through 2-2.1907, codified from Ordinance No. 433, as amended by Ordinance Nos. 680, effective May 9, 1973, § 11, effective December 12, 1974, 772, effective April 7, 1977 and 971 effective January 12, 1984, repealed and amended in its entirety by Sections 1 and 2, respectively, by Ordinance No. 1096, effective August 10, 1989.

Sec. 2-2.1901. Created.

There is hereby created in the County a board to be known as the Water Resources Board. (§ 2, Ord. 1096, eff. August 10, 1989)

Sec. 2-2.1902. Membership.

The membership of the Water Resources Board shall consist of seven (7) rotating members who shall be selected as follows:

(a) Each Supervisor shall appoint one member;

(b) One member shall be appointed by the Board of Supervisors upon recommendation by the University of California at Davis and shall be a person knowledgeable in the area of water resources;

(c) One member shall be appointed by the Board of Supervisors upon the recommendation of the Interagency Water Management Group from its membership. (§ 2, Ord. 1096, eff. August 10, 1989)

Sec. 2-2.1903. Membership: Terms.

(a) The term of membership of the new member recommended by the Interagency Water Management Group shall be one year. The term of the remaining members shall be four (4) years.

(b) Notwithstanding the foregoing, of the initial members serving terms of normal four (4) year duration, two (2) shall serve a term of two (2) years, two (2) shall serve a term of (3) years,

and two (2) shall serve a term of four (4) years. The allocation of terms shall be determined by the Water Resources Board by lot.

(c) Terms shall begin on February 1st and shall expire on January 31st. The terms of the initial members shall be computed from the February 1st following appointment. (§ 2, Ord. 1096, eff. August 10, 1989)

Sec. 2-2.1904. Membership: Termination.

(a) The Board of Supervisors may terminate the membership of any person who has three (3) unexcused absences from scheduled meetings or who, in the opinion of the Board of Supervisors, is not adequately performing the duties for which the member was appointed.

(b) Resignations of members shall be accompanied by a letter or written documentation from the member or the Water Resources Board. (§ 2, Ord. 1096, eff. August 10, 1989)

Sec. 2-2.1905. Membership: Organization.

The Water Resources Board shall meet and elect a chairman, vice-chairman and secretary. Such officers shall serve until their successors are elected. The Director of Public Works shall serve as staff liaison to the Board. (§ 2, Ord. 1096, eff. August 10, 1989)

Sec. 2-2.1906. Meetings.

(a) *Date.* Meetings of the Water Resources Board shall be held from time to time as is appropriate on a ready, regular date set by the Committee. The Chairman may call such special meetings as may be necessary.

(b) *Quorum.* A majority of all serving members shall constitute a quorum of the Water Resources Board.

(c) *Minutes.* The secretary of the Water Resources Board shall keep minutes of all specific actions taken and of the recommendations made to the Board of Supervisors of the members present and absent and shall file copies of the minutes with the Clerk of the Board of Supervisors. (§ 2, Ord. 1096, eff. August 10, 1989)

Sec. 2-2.1907. Duties.

The duties and responsibilities of the Water Resources Board shall be to advise the Board of Supervisors on water matters affecting the County and its inhabitants, including analyzing information and suggesting alternatives and including but not limited to the consideration of issues of quantity and quality of water, the consideration of flood control and drainage issues, and the coordination of such issues among the various water entities affecting the County, and doing so within a regional and Statewide context as well as a County context. The Water Resources Board shall also make an annual report of its activities to the Board of

Supervisors. (§ 2, Ord. 1096, eff. August 10, 1989)

Article 20. West Plainfield Advisory Committee on Airport Development

Sec. 2-2.2001. Created.

There is hereby created the West Plainfield Advisory Committee on Airport Development. (§ 1, Ord. 1148, eff. October 15, 1992)

Sec. 2-2.2002. Membership.

(a) The West Plainfield Advisory Committee on Airport Development shall consist of five (5) rotating members appointed by the Board of Supervisors as follows:

(1) Two (2) shall be members residing within a one mile radius of the exterior boundaries of the Yolo County Airport;

(2) Three (3) shall reside within the boundaries of the West Plainfield Fire Protection District.

(b) Appointments shall be made from:

(1) Applications submitted to the Clerk of the Board by eligible persons; and/or

(2) Nominations of eligible persons submitted to the Clerk of the Board by the West Plainfield Advisory Committee on Airport Development. (§ 1, Ord. 1148, eff. October 15, 1992)

Sec. 2-2.2003. Membership: Terms.

The terms shall be four (4) years and shall commence on February 1 and end on January 31. A vacancy shall exist upon the death, resignation or termination of residence within the designated area from which the member was appointed. Vacancies shall be filled for the unexpired term by the appointing authority. Each member shall serve until the appointment and qualification of a successor. Of the initial members two determined by lot shall serve a term of two (2) years. The terms of service shall be computed from February 1, 1992. (§ 1, Ord. 1148, eff. October 15, 1992)

Sec. 2-2.2004. Membership: Termination.

The term of office of a member of the West Plainfield Advisory Committee on Airport Development who fails to attend three (3) consecutive meetings of the Committee may be terminated by the Board after notification of such member, and the vacancy thereby created shall be filled by a person of the same qualifications and nominated in the same manner as the person being replaced. (§ 1, Ord. 1148, eff. October 15, 1992)

Sec. 2-2.2005. Officers.

The members of the West Plainfield Advisory Committee on Airport Development shall elect a chairman and vice chairman at the first meeting

and at each annual meeting thereafter, such offices shall be filled by election for the next succeeding twelve (12) month term. (§ 1, Ord. 1148, eff. October 15, 1992)

Sec. 2-2.2006. Meetings.

Meetings of the Committee shall be held at such regular times as determined by the Committee and at least one meeting for the consideration of recommendations upon a development project shall be held jointly with the Aviation Advisory Committee and special meetings may be held upon call of the Chairman, a majority of the members or the Airport Manager of the County. (§ 1, Ord. 1148, eff. October 15, 1992)

Sec. 2-2.2007. Meetings: Minutes.

The Airport Manager of the County shall serve as liaison to the Committee and shall assist in the administration of all meetings and Committee shall file a copy of all minutes with the Clerk of the Board of Supervisors. (§ 1, Ord. 1148, eff. October 15, 1992)

Sec. 2-2.2008. Meetings: Quorum.

A quorum shall consist of a majority of the members currently serving. Action shall require the concurrence of a majority of the members currently serving. (§ 1, Ord. 1148, eff. October 15, 1992)

Sec. 2-2.2009. Duties and responsibilities.

The Committee shall have the following duties and responsibilities:

(a) To act in an advisory capacity to the Board as to matters concerning the Yolo County Airport area of influence as defined in the County Airport Comprehensive Land Use Plan;

(b) To review and make policy recommendations on development projects located in that area of influence;

(c) To make recommendations upon development projects located at the Yolo County Airport as to the conformity with the policies and guidelines contained in the Airport Specific Plan;

(d) To review and make recommendations pertaining to updating or changing the policies and guidelines contained in the Airport Specific Plan for Yolo County Airport and in connection therewith on due notice to have one member serve on the technical advisory committee for airport planning and environmental reviews and to participate in the scoping and design of the work program for the Airport Specific Plan and the accompanying environmental impact report;

(e) No proposed development project located at the Yolo County Airport shall receive discretionary approval by the County without an opportunity for review by the Committee;

(f) To advise as to matters of policy concerning the maintenance, operation, capital

improvements, and acquisition of land or airspace rights at the Yolo County Airport;

(g) To advise on policy matters concerning aviation and air transportation at the Yolo County Airport;

(h) To advise the Board regarding the land use, planning, zoning restrictions on land usage on the Yolo County Airport area of influence;

(i) To coordinate with the Aviation Advisory Committee by sending at least one member of this Committee to attend meetings of that Committee at which it considers development projects, and to invite the attendance of at least one member of the Aviation Advisory Committee at meetings of this Committee at which it considers development projects;

(j) As used in this article and prior to the adoption of a new Airport Master Plan (AMP) to replace the 1977 ASP, "development project" shall mean (1) any airport proposal consisting of a (a) change of use, (b) construction of an improvement, or (c) construction of an addition to an improvement, (2) at the Yolo County Airport, and (3) which is a discretionary project. A discretionary project is one (1) as defined as such by the State CEQA Guidelines [14 CCR 153751], (2) where the public agency making the decision to approve or disapprove is the County of Yolo, and (3) which is not exempt from CEQA. An airport proposal includes granting a lease or approving a sublease that authorizes a change of use, construction of an improvement, or construction of an addition to an improvement. It does not apply to a lease which does not grant such authority. An airport proposal includes granting a lease or approving a sublease that contains new authority for a change of use, construction of an improvement, or construction of an addition to an improvement. It does not apply to an approval which does not grant such authority.

The officer or body of the County that considers the development project to shall have the authority to make a determination whether a proposal is a development project;

(k) The recommendations by the Committee shall in no way limit or diminish the jurisdiction of the Planning Commission or Board of Supervisors. (§ 1, Ord. 1148, eff. October 15, 1992)

Article 21. Yolo County Affirmative Action Advisory Committee

Sec. 2-2.2101. Created.

There is hereby created in the County a committee to be known as the Yolo County Affirmative Action Advisory Committee. (§ 1, Ord. 688, eff. October 24, 1973)

Sec. 2-2.2102. Duties.

The purpose and duties of the Yolo County Affirmative Action Advisory Committee are to advise the Board, the County Administrative Officer, and the Personnel Director of ways to ensure equal employment opportunities in recruiting, examining, and training for all applicants and employees of the County. (§ 1, Ord. 688, eff. October 24, 1973)

Sec. 2-2.2103. Membership.

The membership of the Yolo County Affirmative Action Advisory Committee shall consist of thirteen (13) members, comprised as follows:

(a) Ten (10) rotating members comprised of two (2) members appointed by each supervisor; and

(b) Three (3) permanent membership agencies, which shall each appoint one member from that agency, and which shall be responsible for advising the Clerk of the Board in writing of the name of their representatives and of any change in the names of their representatives. The three (3) agencies having permanent membership are as follows:

(1) The Yolo County Government Employees' Association;

(2) The Yolo County Deputy Sheriffs' Association; and

(3) The Yolo County Management Association. (§ 1, Ord. 688, eff. October 24, 1973, as amended by § 1, Ord. 749, eff. March 3, 1976, and § 1, Ord. 824, eff. March 8, 1979)

Sec. 2-2.2104. Membership: Terms.

(a) The term of office of each member of the Yolo County Affirmative Action Advisory Committee appointed by the Board shall be four (4) years and until his successor is appointed, except that the terms of the members first appointed shall be as follows:

(1) Four (4) members shall serve two (2) years;

(2) Three (3) members shall serve three (3) years;

(3) Three (3) members shall serve four (4) years; and

(4) Each subsequent appointment shall be for a term of four (4) years.

(b) No rotating member shall serve for more than two (2) consecutive full terms. Initial two (2) and three (3) year terms shall not be counted as one of the two (2) consecutive terms. (§ 1, Ord. 688, eff. October 24, 1973, as amended by § 2, Ord. 824, eff. March 8, 1979)

Sec. 2-2.2105. Membership: Organization.

The first meeting of the Yolo County Affirmative Action Advisory Committee shall be called by the chairperson of the Board, at which meeting the members shall elect a chairperson and vice-chairperson and set a regular meeting

date. At its first regular meeting, the members of the Committee shall classify themselves by lot as to their respective terms of office. The Committee may adopt such rules and procedures as it deems necessary for the conduct of its business. (§ 1, Ord. 688, eff. October 24, 1973)

Sec. 2-2.2106. Officers.

(a) The chairperson and the vice-chairperson of the Yolo County Affirmative Action Advisory Committee shall be elected by and from the membership of the Committee. The terms of such officers shall be for one year or until the election of their successors.

(b) The chairperson or, in his absence, the vice-chairperson, shall preside at all meetings. In the absence of both the chairperson and the vice-chairperson, the members present at such meeting shall elect a chairperson pro tem who shall preside at the meeting for which he is elected.

(c) The Affirmative Action Coordinator shall serve as secretary to the Committee.

(d) . The chairperson shall vote only in the case of a tie. (§ 1, Ord. 688, eff. October 24, 1973, as amended by § 1, Ord. 724, eff. July 23, 1975)

Sec. 2-2.2107. Membership: Quorum.

A quorum of the Yolo County Affirmative Action Advisory Committee shall consist of seven (7) or more members, and a majority of the votes of the members voting on any issue shall be required for any action. (§ 1, Ord. 688, eff. October 24, 1973)

Sec. 2-2.2108. Meetings: Minutes.

The secretary of the Yolo County Affirmative Action Advisory Committee shall keep minutes of all meetings of the Committee and shall file a copy of all minutes with the County Clerk-Recorder. (§ 1, Ord. 688, eff. October 24, 1973)

Sec. 2-2.2109. Meetings: Time and place.

Regular meetings of the Yolo County Affirmative Action Advisory Committee shall be held at least once each month at a time and place to be determined by the members. If, for any reason, the business to be considered at a regular meeting cannot be concluded, those present at such meeting shall designate the time and place for an adjourned meeting to consider any unfinished terms of business. The meetings shall be open to the public. (§ 1, Ord. 688, eff. October 24, 1973)

Sec. 2-2.2110. Meetings: Remove.

When any member of the Yolo County Affirmative Action Advisory Committee fails to attend three (3) consecutive meetings without being excused by the chairperson, the

chairperson shall report the fact to the Board. The Board may declare the seat vacant, and the vacancy shall be filled for the remainder of the unexpired term in the manner set forth for regular appointments to membership on the Committee. (§ 1, Ord. 688, eff. October 24, 1973)

Article 22. Yolo County Equal Employment Opportunity Appeals Process*

* Article 22 entitled "Yolo County Health Council" consisting of Sections 2-2.2201 through 2-2.2217 codified from Ordinance No. 708, eff. September 18, 1974, amended in its entirety by Ordinance No. 1305, eff. September 4, 2003.

Sec. 2-2.2201. Created.

There is hereby created in the County an Equal Employment Opportunity Appeals Process.

Sec. 2-2.2202. Duties.

(a) *Purpose.* The purpose of the Yolo County Equal Employment Opportunity Appeals Process is to hear and determine the following appeals, subject to the limitations set forth in subsection (b) of this section:

(1) Appeals on the grounds of discrimination against any individual because of such individual's race, color, religion, sex, sexual orientation, national origin, marital status, or (as defined by subsection (f) of Section 12926 of the Government Code of the State) medical condition, age, or physical or mental disability from actions of officers and employees of the County taken as to applications for County employment, the administration of competitive examinations to fill vacancies in County service and eligible lists therefor, appointments to and dismissals from positions subject to Title VII of the Civil Rights Act of 1964, as amended (including all controversies concerning such discrimination arising out of the selection process or concerning "tests", as defined by the Guidelines on Employee Selection Procedures of the United States Equal Employment Opportunity Commission (29 CFR, Part 1607)), and the administration of the following written materials which govern County employees as such: laws, ordinances, resolutions, rules, regulations, policies, or provisions of memoranda of understanding which supersede County laws; and

(2) Any matter specified as appealable to the Hearing Board by the Affirmative Action Plan of the County, including the granting or denial of a hiring policy.

(b) *Limitations.*

(1) Only an employee of the County, or an applicant for employment by the County, or (notwithstanding the provisions of Section 2-6.31 of Chapter 6 of this title) a person rejected as a

probationary employee of the County shall have standing to use this appeal procedure.

(2) The commencement of an appeal pursuant to this section shall constitute a waiver of any other administrative review procedure of the County as to such matters.

(3) The commencement of proceedings under any other administrative procedure of the County shall bar the use of this procedure as to such matters.

(4) An appeal under this procedure shall not lie as to any matter that is appealable under an administrative procedure adopted by the County pursuant to a State or Federal grant or subvention program.

(5) Any matter that is pending between an appellant and the County or any officer or employee of the County in any judicial action or proceeding or in any administrative proceeding before a governmental entity other than the County (including, but not limited to, a complaint proceeding before the Department of Fair Employment and Housing of the State, an accusation before the Fair Employment and Housing Commission of the State, or a charge of discrimination filed with the United States Equal Employment Opportunity Commission) shall not be heard by the person designated by the Equal Employment Opportunity Process (hearing officer) while such other action or proceeding is pending.

(6) Where the action appealed lies within the discretion of a County officer or employee, the hearing officer shall determine whether the officer or employee abused discretion, but the hearing officer shall not exercise the discretion of the officer or employee.

(7) In the determination of any appeal, the hearing officer shall be restricted to determinations made which may order back pay or reinstatement but may make recommendations based upon findings relating to county policies, procedures, practices and protocols

Sec. 2-2.2203. Hearing Officer.

The hearing officer selected to make findings and determinations under the Yolo County Equal Employment Opportunity Hearing Process shall be a qualified Administrative Law Judge provided by the California Office of Administrative Law Judges, upon the request submitted by the human resources manager following receipt of an appeal as described above. A qualified Administrative Law Judge described herein shall be an Administrative Law Judge who has personnel experience, labor relations management experience, affirmative action or equal employment opportunity experience or legal experience in adjudicating administrative matters. A qualified Administrative Law Judge shall not include any person who is a County

employee, or a member or employee of any of the Yolo County employee organizations.

Sec. 2-2.2204. Conduct of Hearing.

The hearing officer shall preside over an administrative hearing relative to the matters described above upon the call of the human resources manager. The hearing officer shall have the power to subpoena witnesses and papers. Rules governing the proceedings of the hearing shall be those rules as set for the by the Office of Administrative Hearings in general governing administrative hearings.

Sec. 2-2.2205. Hearing Time and Place.

The administrative hearing described herein shall be held at a time and place to be determined by the hearing officer, human resources manager and appellant, except that no hearing shall be conducted at a private residence or non-public building or location.

Sec. 2-2.2206. Appeals: Applications.

An appeal shall be commenced by filing an application in writing, setting forth the action appealed from, the name of the County officer or employee who took the action, and the facts and grounds for the appeal, with the human resources manager. within thirty (30) days after the action appealed from.

Sec. 2-2.2207. Appeals: Applications: Notices of Hearings.

The human resources manager, after consultation with the hearing officer and appellant shall set the application for a hearing within thirty (30) days after filing and shall give at least ten (10) days' written notice of the hearing to hearing officer and to the parties. A copy of the application shall accompany each notice of hearing.

Sec. 2-2.2208. Appeals: Applications: Hearings.

At the time and place set for the hearing, the applicant shall have the burden of proof, and other parties shall have an opportunity to respond. The hearing officer may continue the hearing from time to time and at the conclusion of the hearing shall make its determination of the appeal.

Sec. 2-2.2209. Subpoenas.

Upon the application of any party, the hearing officer shall issue subpoenas to require attendance to take testimony in any matter before it. The hearing officer may issue subpoenas on his/her own motion. The person making an application for a subpoena shall be responsible for serving it and for the payment of witness fees and mileage. An application for the production of

books, documents, or other things under the control of the witness shall be supported by an affidavit such as is prescribed by Section 1985 of the Code of Civil Procedure of the State.

Sec. 2-2.2210. Appeals: Applications: Final determinations.

Once an order determining an appeal is final, the parties shall be bound thereby. (amended in its entirety by §1, Ord. 1035, eff. September 4, 2003)

Article 23. Emergency Medical Care Committee*

* Article 23 entitled "Emergency Medical Services and Medical Disaster Committee", consisting of Sections 2-2.2301 through 2-2.2309, as added by Ordinance No. 733, effective October 15, 1975, as amended by Ordinance Nos. 752, effective March 10, 1976, and 828, effective March 8, 1979, amended in its entirety by Section 2, Ordinance No. 894, effective November 6, 1980. Article 23 entitled "Emergency Services Council," consisting of Sections 2-2.2301 through 2-2.2309, as added by Ordinance No. 894, effective November 6, 1980, amended in its entirety by Section 2, Ordinance No. 1111, effective December 20, 1990; repealed in its entirety by Ordinance No. 1284, effective May 30, 2002)

Article 24. Salud Clinic Advisory Board*

* Article 23, as added by Ordinance No. 1176, effective March 9, 1995, renumbered and amended Article 24, Salud Clinic Advisory Board.

Sec. 2-2.2401. Created.

There is hereby created in the County a board to be known as the Salud Clinic Advisory Board. (§ 1, Ord. 757, eff. June 3, 1976, amended by § 1, Ord. 1176, eff. March 9, 1995)

Sec. 2-2.2402. Membership.

The membership of the Board shall consist of nine (9) members who shall be appointed by the Board of Supervisors as follows:

(a) At least seven (7) members shall be residents of the City of West Sacramento and shall cease to be members of this Board upon losing such residency.

(b) It is desirable that the membership create a balance of consumers, including some actual or potential patients, nonmusical business or professional representatives, and health professional representatives. (§ 1, Ord. 757, eff. June 3, 1976, as amended by § 1, Ord. 1091, eff. June 22, 1989, and § 1, Ord. 1176, eff. March 9, 1995)

Sec. 2-2.2403. Membership: Terms.

The term of office of each member of the Advisory Board shall be three (3) years and until the appointment of a successor. (§ 1, Ord. 757,

eff. June 3, 1976, as amended by § 1, Ord. 1176, eff. March 9, 1995)

Sec. 2-2.2404. Membership: Organization.

The Advisory Board shall meet and elect a Chairperson and Vice-Chairperson annually. Officers shall serve a term of one year until the election of their successor. The Health Center Coordinator shall serve as Secretary of the Advisory Board. (§ 1, Ord. 757, eff. June 3, 1976, as amended by § 1, Ord. 1176, eff. March 9, 1995)

Sec. 2-2.2405. Meetings.

(a) *Date.* Meetings of the Advisory Board shall be held monthly at a time and place established by the Advisory Board. Special meetings may be held on call of the Chairperson or any three (3) members with at least three (3) days' written notice of the special meeting setting forth the time and place of the special meeting and the business to be transacted.

(b) *Quorum.* Five (5) members shall constitute a quorum of the Advisory Board.

(c) *Actions.* No action or decision of the Advisory Board shall be valid or binding unless taken upon the vote of at least five (5) members.

(d) *Minutes.* The Secretary of the Advisory Board shall keep minutes of all actions taken in and recommendations made and shall cause a copy of the minutes of each meeting to be filed with the County of the Board of Supervisors. (§ 1, Ord. 757, eff. June 3, 1976, as amended by § 1, Ord. 1176, eff. March 9, 1995)

Sec. 2-2.2406. Duties.

The duties and responsibilities of the Salud Clinic Advisory Board shall be as follows:

(a) To serve as an advisory board to the Board of Supervisors, the Director of Indigent Healthcare, and the Salud Clinic.

(b) To make recommendations as to community health issues, philosophy and specific policy and, in particular, as to Salud Clinic hours, emphasis, services and the scope of services, and the type of staff to be selected.

(c) To recommend a representative(s) of the Salud Clinic Advisory Board to serve as a member of the Yolo County Health Council and any other advisory committees that may be established relating to the Salud Clinic operations in West Sacramento. (§ 1, Ord. 757, eff. June 3, 1976, as amended by § 1, Ord. 1176, eff. March 9, 1995)

Article 25. Transportation Advisory Committee

Sec. 2-2.2501. Created.

There is hereby created in the County a committee to be known as the Yolo County Transportation Advisory Committee. (§ 1, Ord.

838, eff. March 15, 1979, as amended by § 1, Ord. 844, eff. May 10, 1979, and § 2, Ord. 1180, eff. June 15, 1995)

Sec. 2-2.2502. Membership.

The membership of the Yolo County Transportation Advisory Committee shall consist of seven (7) members as follows:

(a) Six (6) members appointed by the Board:

(1) One from each supervisorial district; and

(2) One at large, representing bicycling; and

(b) One member appointed by and representing the Yolo County Transit Authority (a joint powers authority).

The Transit Authority shall be responsible for advising the Clerk of the Board in writing of the name of its representative and of any change in the name of its representative.

(c) The member appointed by the Transit Authority may be from its governing board or staff, or citizens residing within its boundaries, and shall serve at the pleasure of the Transit Authority.

(d) All of such appointments should be made to provide as many diverse interests as possible. (§ 1, Ord. 838, eff. March 15, 1979, as amended by § 1, Ord. 844, eff. May 10, 1979, § 1, Ord. 879, eff. May 8, 1980, § 1, Ord. 882, eff. June 12, 1980, § 1, Ord. 1114, eff. December 20, 1990, and § 2, Ord. 1180, eff. June 15, 1995)

Sec. 2-2.2503. Term of board appointees.

(a) The initial term of office of the Board appointees shall be as follows:

(1) Supervisorial Districts 2 and 4 and at large (representing bicycling) shall be for four (4) years, terminating January 31, 1995; and

(2) Supervisorial Districts 1, 3 and 5 shall be for two (2) years, terminating January 31, 1993.

(b) Thereafter, all such terms shall be for a term of four (4) years.

(c) Membership shall be effective upon appointment by the Board. However, all terms shall be deemed to have commenced on February 1 following the initial appointment, and thereafter all terms shall commence on February 1 and end on January 31. (§ 1, Ord. 838, eff. March 15, 1979, as amended by § 1, Ord. 844, eff. May 10, 1979, § 2, Ord. 879, eff. May 8, 1980, § 2, Ord. 882, eff. June 12, 1980, § 2, Ord. 1114, eff. December 20, 1990, and § 2, Ord. 1180, eff. June 15, 1995)

Sec. 2-2.2504. Termination or resignation.

The term of office of a member of the Transportation Advisory Committee who fails to attend three (3) consecutive meetings of the Committee may be terminated by the Board after notification to such member. Any vacancy created by termination or resignation shall be then filled by an appointment of another representative of the same area of representation

for the remainder of the unexpired term of the member being replaced. (§ 1, Ord. 838, eff. March 15, 1979, as amended by § 1, Ord. 844, eff. May 10, 1979, and § 2, Ord. 1180, eff. June 15, 1995)

Sec. 2-2.2505. Officers.

The members of the Transportation Advisory Committee shall elect a chair and vice-chair at the first meeting, and at each annual meeting thereafter, after February 1, such offices shall be filled by election for the next succeeding twelve (12) month term. The Director of Public Works shall serve as secretary to the Committee and shall provide such staff assistance or supplies as may be required. (§ 1, Ord. 838, eff. March 15, 1979, as amended by § 1, Ord. 844, eff. May 10, 1979, and § 2, Ord. 1180, eff. June 15, 1995)

Sec. 2-2.2506. Meetings.

Meetings of the Transportation Advisory Committee shall be held at least once each three (3) months or more frequently as called by the Committee chair or the Director of Public Works. (§ 1, Ord. 838, eff. March 15, 1979, as amended by § 1, Ord. 844, eff. May 10, 1979, and § 2, Ord. 1180, eff. June 15, 1995)

Sec. 2-2.2507. Meetings: Quorum.

A quorum shall consist of four (4) members of the Transportation Advisory Committee. A majority vote of the members present shall be required for any motion, resolution, or other action. (§ 1, Ord. 838, eff. March 15, 1979, as amended by § 1, Ord. 844, eff. May 10, 1979, and § 2, Ord. 1180, eff. June 15, 1995)

Sec. 2-2.2508. Duties and responsibilities.

The Transportation Advisory Committee shall have the following duties and responsibilities:

(a) To act in an advisory capacity to the Board concerning transportation matters;

(b) To review and make policy recommendations as follows:

(1) Planning, financing, development, and maintenance of routes and facilities for public transportation, bicycling, surface transportation, canals, bridges, and ground access to aviation.

(2) County, Regional, Metropolitan, State, and Federal transportation improvement plans.

(3) Other transportation-related items as may be identified by the Committee or referred by the Board. (§ 1, Ord. 838, eff. March 15, 1979, as amended by § 1, Ord. 844, eff. May 10, 1979, § 3, Ord. 879, eff. May 8, 1980, § 3, Ord. 882, eff. June 12, 1980, and § 2, Ord. 1180, eff. June 15, 1995)

Article 26. Underground Utility Advisory Committee.

Sec. 2-2.2601. Created.

There is hereby created in the County a committee to be known as the Yolo County Underground Utility Advisory Committee. (§ 1, Ord. 841, eff. April 5, 1979)

Sec. 2-2.2602. Membership.

The membership of the Underground Utility Advisory Committee shall consist of eight (8) permanent members as follows:

(a) One representative from the telephone company, for the district involved;

(b) One representative from the Pacific Gas and Electric Company;

(c) One representative from the office of the County Administrative Officer;

(d) The Chief Building Inspector;

(e) The Director of Public Works;

(f) The Planning Director;

(g) One representative from the office of the County Counsel; and

(h) One representative from the Planning Commission. (§ 1, Ord. 841, eff. April 5, 1979)

Sec. 2-2.2603. Membership: Appointing authority.

The agency or organization providing membership on the Underground Utility Advisory Committee shall be the appointing authority for its representative and shall be responsible to advise the Clerk of the Board in writing of the name of its representative and of any change in the name of its representative. (§ 1, Ord. 841, eff. April 5, 1979)

Sec. 2-2.2604. Officers.

The members of the Underground Utility Advisory Committee shall elect a chairperson and vice-chairperson at the first annual meeting. Such offices shall be filled by election for the succeeding twelve (12) month term. The Director of Public Works shall serve as secretary to the Committee and shall provide such staff assistance or supplies as may be required. (§ 1, Ord. 841, eff. April 5, 1979)

Sec. 2-2.2605. Meetings.

Meetings of the Underground Utility Advisory Committee shall be held at least once each six (6) months or more frequently as called by the chairperson or the Director of Public Works. (§ 1, Ord. 841, eff. April 5, 1979)

Sec. 2-2.2606. Meetings: Quorum.

A quorum shall consist of five (5) members of the Underground Utility Advisory Committee. A majority vote of the members present shall be required for any motion, resolution, or other action. (§ 1, Ord. 841, eff. April 5, 1979)

Sec. 2-2.2607. Duties and responsibilities.

The Underground Utility Advisory Committee shall act in an advisory capacity to the Board on

all underground utility district matters within the County and on such other related matters as may be directed to the Committee by the Board. (§ 1, Ord. 841, eff. April 5, 1979)

Article 27. Business License Appeals Board

*Sections 2-2.2701 through 2-2.2707, codified from § 1. Ord. 960, eff. October 6, 1983, repealed by §4, Ord. 1275, eff. December 6, 2001).

Article 28. Technical Review Committee on Building Construction

Sec. 2-2.2801. Created.

There is hereby created in the County a committee to be known as the Yolo County Technical Review Committee on Building Construction. (§ 1, Ord. 834, eff. March 8, 1979)

Sec. 2-2.2802. Membership.

The membership of the Technical Review Committee on Building Construction shall consist of eight (8) members selected and appointed by the Board as follows:

- (a) The Director of Public Works;
- (b) The Chief Building Inspector;
- (c) The County Administrative Officer;
- (d) The Director of Parks and Recreation;
- (e) The Director of General Services;
- (f) The Superintendent of Buildings;
- (g) The Department Head of the building involved; and
- (h) The Chief of Environmental Health. (§ 1, Ord. 834, eff. March 8, 1979)

Sec. 2-2.2803. Officers.

The members of the Technical Review Committee on Building Construction shall elect a chairman and vice-chairman at the first meeting, and at each annual meeting thereafter such offices shall be filled by election for the next succeeding twelve (12) month term. The Director of Public Works shall serve as secretary to the Committee and shall provide such staff assistance or supplies as may be required. (§ 1, Ord. 834, eff. March 8, 1979)

Sec. 2-2.2804. Meetings.

Meetings of the Technical Review Committee on Building Construction shall be held at least once each six (6) months or more frequently as called by the committee chairman or the Director of Public Works. (§ 1, Ord. 834, eff. March 8, 1979)

Sec. 2-2.2805. Meetings: Quorum.

A quorum shall consist of five (5) members of the Technical Review Committee on Building Construction. A majority vote of the members present shall be required for any motion,

resolution, or other action. (§ 1, Ord. 834, eff. March 8, 1979)

Sec. 2-2.2806. Duties and responsibilities.

The Technical Review Committee on County Building Construction shall have the following duties and responsibilities:

- (a) To review all County building plans and specifications and report to the Board on all matters pertaining to County building construction. (§ 1, Ord. 834, eff. March 8, 1979)

Article 29. Yolo County Drug, Alcohol, Tobacco Advisory Council*

* Article 29 entitled "Alcohol and Other Drug Abuse Advisory Committee," consisting of Sections 2-2.2901 through 2-2.2907, as added by Ordinance No. 825, effective March 8, 1979, amended in its entirety by Urgency Ordinance No. 1028, effective April 1, 1986. Sections 2-2.2901 through 2-2.2907, codified from Ordinance No. 1028, amended in their entirety by Ordinance No. 1167, effective May 26, 1994.

Sec. 2-2.2901. Created.

There is hereby created the Yolo County Drug, Alcohol, Tobacco Advisory Council. (§ 2, Ord. 1167, eff. May 26, 1994)

Sec. 2-2.2902. Purpose.

The Yolo County Drug, Alcohol, Tobacco Advisory Council is established to combine and replace the Alcohol/Drug Advisory Board, the Master Plan Advisory Board, and the Local Coordinating Council for Healthy Kids. The purpose of the Yolo County Drug, Alcohol, Tobacco Advisory Council ("DATA" or "Council") is to provide coordinated planning, monitoring, and/or advisory efforts for all substance abuse programs and services in Yolo County. The Council shall operate within the respective mandates of all governing bodies relevant to policy development and to provision and evaluation of substance abuse programs throughout the County. (§ 3, Ord. 1167, eff. May 26, 1994)

Sec. 2-2.2903. Duties.

The Council shall:

- (a) Participate in the planning process for any County Drug, Alcohol, and Tobacco Programs, and review any plan documents prior to their submission;
- (b) Advise the County Drug and Alcohol Administrator on policies and goals of the programs, and review and advise on other issues raised by the Council or the Administrator;
- (c) Encourage and educate the public to understand the nature of drug, alcohol, and tobacco problems, and encourage support throughout the County for development and implementation of effective substance abuse programs;

(d) Participate in reviews and evaluations of the community's substance abuse program needs, services, facilities, and special programs;

(e) Review and approve the procedures used to insure citizen and professional involvement at all stages of the planning process leading to the formulation and adoption of any County substance abuse program plans;

(f) Advise individual school districts and the County Superintendent of Schools;

(g) Assess the impact of alcohol, tobacco, and other drug-related problems in the County;

(h) Determine the availability of alcohol, tobacco, and drug services;

(i) Organize a collaborative effort to maximize service availability and effectiveness by making priorities for needs and by consolidating and coordinating efforts. (§ 4, Ord. 1167, eff. May 26, 1994)

Sec. 2-2.2904. Membership.

The Drug/Alcohol/Tobacco Advisory Council shall consist of a minimum of twenty (20) but not more than thirty (30) members.

(a) *Permanent members.* There shall be eight (8) permanent members of the Council, who shall be the persons who hold the following positions or their designees:

(1) Director of County Drug/Alcohol Abuse Programs;

(2) District Attorney;

(3) Probation Officer;

(4) Sheriff;

(5) Director of Social Services;

(6) County Superintendent of Schools;

(7) County AIDS Coordinator;

(8) County Tobacco Education Coordinator.

(b) *Rotating members.* The remaining members of the Council shall be rotating members appointed by the Board of Supervisors. Applications shall be filed with the Clerk of the Board of Supervisors, who shall forward the applications to the County's Department of Alcohol and Drug Programs. The Department shall submit to the Board of Supervisors recommendations for appointment to the Council. The rotating members should reflect geographic diversity in the County. Members may represent more than one role. Rotating members should include, but are not limited to:

(1) Staff from two (2) school districts;

(2) Recovering adult(s);

(3) Recovering youth(s);

(4) Senior citizen(s);

(5) Representative(s) from community based substance abuse recovery program(s);

(6) Representative(s) from one or more substance abuse prevention programs;

(7) Representative(s) from any community based organizations with an interest in substance abuse issues;

(8) Representative(s) for homeless persons;

(9) Representative(s) for disabled persons;

(10) Representative(s) from business/industry;

(11) Representative(s) from University of California at Davis students;

(12) Representative(s) from an Employee Assistance Program;

(13) Representative(s) from a labor organization;

(14) Parent(s) of school-age children;

(15) Any community volunteer(s) interested in substance abuse issues and the goals of the Council.

(c) The Board of Supervisors shall, through its appointments to the Council, strive to reflect the ethnic diversity of the population of the residents and service providers of the County. (§ 5, Ord. 1167, eff. May 26, 1994)

Sec. 2-2.2905. Membership: Terms.

The initial terms of the rotating members of the Council shall be as follows:

(a) With the adoption of formal bylaws by the Council, all members of the organizations listed in Section 2-2.2901 shall become full members of the Council without application or approval for at least one year.

(b) Rotating members shall be appointed as follows after the first year:

(1) One-third (1/3) of the rotating members shall be appointed for a one-year term.

(2) One-third (1/3) of the rotating members shall be appointed for a two-year term.

(3) One-third (1/3) of the rotating members shall be appointed for a three-year term.

(c) Thereafter, as vacancies occur, subsequent appointments shall be made for three (3) year terms.

(d) Membership shall be effective upon appointment by the Board of Supervisors. However, all terms shall be deemed to have commenced on February 1 following the initial appointment, and thereafter all terms shall be aligned to begin on February 1 and to end on January 31. (§ 6, Ord. 1167, eff. May 26, 1994)

Sec. 2-2.2906. Meetings: Quorum.

A quorum for meetings of the Council shall consist of not less than one-third (1/3) of the current membership.

(a) The Council may meet and conduct business with less than one-third of the current membership under the following circumstances:

(1) The Council may meet without a full quorum if one-fifth (1/5) of the current membership is present.

(2) The Council may act with a one-fifth quorum only upon agenda items of which there has been thirty (30) days notice.

(b) The Chairperson of the Council shall establish the status of a quorum at the start of every meeting.

(c) The lack of a full quorum or insufficient notice shall result in the agenda item being noticed and heard at the next meeting.

(d) A majority vote of the members present shall be required for any motion, resolution, or other action. (§ 7, Ord. 1167, eff. May 26, 1994)

Sec. 2-2.2907. Membership: Termination.

The term of office of a rotating member who has three (3) consecutive unexcused absences from meetings of the Council, or whose circumstances indicate inability to participate further in the Council, may be terminated by the Board of Supervisors after notification to the member and upon consent of the Council. A member may resign from the Council by submitting written resignation to the Chairperson of the Council, who shall forward the resignation to the Board of Supervisors. A vacancy created by termination or resignation shall be filled by the appointment of another representative for the remainder of the unexpired term of the member being replaced. (§ 8, Ord. 1167, eff. May 26, 1994)

Sec. 2-2.2908. Officers.

The officers of the Council shall be a Chairperson and a Vice Chairperson.

(a) The officers shall serve a term of one year which shall begin on January 1, and shall continue until December 31 or until the election of their successors.

(b) The Chairperson shall call for nominations or shall establish a subcommittee to develop nominations for the officers. Nominations shall be presented at a meeting in or near the month of September.

(c) Employees of the Yolo County Alcohol and Drug Abuse Program may not hold the offices of Chairperson or Vice Chairperson.

(d) In addition to the officers provided for above, the Council may elect a Secretary or other officers to supplement Council or staff functions, and there shall be no restrictions on these offices. (§ 9, Ord. 1167, eff. May 26, 1994)

Sec. 2-2.2909. Powers and duties of the Chairperson and Vice Chairperson.

The Chairperson and the Vice Chairperson shall perform the following duties:

(a) The Chairperson shall conduct all regular and special meetings of the Council.

(b) The Vice Chairperson shall assume the duties of the Chairperson for any meeting from which the Chairperson is absent.

(c) In the event that neither the Chairperson nor the Vice Chairperson is able to attend a meeting, the Chairperson or Vice Chairperson may designate a Council member to act as temporary Chairperson.

(d) The Chairperson and Vice Chairperson may temporarily represent the Council and direct action to be taken to further the goals of the Council in exigent circumstances.

(1) Any action taken under exigent circumstances must have at least telephone confirmation and concurrence from all of the Officers and at least five (5) members; and

(2) The action must be ratified by a full quorum of the Council at the next meeting. (§ 10, Ord. 1167, eff. May 26, 1994)

Sec. 2-2.2910. Meetings.

Except as provided herein, all meetings shall be conducted pursuant to Robert's Rules of Order. The Council shall meet at least bi-monthly at a time and place designated by the Council. Meetings shall be held in different locations throughout the County to facilitate community involvement. (§ 11, Ord. 1167, eff. May 26, 1994)

Sec. 2-2.2911. Conduct of meetings: Agenda: Minutes.

(a) Meetings shall be conducted by the Chairperson.

(1) The Chairperson shall recognize every motion made by a member, or call for a motion should a request come from outside the membership.

(2) A lack of a second shall cause the motion to fail.

(3) A vote shall be taken if there is a second and a quorum as required herein.

(4) A motion shall pass if it is approved by a majority of the members present, provided that the necessary quorum and notice requirements are met.

(5) Any motion not receiving a second or failing to receive a majority vote shall be noted in the minutes as having failed to pass.

(6) Any item passed by the Council but refused by County staff may be appealed by a designated Council representative to the Board of Supervisors, or to the management of that Staff.

(7) By proper motion, any defeated motion may be placed on a future agenda for new motions and presentation of further information.

(8) There shall be no absentee voting, but a member may designate an alternate to attend the meeting by notifying an Officer in writing prior to the meeting, and the alternate shall be eligible to vote.

(9) A member shall declare a conflict of interest and shall abstain from voting on any motion or consideration if that member or that member's spouse is an employee, administrator, board member, or likely to garner personal gain from the motion or issue under consideration. However, except as otherwise required by law, no person shall be restricted in discussion of an issue or a motion before the Council.

(b) The Council may appoint such subcommittees or task groups as it deems appropriate and necessary for the fulfillment of its duties and responsibilities.

(1) No subcommittee or task group may make decisions on policy or budget items without formal approval of the Council, but subcommittees and task groups may formulate recommendations and invite public comment as needed.

(2) Duties and responsibilities of Council members to their respective employing agencies or programs may function independently of the Council unless mandated by law to report to the Council.

(3) Every subcommittee or task group shall have a chairperson who is a member of the Council and who is designated by the Council.

(4) Any subcommittee or task group may include participants who are not members of the Council.

(c) All meetings of the full Council shall have a posted agenda and shall be open to the public.

(d) All matters put to vote shall allow for public discussion.

(e) Minutes shall be taken at every meeting of the Council and at any meeting of any subcommittee or task group.

(1) Minutes of the Council shall be taken by the Secretary, if one is appointed; in the absence of the Secretary, the Chairperson shall, at the commencement of the meeting, appoint a member to take the minutes of the meeting.

(2) Minutes of all Council, subcommittee, and task group meetings shall be distributed to all Council members.

(3) Minutes of all Council meetings shall be filed with the Clerk of the Board of Supervisors and with the County liaisons of the State Department of Alcohol and Drug Programs. (§ 12, Ord. 1167, eff. May 26, 1994)

Article 30. Yolo County Assessment Appeals Board*

* Article 30 entitled "Voter Registration Outreach Program Committee", consisting of Sections 2-2.3001 through 2-2.3009, as added by Ordinance No. 835, effective March 8, 1979, repealed by Ordinance No. 901, effective January 29, 1981. Article 30 entitled "Yolo County Assessment Appeals Board" added by Ord. 987, eff. October 4, 1984

Sec. 2-2.3001. Created.

Pursuant to Section 13 of Article 13 of the Constitution of the State and Article 1.5 (commencing with Section 1620) of Chapter 1 of Division 1 of Part 3 of the Revenue and Taxation Code of the State, there is hereby created in the County a board to be known as the Yolo County Assessment Appeals Board. (§ 1, Ord. 987, eff. October 4, 1984)

Sec. 2-2.3002. Membership.

The Yolo County Assessment Appeals Board shall consist of three (3) members appointed directly by the Board of Supervisors. Approval of each member shall be by a majority vote of the Board of Supervisors. The Board of Supervisors may appoint not to exceed six (6) alternate members. (§ 1, Ord. 987, eff. October 4, 1984)

Sec. 2-2.3003. Compensation.

Members and alternates of the Yolo County Assessment Appeals Board shall be compensated for attendance at regular and special meetings at the rate of One Hundred Twenty Five and no/100ths (\$125.00) Dollars for meetings of four (4) hours or less per day and One Hundred Seventy Five and no/100ths (\$175.00) Dollars for meetings over four (4) hours per day. (§ 1, Ord. 987, eff. October 4, 1984, as amended by § 1, Ord. 1229, eff. February 4, 1999)

Article 31. Yolo County Disaster Council

Sec. 2-2.3101. Purposes.

The declared purposes of this article are to provide for the preparation and carrying out of plans for the protection of persons and property within this County in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this County with all other public agencies, corporations, organizations, and affected private persons. (Ord. 1112, eff. December 20, 1990)

Sec. 2-2.3102. Definition.

As used in this article, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this County caused by such conditions as severe air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this County, requiring the combined forces of other political subdivisions for effective response. "Emergency" shall not include conditions resulting from a labor controversy. (Ord. 1112, eff. December 20, 1990)

Sec. 2-2.3103. Disaster council membership.

The Yolo County Disaster Council, "Council," is hereby created and shall consist of the following:

(a) The Chairperson of the Board of Supervisors of the County, who shall be the chairperson of the Council.

(b) The Deputy Director of Emergency Services who shall be the vice chairperson of the Council.

(c) Such chiefs of emergency services as are provided for in a current emergency plan of this county, adopted pursuant to this article.

(d) Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Board of Supervisors. (Ord. 1112, eff. December 20, 1990)

Sec. 2-2.3104. Disaster council powers and duties.

It shall be the duty of the Yolo County Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the Board of Supervisors, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Chairperson or, in the Chairperson's absence from the County or inability to call such meeting, upon call of the Vice Chairperson. (Ord. 1112, eff. December 20, 1990)

Sec. 2-2.3105. Director and assistant director of emergency services.

(a) There is hereby created the office of Director of Emergency Services. The Chairperson of the Board of Supervisors shall be the Director of Emergency Services.

(b) There is hereby created the office of Deputy Director of Emergency Services. The County Administrative Officer shall be the Deputy Director of Emergency Services. (Ord. 1112, eff. December 20, 1990)

Sec. 2-2.3106. Powers and duties of the director and deputy director of emergency services.

(a) The Director is hereby empowered to:

(1) Request the Board of Supervisors to proclaim the existence or threatened existence of a "local emergency" if the Board of Supervisors is in session, or to issue such proclamation if the Board of Supervisors is not in session. Whenever a local emergency is proclaimed by the Director, the Board of Supervisors shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.

(2) Request or recommend that the County Administrative Officer request the Governor to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency.

(3) Control and direct the effort of the emergency organization of this county for the accomplishment of the purposes of this article.

(4) Direct cooperation between and coordination of services and staff of the emergency organization of this County and resolve questions of authority and responsibility that may arise between them.

(5) Represent this County in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(6) In the event of the proclamation of a "local emergency" as provided herein, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the Director is hereby empowered:

(i) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the Board of Supervisors;

(ii) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the County for the fair value thereof and, if required immediately, to commandeer the same for public use;

(iii) To require emergency services of any County officer or employee and, in the event of the proclamation of a "state of emergency" in the County or the existence of a "state of war emergency," to command the aid of as many citizens of this County as he/she deems necessary in the execution of duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

(iv) To requisition necessary personnel or material of any County Department or agency; and

(v) To execute all of his/her ordinary powers as Chairperson of the Board of Supervisors, all of the special powers conferred upon him/her by this article or by resolution or emergency plan pursuant hereto adopted by the Board of Supervisors, all powers conferred upon him/her by any statute, by any agreement approved by the Board of Supervisors, and by any other lawful authority.

(b) The Deputy Director of Emergency Services shall be granted the same powers as the Director of Emergency Services, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his/her duties during an emergency. An order of succession to the positions of Director/Assistant Director of Emergency shall be designated; such order of succession shall be approved by the Board of Supervisors.

(c) The Deputy Director of Emergency Services shall, under the supervision of the Director and with the assistance of the

emergency service chiefs, develop emergency plans and manage the emergency programs of this County and shall have such other power and duties as may be assigned by the Director. (Ord. 1112, eff. December 20, 1990)

Sec. 2-2.3107. Emergency organization.

All officers and employees of this County, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 2-2.3106(a)(6)(iii) of this article, who are charged with duties incident to the protection of life and property in this County during such emergency, shall constitute the emergency organization of the County of Yolo. Day-to-day emergency management program support will be provided by the Emergency Services Coordinator assigned to the Office of Emergency Services within the Yolo County Communications Emergency Service Agency. During time of emergency, the Emergency Services Coordinator will serve as staff to the Director/Assistant Director of Emergency Services. (Ord. 1112, eff. December 20, 1990)

Sec. 2-2.3108. Emergency plan.

The Yolo County Disaster Council shall be responsible for the development of the County of Yolo Emergency Plan, which plan shall provide for the effective mobilization of all of the resources of this County, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency. The plan shall provide for the organization, powers and duties, services, and staff of the emergency organization and shall take effect upon adoption by resolution of the Board of Supervisors. (Ord. 1112, eff. December 20, 1990)

Sec. 2-2.3109. Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County of Yolo. (Ord. 1112, eff. December 20, 1990)

Sec. 2-2.3110. Punishment of violations.

It shall be a misdemeanor, punishable by a fine not to exceed Five Hundred and no/100ths (\$500.00) Dollars, or by imprisonment not to exceed six (6) months, or both, for any person during a state of war emergency, state of emergency, or local emergency, to:

(a) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this article, or in the

performance of any duty imposed upon him or her by virtue of this article.

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this article, if such act is of such a nature as to give or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this County, or to prevent, hinder, or delay the defense or protection thereof.

(c) Wear, carry or display, without authority, any means of identification specified by the emergency agency of the State or County. (Ord. 1112, eff. December 20, 1990)

Article 32. Solid Waste Independent Hearing Panel

Sec. 2-2.3201. Created.

Pursuant to Public Resources Code Sections 44800 et seq., there is hereby created in the County a committee to be known as the Yolo County Solid Waste Hearing Panel. (§ 1, Ord. 1141, eff. May 28, 1992)

Sec. 2-2.3202. Purpose, duties and powers.

The purpose of the Solid Waste Hearing Panel shall be to conduct hearings required of local hearing panels by the California Integrated Waste Management Act (Public Resources Code Sections 40000 et seq. "the Act"). Such hearings shall be conducted pursuant to and in accordance with, and the Hearing Panel shall have the duties and powers prescribed in, the Act and its implementing regulations. (§ 1, Ord. 1141, eff. May 28, 1992)

Sec. 2-2.3203. Membership.

The membership of the Solid Waste Hearing Panel shall consist of three (3) members appointed by the Chair of the Board of Supervisors, who shall be selected as follows:

(a) Members shall be selected for their legal, administrative or technical abilities in areas relating to solid waste management.

(b) A maximum of one member of the local governing body may serve on the Panel.

(c) At least one member shall be a technical expert with knowledge of solid waste management methods and technology .

(d) At least one member shall be a representative of the public at large. (§ 1, Ord. 1141, eff. May 28, 1992)

Sec. 2-2.3204. Terms.

(a) The term of office shall be two (2) years and until a successor is appointed.

(b) Members may be appointed for more than one term, but not more than two (2) consecutive terms. (§ 1, Ord. 1141, eff. May 28, 1992)

Sec. 2-2.3205. Termination of membership:

Filling vacancies.

(a) A member of the Hearing Panel who (i) has three (3) consecutive unexcused absences from scheduled meetings or (ii) who, if in the opinion of the person or body who appointed the member, is unable to perform or is not adequately performing the duties for which he/she was appointed, may be removed from the Panel by the Board of Supervisors after notice to such member.

(b) A member may resign by filing a written resignation with the Clerk of the Hearing Panel, who shall forward a copy of the Clerk of the Board of Supervisors.

(c) When a member does not complete his or her term, the Board of Supervisors may appoint a replacement to serve out the remainder of the unexpired term. (§ 1, Ord. 1141, eff. May 28, 1992)

Sec. 2-2.3206. Annual organizational meeting: Officers.

The Hearing Panel shall meet annually in January to elect a chair and vice-chair, who shall serve for the ensuing year and until their successors are elected. The Clerk for the Board of Supervisors shall serve as Clerk to the Panel. (§ 1, Ord. 1141, eff. May 28, 1992)

Sec. 2-2.3207. Meetings.

(a) *Date.* Meetings of the Hearing Panel may be held from time-to-time and shall be held as necessary to conduct hearings. The Panel's Chair or Clerk may call for those meetings.

(b) *Quorum.* The (2) members shall constitute a quorum of the Panel.

(c) *Minutes, records, notice.* The Clerk of the Panel shall keep minutes and records of the Panel's proceedings, shall provide written notice of all Panel decisions and orders to all parties to the Panel's proceedings at the time and in the manner required by law, and shall file copies of all such decisions and orders with the Board of Supervisors and the California Integrated Waste Management Board. (§ 1, Ord. 1141, eff. May 28, 1992)

Article 33. Yolo County Children and Families Commission

Sec. 2-2.3301. Created.

There is hereby created the Yolo County Children and Families Commission which may also be known as First 5 Yolo. (§ 1, Ord. 1231, eff. January 7, 1999, retroactive to December 8, 1998, as amended by § 2, Ord. 1247, eff. June 22, 2000; as amended by §2, Ord. 1338, eff. November 3, 2005)

Sec. 2-2.3302. Membership.

The Commission shall consist of nine (9) members and one (1) alternate member as follows:

(a) The Partnership HealthPlan of California ("PHC") shall consist of twenty-one (21) members, seven (7) to be appointed by the Solano County Board of Supervisors pursuant to Section 7.2-11 of the Solano County Code, three (3) appointed by the Napa County Board of Supervisors pursuant to Section 2.70.030 of the Napa County Code, four (4) appointed by the Yolo County Board of Supervisors pursuant to this Article 33, and seven (7) to be appointed by the Sonoma County Board of Supervisors.

(b) Two (2) members shall be appointed by the Board of Supervisors from among the County Health Officer or persons responsible for management of the following County functions: children's services, public health services, behavioral health services, social services, tobacco and other substance abuse prevention and treatment services.

(c) One (1) member shall be appointed by the Board of Supervisors from:

(i) Among the County Health Officer or persons responsible for management of the following County functions: children's services, public health services, behavioral health services, social services, tobacco and other substance abuse prevention and treatment services; or

(ii) The County Office of Education as a representative of local school districts; or

(iii) The following categories: recipients of project services included in the County strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, or a local child care coordinating group; representatives of a local organization for prevention of early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; and representatives of local medical, pediatric, or obstetric associations or societies.

(d) Five (5) rotating members, of whom one shall be nominated by each individual Supervisor, shall be appointed by the Board of Supervisors from the following categories: recipients of project services included in the County strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, or a local child care coordinating group; representatives of a local organization for prevention of early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school

districts; and representatives of local medical, pediatric, or obstetric associations or societies.

(e) The alternate member shall be a member of the Board of Supervisors. In the absence of the voting member of the Board of Supervisors, the alternate member shall have all of the power of a voting member.

(f) A Commissioner, other than the Board of Supervisors member appointed pursuant to Subsection (a) above, may request the Board of Supervisors, in writing, to grant the Commissioner a leave of absence for a specified period of time. The Board of Supervisors may deny the request, or may grant the request for a specified period, if the leave will not adversely impact the functioning of the Commission. If the request is granted, the Board of Supervisors shall appoint an interim Commissioner to serve on the Commission in place of the member on leave. If the Commissioner on leave does not return by the expiration of the specified time period, the position shall be deemed vacant, and will be filled by the Board of Supervisors pursuant to the procedure specified in Section 2-2.3303 for filling vacancies. (§ 1, Ord. 1314, eff. February 29, 2004, as amended by §3, Ord. 1338, eff. November 3, 2005, as amended by §2, Ord. 1387, eff. August 14, 2009)

Sec. 2-2.3303. Membership: Terms.

The terms of the member and alternate who are members of the Board of Supervisors shall be one (1) year and shall commence on February 1 and end on January 31. The terms of rotating members shall be four (4) years and shall commence on February 1 and end on January 31. A vacancy shall exist upon the death, resignation or termination of residence within the designated area from which the member was appointed. Vacancies shall be filled for the unexpired term by the appointing authority. Each member shall serve upon the appointment and qualification of a successor. Of the initial members, two (2) chosen by lot shall serve a term of two (2) years. The terms of service shall be computed from February 1, 1999. (§ 1, Ord. 1231, eff. January 7, 1999, retroactive to December 8, 1998; as amended by § 2, Ord. 1238, eff. July 29, 1999, and § 4, Ord. 1247, eff. June 22, 2000)

Sec. 2-2.3304. Membership: Termination.

(a) Notwithstanding the provisions of this Article concerning terms, all members of the Commission shall serve at the pleasure of the appointing authority, and may be removed at any time for any reason by the appointing authority.

(b) Any member of any board, commission or committee may resign at any time by submitting a written resignation to the Clerk of the Board. Any such resignation shall be effective upon submission, or upon such later date as is

specified in the resignation if such date is not more than sixty (60) days after the date of submission. (§ 1, Ord. 1231, eff. January 7, 1999, retroactive to December 8, 1998; as amended by § 5, Ord. 1247, eff. June 22, 2000)

Sec. 2-2.3305. Officers.

The members of the Children and Families Commission shall elect a vice chair from the rotating members. The election shall be held at the first meeting and at each annual meeting thereafter to fill the office for the next succeeding twelve (12) month term. (§ 1, Ord. 1231, eff. January 7, 1999, retroactive to December 8, 1998; as amended by §2, Ord. 1238, eff. July 29, 1999; as amended by § 6, Ord. 1247, eff. June 22, 2000)

Sec. 2-2.3306. Meetings.

Meetings of the Commission shall be held at such regular times as determined by the Commission. (§ 1, Ord. 1231, eff. January 7, 1999, retroactive to December 8, 1998)

Sec. 2-2.3307. Meetings: Minutes.

The Board of Supervisors shall designate a representative of the County who shall serve as the liaison to the Commission and shall assist in the administration of all meetings and the Commission shall file a copy of all minutes with the Clerk of the Board of Supervisors. (§ 1, Ord. 1231, eff. January 7, 1999, retroactive to December 8, 1998)

Sec. 2-2.3308. Duties and Responsibilities.

The Commission shall have the following duties and responsibilities:

(a) To adopt and complete a County strategic plan for the support and improvement of early childhood development within the County that complies with the following:

(1) The County strategic plan shall be consistent with, and in furtherance of the purposes of the "California Children and Families Act of 1998", Health and Safety Code section 130100 and following, and any guidelines adopted by the California Children and Families Commission pursuant to subdivision (b) of Section 130125 of the Health and Safety Code that are in effect at the time the plan is adopted.

(2) The County strategic plan shall, at a minimum, include the following: description of the goals and objectives proposed to be attained; a description of the programs, services, and projects proposed to be provided, sponsored, or facilitated; and a description of how measurable outcomes of such programs, services, and projects will be determined by the County Commission using appropriate reliable indicators. No County strategic plan shall be deemed adequate or complete until and unless the plan describes how programs, services, and projects

relating to early childhood development within the County will be integrated into a consumer-oriented and easily accessible system.

(b) To periodically review its County strategic plan and to revise the plan as may be necessary or appropriate.

(c) To submit its adopted County strategic plan, and any subsequent revisions thereto, to the State Commission.

(d) To prepare and adopt an annual audit and report pursuant to Section 130150 of the Health and Safety Code. The County Commission shall conduct at least one public hearing prior to adopting any annual audit and report. The County Commission shall measure the outcomes of county funded programs through the use of applicable, reliable indicators and review that information on a periodic basis as part of the public review of its county strategic plan. (as amended by § 2, Ord. 1351, eff. July 20, 2006).

(e) To administer programs authorized by and funds allocated and appropriated to this Commission by the California Children and Families Act in accordance with the intent of that Act to emphasize local decision making and to provide greater local flexibility in designing delivery systems, including, but not limited to,

(1) implementing the County strategic plan with respect to non County providers by entering into funding agreements in accordance with the provisions and standards of that plan.

(2) implementing the County strategic plan with respect to County departments by funding programs and submitting them to the Board of Supervisors for adoption and appropriation to County departments in accordance with the provisions and standards of that plan.

(3) administering funds allocated to administrative purposes by purchasing personal property reasonably necessary therefor in accordance with standards and procedures of the County Purchasing Agent, by making contracts for services (including those with persons especially trained, experienced, expert and competent to perform special services) in accordance with the standards and procedures of the County, exercising or delegating to its executive director the authority of an appointing authority pursuant to the County Personnel Regulations, and determining the number, qualifications, and compensation of employees consistent with the Personnel Regulations of the County and other aspects of the County personnel system. (§ 1, Ord. 1231, eff. January 7, 1999, retroactive to December 8, 1998; as amended by § 7, Ord. 1247, eff. June 22, 2000; as amended by § 1, Ord. 1254, eff. Sept. 28, 2000)

Sec. 2-2.3309. Procedural Requirements.

The Commission shall comply with the following procedural requirements in carrying out its duties and responsibilities:

(a) All meetings shall be held and conducted in accordance with the provisions of the Brown Act, Government Code section 54950 and following;

(b) Before adopting a County strategic plan, the Commission shall both obtain the recommendations of the Board of Supervisors and hold at least one public hearing on the proposed plan;

(c) Before adopting any revisions to the County strategic plan, the Commission shall both obtain the recommendations of the Board of Supervisors and hold at least one public hearing on the proposed plan;

(d) Before adopting any annual audit or report, the County Commission shall obtain the recommendations of the Board of Supervisors and hold at least one public meeting. (§ 1, Ord. 1231, eff. January 7, 1999, retroactive to December 8, 1998)

Sec. 2.2-3310. Compensation.

Members of the Commission shall not be compensated for their service except that they shall be paid reasonable per diem and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the Commission in the manner prescribed by resolution by the Board of Supervisors. (§ 1, Ord. 1231, eff. January 7, 1999, retroactive to December 8, 1998)

Article 34. Solano-Napa-Yolo Commission on Medical Care

Sections 2-2.3301 through 2-2.3307 codified by Ordinance No. 1249, effective August 17, 2000, were renumbered to Sections 2-2.3401 through 2-2.3407 by Ordinance No. 1274, effective November 22, 2001.

Section 2-2.3401. Creation.

There is hereby created, pursuant to the provisions of Section 14087.54 of the Welfare and Institutions Code and in conjunction with the provisions of Sections 7.2-10 through 7.2-15 of the Solano County Code and Chapter 2.70 of the Napa County Code, the Solano-Napa-Yolo Commission on Medical Care. (§ 2, Ord. 1274, eff. November 22, 2001)

Section 2-2.3402. Membership.

(a) The Solano-Napa-Yolo Commission on Medical Care ("Commission") shall consist of twenty-two (22) members, fourteen (14) to be appointed by the Solano County Board of Supervisors pursuant to Section 7.2-11 of the Solano County Code, four (4) to be appointed by the Napa County Board of Supervisors pursuant to Section 2.70.030 of the Napa County Code,

and four (4) to be appointed by the Yolo County Board of Supervisors pursuant to this Article 34.

(b) The four members appointed by the Yolo County Board of Supervisors shall be selected as follows:

(1) One member shall be either a member of the Yolo County Board of Supervisors or an employee of the County of Yolo.

(2) One member shall be a health care consumer or health care advocate. The Yolo County Health Council shall nominate this person.

(3) Two members shall be appointed as follows:

(i) One member shall be a physician representative. Sutter West Medical Group or Woodland HealthCare shall nominate this member.

(ii) One member shall be a hospital representative. Sutter Davis Hospital or Woodland HealthCare shall nominate this member.

(iii) When Woodland HealthCare nominates the physician representative, Sutter Davis Hospital shall nominate the hospital representative. When Woodland HealthCare nominates the hospital representative, Sutter West Medical Group shall nominate the physician representative. For the initial appointment, Woodland HealthCare shall be responsible for nominating the physician representative and Sutter Davis Hospital shall be responsible for nominating the hospital representative, unless Woodland HealthCare and the Sutter entities agree otherwise in writing. Thereafter, nominations shall alternate between Woodland HealthCare and a Sutter entity every four years, unless Woodland HealthCare and the Sutter entities agree otherwise in writing. (§ 2, Ord. 1274, eff. November 22, 2001)

Section 2-2.3403. Terms; Vacancies.

The terms of office for each of the members of the Commission shall be four years. Nothing herein shall prohibit a person from serving more than one term. Each Commission member shall remain in office at the conclusion of that member's term until a successor member has been selected and installed into office. An office shall become vacant if a board member discontinues to function in the area from which appointed, or fails to attend three meetings in a row of the Commission. (§ 2, Ord. 1274, eff. November 22, 2001)

Section 2-2.3404. Powers and Duties.

Pursuant to the provisions of Section 14087.54 of the Welfare and Institutions Code as it exists on the date of adoption of this ordinance, the Commission shall:

a) Have the power to negotiate the exclusive contract with the California Medical Assistance

Commission as specified in Section 14087.5 of the Welfare and Institutions Code, and to arrange for the provision of health care services provided under Chapter 7, Part 3, Division 9 of the Welfare and Institutions Code;

(b) Be considered an entity separate from any County;

(c) File the statement required by Section 53051 of the Government Code; and

(d) Have the power to acquire, possess, and dispose of real or personal property, as may be necessary for the performance of its functions, to employ personnel and contract for services required to meet its obligations, and to sue or be sued. (§ 2, Ord. 1274, eff. November 22, 2001)

Section 2-2.3405. Obligations.

Pursuant to the provisions of Section 14087.54(d) of the Welfare and Institutions Code as it exists on the date of adoption of this ordinance, any obligations of the Commission, statutory, contractual, or otherwise, shall be the obligations solely of the Commission and shall not be the obligations of any County or of the State. The Commission shall do business as the Partnership HealthPlan of California. (§ 2, Ord. 1274, eff. November 22, 2001)

Section 2-2.3406. Committees.

The Commission may establish advisory committees from time to time for any purpose that will be beneficial in accomplishing the work of the Commission.

(a) Any advisory committee established pursuant to this Section shall consist of a minimum of three members, one from Solano County, one from Napa County, and one from Yolo County.

(b) At a minimum, the Commission shall establish the following two standing advisory committees:

1) Physicians Advisory Committee. This Committee shall consist of at least one physician each from Solano, Napa, and Yolo Counties.

(2) Consumers Advisory Committee. This Committee shall consist of at least one health care consumer each from Solano, Napa, and Yolo County. (§ 2, Ord. 1274, eff. November 22, 2001)

Section 2-2.3407. Termination.

The Commission shall continue to represent Yolo County until the Board of Supervisors of the County of Yolo terminates the representation. Such termination shall be by ordinance, pursuant to the provisions of Section 14087.54(f) of the Welfare and Institutions Code. Any action to terminate representation must be preceded by a 90-day notice to the other member Counties and notice to the State Department of Health Services as set forth in Section 14087.54(g) of the Welfare

and Institutions Code. (§ 2, Ord. 1274, eff. November 22, 2001)

Article 35. Yolo County In-Home Supportive Services Public Authority

Sec. 2.2-3501. Yolo County In-Home Supportive Services Public Authority Created; Separate Entity.

(a) Pursuant to Welfare and Institutions Code Section 12301.6, there is hereby created the Yolo County In-Home Supportive Services Public Authority.

(b) The Yolo County In-Home Supportive Services Public Authority shall be a public entity separate from the County of Yolo, and shall file the statements required by Government Code Section 53051. (§ 1, Ord. 1270, eff. September 27, 2001)

Sec. 2.2-3502. Definitions.

(a) "IHSS" means in-home supportive services as described in Welfare and Institutions Code Section 12300 et seq.

(b) "In-home supportive services personnel" and "provider" mean a person who provides in-home supportive services to one or more recipients.

(c) "Public Authority" means the Yolo County In-Home Supportive Services Public Authority.

(c)"Recipient" means a person eligible and authorized to receive in-home supportive services under Welfare and Institutions Code Section 12300 et seq.

(d) "County" means the County of Yolo. (§ 1, Ord. 1270, eff. September 27, 2001)

Sec. 2.2-3503. Purpose.

The purpose of the Public Authority is to provide for the delivery of in-home supportive services to qualified residents of the County, subject to all applicable Federal and State laws and regulations, and to the provisions of this Article. (§ 1, Ord. 1270, eff. September 27, 2001)

Sec. 2.2-3504. Governing Board: Board of Supervisors.

The governing body of the Public Authority is the Yolo County Board of Supervisors (hereinafter the "Public Authority Board"). (§ 1, Ord. 1270, eff. September 27, 2001)

Sec. 2.2-3505. Public Authority Board Powers.

The Public Authority shall be a corporate public body, exercising public and essential governmental functions, and, subject to the provisions set forth in this Article, shall have all the powers necessary or convenient to carry out the delivery of in-home supportive services in the

County, including but not limited to the power to contract for services pursuant to Welfare and Institutions Code Sections 12302 and 12302.1, and to make or provide for direct payment to a provider chosen by the recipient pursuant to Welfare and Institutions Code Sections 12302 and 12302.2. (§ 1, Ord. 1270, eff. September 27, 2001)

Sec. 2.2-3506. Public Authority Duties and Responsibilities.

The Public Authority shall have the following duties and responsibilities:

(a) Provide assistance to recipients in finding in-home supportive services personnel through the establishment of a registry.

(b) Investigate the qualifications and background of potential in-home supportive services personnel.

(c) Establish a referral system under which in-home supportive services personnel shall be referred to recipients.

(d) Provide for training for providers and recipients; provided, however, that the Public Authority shall not be obligated to provide training directly, to pay for training provided privately or in the community, to pay providers for the time spent in training, to accompany recipients to training, to pay for transportation to training, or to pay for any materials required by the training. The Public Authority also shall not be obligated to screen or be responsible for the content of any training it informs providers or recipients is available in the community (i.e., not provided directly by the Public Authority), or to ensure that any provider or recipient attend or complete any training.

(e) Ensure that the requirements of the personal care option pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code are met.

(f) Develop written procedures to address consumer and consumer representative complaints related to a provider's delivery of in-home supportive services.

(g) Adopt rules and regulations for the administration of the Public Authority consistent with the provisions of this Article.

(h) Perform other functions related to the delivery of in-home supportive services as may hereafter be prescribed by law. (§ 1, Ord. 1270, eff. September 27, 2001)

Sec. 2.2-3507. Public Authority: Administration.

There shall be a director of the Public Authority, who shall be appointed by and serve at the pleasure of the Public Authority Board. The Public Authority Board shall provide for the appointment of all other Public Authority employees, and may provide that it shall make any such appointments, or may delegate that

authority to the director. Officers, officials, employees, agents and volunteers of the Public Authority shall not be deemed to be officers, officials, employees, agents or volunteers of the County for any purpose. (§ 1, Ord. 1270, eff. September 27, 2001, as amended by §1, Ord. 1367, eff. February 8, 2008)

Sec. 2.2-3508. Public Authority Board: Advisory Committee.

(a) The Board of Supervisors shall appoint an advisory committee for the Public Authority, which shall consist of eleven (11) individuals, no fewer than fifty percent (50%) of whom shall be individuals who are current or past users of personal assistance services paid for through public or private funds or recipients of services under Article 7 of Part 3 of Division 9 of the Welfare and Institutions Code.

(b) The Yolo County IHSS Advisory Committee shall serve as the advisory committee described in subsection (a) of this section. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3509. Public Authority: Employment Functions.

(a) The Public Authority shall be deemed to be the employer, within the meaning of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code, of in-home supportive services personnel referred to recipients by the Public Authority. The Public Authority shall preserve the individual provider mode of service for recipients of IHSS and shall ensure that recipients retain the unconditional and exclusive right to hire, fire and supervise the work of their providers. In no event shall in-home supportive services personnel be deemed to be employees of the County for any purpose.

(b) Recipients shall retain the right to select, terminate, and direct the work of any in-home supportive services personnel providing services to them. In addition, the Public Authority shall have no authority or jurisdiction to regulate, control, or limit the rights and responsibilities of recipients of in-home supportive services to recruit, hire, fire or supervise providers. The right to supervise includes, but is not limited to, the right to determine matters such as work schedules, tasks and duties, assignment and direction of work, methods and standards of care and conduct, discipline, provision for safety and security, control of premises, any in-home living or other accommodations, and final resolution of concerns, problems and complaints relating to such supervision. Recipients retain such rights and responsibilities independent of the Public Authority, just as they held such rights and responsibilities independent of the County prior to the formation of the Public Authority. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3510. State's Responsibilities.

The creation and operation of the Public Authority shall not affect the State's responsibilities with respect to the State payroll system, unemployment insurance, or workers' compensation and other provisions of Welfare and Institutions Code Section 12302.2 for individual providers of in-home supportive services. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3511. County Responsibilities.

The County shall retain the responsibility to determine recipient eligibility for IHSS and to determine the number of hours of service each eligible recipient may receive. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3512. Recipient Selection.

Recipients of in-home supportive services may select in-home supportive services personnel who are not referred to them by the Public Authority. Those personnel shall nevertheless be referred by the recipients to the Public Authority for the purposes of wages, benefits, and other terms and conditions of employment. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3513. Public Authority: Labor Relations.

(a) Subject to the provisions of subsection (b) of this section, the Public Authority Board shall adopt such personnel and labor relations rules and regulations as it deems necessary or appropriate and are consistent with Federal, State and local laws and regulations.

(b) Due to the special and critical health-care services provided through the IHSS program, the Yolo County Board of Supervisors hereby finds that any interruption of such services would pose an imminent threat to the health and safety of the recipients of IHSS services and to the community. In order to minimize the likelihood of such interruption and thereby protect the health and safety and to promote harmony and productive labor relations between the Public Authority and any labor organization which seeks to represent or represents IHSS providers or Public Authority personnel:

(1) The Public Authority shall have a non-strike clause in any and all collective bargaining agreements with IHSS providers and with personnel of the Public Authority. The non-strike clause shall continue at least one year beyond the other provisions of any and all collective bargaining agreements.

(2) Any collective bargaining agreement reached between the Public Authority and any labor organization certified to represent IHSS providers shall be subject to the limitations of this Article, and to ratification in its entirety (i.e., all provisions of such agreements shall be subject to

the same vote) by a simple majority of the votes cast in a ballot in which all providers, as defined by the Public Authority Board, shall be eligible to participate. Final adoption of any such agreement shall be by a simple majority vote of the Public Authority Board. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3514. County Costs.

The costs and expenses of the County to provide administrative, legal, labor relations, and other services requested by the Public Authority and agreed to by the County, and to make payments to or provide benefits for in-home supportive services providers, shall be charged against the funds of the Public Authority. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3515. Public Authority-County Agreement.

Prior to initiating delivery of IHSS through the Public Authority, the Public Authority shall enter into an agreement with the County specifying the roles and responsibilities of each party, provide for the County's provision of such administrative, legal, labor relations, and other services to the Public Authority as the parties may deem necessary or appropriate, and including provisions which ensure compliance with all applicable Federal, State and local laws and regulations, including but not limited to all statutory and regulatory provisions applicable to the delivery of IHSS, and Federal and State labor laws. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3516. Fiscal Provisions.

(a) IHSS services shall not be reduced in order to fund the Public Authority or implementation of Government Code Sections 3500 et seq.

(b) To ensure that the Public Authority's budget procedures and adoption are compatible with the County's budget, the Public Authority Board shall adopt its budget under the same procedural laws, rules and policies that control the County budget process.

(c) The Public Authority Board shall not agree to or approve any collective bargaining or other agreement that requires an increase in wages or benefits unless there is a State or Federal match for such increases.

(d) The establishment and operation of the Public Authority or the application of Government Code Sections 3500 et seq., shall not result in payments from the County's general fund beyond the County's annual appropriation for the Public Authority, if any, which shall be an absolute limit on County cost.

(e) The maximum amount of County funds available in any given budget year for the Public Authority's wage and benefit negotiations, if any, shall be set by the Board of Supervisors as part

of the County's annual budget as it may be amended from time to time. While the establishment of this figure shall not obligate the County, it shall serve as the absolute limit to County costs for any increases negotiated in collective bargaining taking place that fiscal year. The absolute cap on annual County spending on wage or benefits increases shall not be affected by any potential changes in State or Federal reimbursement rates.

(f) The total of all operating costs, wages, and benefits proposed or established by the Public Authority Board shall be consistent with the provisions of the County budget. The Public Authority Board shall not establish a payment rate, including costs of wages, benefits and operation, until the Public Authority Board determines that the funds necessary for the payment rate are legally available. The annual appropriation for the Public Authority, if any, contained in the County's fiscal budget for any fiscal year shall be an absolute limit on County cost for that fiscal year. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3517. Limitations of Public Authority Liability.

(a) The Public Authority shall not be deemed to be the employer of in-home supportive services personnel referred to recipients for purposes of liability due to the negligence or intentional torts of the in-home supportive services personnel.

(b) The Public Authority shall not be held liable for any action or omission of any in-home supportive services personnel whom the Public Authority did not list on a registry or otherwise refer to a recipient. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3518. Limitations of County Liability.

(a) The County shall be immune from any liability resulting from the implementation of this Article or Welfare and Institutions Code Section 12301.6.

(b) The County shall be immune from any liability resulting from the administration of the IHSS program pursuant to this Article or Welfare and Institutions Code Section 12301.6.

(c) Any obligation of the Public Authority, whether statutory, contractual, or otherwise, shall be the obligation solely of the Public Authority and shall not be the obligation of the County. Any and all contracts, leases, or other agreements of any nature, including collective bargaining agreements, between the Public Authority and third parties other than the County shall contain an express provision advising the third party that the Public Authority is a separate governmental entity and that such agreement

does not bind the County. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3519. Liability Insurance.

Without limiting the Public Authority's indemnification of the County as set forth below, the Public Authority shall acquire and maintain appropriate insurance in amounts and coverage as are determined by the County's Risk Manager to be adequate, and shall name the County, its elected and appointed officers, employees and agents as additional insureds on any policies of insurance maintained by the Public Authority. Evidence of such insurance shall be provided to the County's Risk Manager within thirty days of procurement. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3520. Indemnification.

The Public Authority shall indemnify, defend and hold harmless the County, its elected and appointed officers, employees and agents from and against any and all liability, including defense costs and legal fees, and claims for damages of any nature whatsoever, including but not limited to personal injury or property damages, arising from or connected with any act or omission of any officer or personnel of the Public Authority. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3521. Severability.

If any provision of this Article, or the application of such provision to any person or circumstance, is held invalid, the remaining provisions of this Article shall be deemed severable from the invalid provision and shall remain in full force and effect. (§ 1, Ord. 1270, eff. September 27, 2001)

Section 2-2.3522. Termination: Review.

No later than February 1, 2004, the Board of Supervisors shall review the provisions of this Article, including but not limited to the creation of an independent public authority for the purposes of determining whether to provide for the appointment of an independent governing board for the Public Authority, or whether to otherwise modify or repeal the provisions of this Article, and to take such other actions as the Board of Supervisors may deem appropriate.

Article 36. Procedures For Advisory Boards, Commissions and Committees Established By The Board of Supervisors

Sec. 2-2.3601. Applicability.

This Article shall apply to any advisory board, commission and committee, and members thereof, established by the Board of Supervisors by ordinance, resolution or minute order. The provisions of this Article shall supersede all

conflicting rules except for the Bylaws approved by the Board of Supervisors for the General Plan Citizens Advisory Committees, unless otherwise required by State or Federal law, or otherwise expressly provided in a resolution or ordinance adopted by the Board of Supervisors. (§2, Ord. 1309, eff. October 16, 2003, as amended by §3, Ord. 1394, eff. November 12, 2009)

Sec. 2-2.3602. Definitions: "advisory board, commission, and committees"; "General Plan Citizens Advisory Committee"; "representational members", "rotating members".

As used herein:

(a) An "advisory board, commission or committee" shall mean any board, commission and committee established by the Board of Supervisors by ordinance, resolution or minute order that does not have the power to take final action on behalf of the County or any other entity, with the exception of making recommendations, issuing reports, and taking similar actions that require further action by this Board or some other person or entity in order to have binding effect.

(b) A "General Plan citizens advisory committee" shall mean any advisory committee established by the Board of Supervisors by ordinance, resolution or minute order that has as its primary functions to advise and make recommendations to the Planning Commission and Board of Supervisors on General Plan policies, zoning and land use applications, and other growth related issues. Such General Plan citizens advisory committees shall be governed by the rules established by separate Bylaws approved by the Board of Supervisors, not by this Article, to the extent that this Article may be inconsistent with those Bylaws and the attachments thereto. (§3, Ord. 1394, eff. November 12, 2009).

(c) A "representational member" shall mean a member appointed for no fixed term, to represent a particular agency, board, commission, committee, department or other organization as specified by the enabling statute, ordinance, resolution or minute order.

(d) A "rotating member" shall mean a member of a board, commission or committee appointed for a fixed term. Unless otherwise expressly specified, all members shall be rotating members and shall be appointed by the Board of Supervisors. (§2, Ord. 1309, eff. October 16, 2003)

Sec. 2-2.3603. Membership: Residency; Limitations.

(a) Every rotating member of a board, commission or committee shall be a resident of Yolo County; provided, however, that the foregoing provision shall not apply if the Board of Supervisors determines that there is no County

resident reasonably available with the qualifications or subject matter expertise required by the enabling statute, ordinance, resolution or minute order.

(b) County employees may not serve as a constituent member of any board, commission or committee that makes decisions or recommendations pertaining to the functional areas in which the employee works; as used herein, "constituent member" means a member appointed to represent the public or a portion thereof at large, as opposed to one appointed to represent a particular professional or technical expertise. Any dispute regarding the application of the foregoing shall be decided by the Board of Supervisors. (§2, Ord. 1309, eff. October 16, 2003)

Sec. 2-2.3604. Appointment and Removal; Supervisorial District Nomination; Resignation.

(a) A rotating member shall be appointed by majority vote of the Board of Supervisors, shall serve at the pleasure of the Board, and may be removed at any time for any reason by majority vote of the Board, and a representational member shall be appointed by, serve at the pleasure of, and be removed at any time for any reason by the appointing authority for that member.

(b) Whenever any provision of law provides that a member of a board, commission or committee appointed by the Board of Supervisors shall reside in, be selected from, or represent a particular supervisorial district, the member of the Board of Supervisors representing that supervisorial district shall nominate a qualified person for appointment by the Board.

(c) Any member of any board, commission or committee may resign at any time by submitting a written resignation to the Clerk of the Board. Any such resignation shall be effective upon submission if no effective date is specified therein or, if an effective date is specified, upon such later date as is specified in the resignation if such date is not more than sixty (60) days after the date of submission or upon the sixtieth (60th) day after submission if the date specified is more than sixty (60) days after the date of submission. (§2, Ord. 1309, eff. October 16, 2003)

Sec. 2-2.3605. Terms; Vacancy.

(a) The term of any member of a board, commission or committee, shall be as follows:

- (1) The terms of a majority of the initial appointments to a board, commission or committee shall be for two (2) years and the terms of the remaining members shall be for four (4) years. The initial appointees shall determine these terms among themselves by drawing lots;
- (2) Thereafter, the terms shall be four years;

(3) A person appointed to fill a vacancy that has been created by the resignation, removal, disqualification or death of a member shall serve for the remainder of the existing term.

(b) The prescribed terms shall commence February 1 and end January 31; provided, however, that the term of an incumbent shall not end until a successor is appointed.

(c) A vacancy shall occur upon the death, resignation, removal or disqualification of any member (including but not limited to the termination of residency in the County or in any district, city or other area if required, or the cessation of the status which qualified the member for appointment). (§2, Ord. 1309, eff. October 16, 2003)

Sec. 2-2.3606. Quorum; Voting; Rules; Permissive Use of Roberts Rules, etc..

(a) Unless otherwise provided by law, a majority of the appointed members of any board, commission or committee (i.e., not including vacancies) shall be required to constitute a quorum. Except for adjournment of the meeting, no action may be taken by any board, commission or committee unless a quorum is present.

(b) A majority vote of those present and constituting a quorum shall be required for any action by the board, commission or committee. However, any member who abstains due to a legal conflict of interest shall not be counted in determining the existence of a quorum or a majority vote.

(c) The board, commission, or committee may adopt such by-laws and other rules for the conduct of its business as it deems necessary, provided that such rules shall be consistent with all applicable Federal, State and County laws and regulations.

(d) Roberts Rules of Order, and any other procedural rules that are not legally binding, shall not govern the proceedings. However, they may be used for procedural guidance when considered appropriate by the chair unless a majority vote of the members who are then present decide otherwise. (§2, Ord. 1309, eff. October 16, 2003)

Sec. 2-2.3607. Meetings; Requirements; Officers; Minutes.

(a) Regular meetings shall be held at such times and places as may be specified in the by-laws or order of the board, commission or committee. Special meetings may be called by the chair or a majority of the appointed voting members.

(b) Every board, commission or committee shall meet at least once each year, on or before March 31 of each year, and at the first meeting of each year shall select from among its members the following: a chair to preside over all meetings;

a vice-chair to act in the absence of the chair; a secretary to draft and keep the minutes and other records of actions by the board, commission or committee, unless the Board of Supervisors has otherwise provided that such functions shall be performed and fulfilled by a County staff member; and such other officers and sub-committees as the board, commission or committee may deem necessary. The term of all such offices shall be one (1) year or until a successor is selected, and any vacancy in any such office shall be filled by the board, commission or committee for the unexpired portion of the term of such office.

(c) Minutes shall include the names of all members who are present and absent, all reports received, approved or otherwise considered, any formal actions or votes taken (including but not limited to recommendations adopted) and the vote of each member who voted thereon, and such additional information as is deemed necessary and appropriate. Copies of all minutes shall be transmitted to the Board of Supervisors. (§2, Ord. 1309, eff. October 16, 2003)

Sec. 2-2.3608. Compliance with Laws.

All meetings and actions of all boards, commissions and committees and their members shall comply with the Brown Act (Government Code Section 54950 and following), the Political Reform Act and other conflict of interest laws (Government Code Sections 1090 and following and 87100 and following; Yolo County Code Section 2-6.42 and the Yolo County Conflict of Interest Resolution), and the Public Records Act (Government Code Section 6250 and following), as well as with all other applicable laws and regulations as may be adopted or amended from time-to-time. (§2, Ord. 1309, eff. October 16, 2003)

Article 37. Housing Commission

Section 2-2.3701. Established.

There is hereby established a Housing Commission in Yolo County, which may also be known as the "Yolo County Housing Commission." (§2, Ord. 1406, eff. April 14, 2011)

Section 2-2.3702. Membership.

The Housing Commission shall consist of seven (7) members as follows:

(a) Three (3) rotating members shall be appointed by the Board of Supervisors from the cities within Yolo County in which the Housing Authority of the County of Yolo ("Yolo County Housing") operates a housing program. The initial rotating members shall be appointed from the cities of Winters, Woodland, and West Sacramento with an alternate from the city of Davis, and shall rotate thereafter as provided for in Section 2-2.3704. The three rotating members

shall be appointed from the four cities in Yolo County.

(b) Two (2) at-large members shall be appointed by the Board of Supervisors.

(c) Two (2) tenant members shall be appointed by the Board of Supervisors from amongst Section 8 Housing Choice Voucher recipients of Yolo County Housing and tenants of Low Income Public Housing of Yolo County Housing, one of whom shall be over the age of sixty-two (62) years of age if Yolo County Housing has tenants of such age. (§2, Ord. 1406, eff. April 14, 2011)

Section 2-2.3703. Qualifications.

Rotating members shall reside in the cities they represent. At-large members shall reside within Yolo County.

Tenant members shall be existing tenants lawfully residing in Low Income Public Housing of Yolo County Housing or Section 8 Housing Choice Voucher recipients of Yolo County Housing. One (1) of the tenant members shall be over the age of sixty-two (62) years of age if Yolo County Housing has tenants of such age. An individual is not eligible to serve as a tenant member of the Housing Commission, however, if he/she is a current Resident Liaison, a current Resident Advisory Board member or a current Resident Council officer. If a tenant member ceases to be a tenant of Low Income Public Housing of Yolo County Housing or a Section 8 Housing Choice Voucher recipient of Yolo County Housing, s/he shall be disqualified from serving and another tenant shall be appointed by the Board of Supervisors to fill the unexpired term. (§2, Ord. 1406, eff. April 14, 2011)

Section 2-2.3704. Terms of Office.

The term of office for each rotating member of the Housing Commission is four (4) years or until his or her successor is appointed, except that at the first meeting of the Housing Commission following adoption of the ordinance codified in this chapter, the Housing Commission shall by lot choose one (1) rotating member to serve an initial two-year term, with all rotating members thereafter serving a four-year term as provided above. At the first meeting of the Housing Commission following adoption of the ordinance codified in this chapter, the Housing Commission shall determine the order of rotation for the rotating members of the Housing Commission. All rotating members serve at the pleasure of the Board of Supervisors. Successor rotating members shall be appointed for four (4) year terms and all vacancies shall be filled for the unexpired term.

The term of office for each at-large member of the Housing Commission is four (4) years or until

his or her successor is appointed, except that at the first meeting of the Housing Commission following adoption of the ordinance codified in this chapter, the Housing Commission shall by lot choose one (1) at-large member to serve an initial two-year term, with all at-large members thereafter serving a four-year term as provided above. All at-large members serve at the pleasure of the Board of Supervisors. Successor at-large members shall be appointed for four (4) year terms and all vacancies shall be filled for the unexpired term.

The term of office for each tenant member of the Housing Commission is two (2) years or until his or her successor is appointed, their successors must be tenants members who shall be appointed for two (2) year terms, and all vacancies shall be filled for the unexpired term. All tenant members serve at the pleasure of the Board of Supervisors. (§2, Ord. 1406, eff. April 14, 2011)

Section 2-2.3705. Method of Appointment.

All appointments to the Housing Commission shall be made by the Board of Supervisors. Each city in which Yolo County Housing operates a housing program shall nominate a rotating member to the Housing Commission for the Board of Supervisors' approval. The County Administrator of Yolo County shall nominate at-large members to the Housing Commission for the Board of Supervisors' approval. The Executive Director of Yolo County Housing shall nominate tenant members to the Housing Commission for the Board of Supervisors' approval. (§2, Ord. 1406, eff. April 14, 2011)

Section 2-2.3706. Method of Removal.

All Housing Commission members serve at the pleasure of the Board of Supervisors. As such, they may be removed at any time, and for any or no cause, by a majority vote of the Board of Supervisors. (§2, Ord. 1406, eff. April 14, 2011)

Section 2-2.3707. Resignation.

Any member of the Housing Commission may resign at any time by submitting a written resignation to the Clerk of the Board. Any such resignation shall be effective upon submission, or upon such later date as is specified in the resignation if such date is not more than sixty (60) days after the date of submission. (§2, Ord. 1406, eff. April 14, 2011)

Section 2-2.3708. Vacancies.

A vacancy shall exist upon the death, resignation, removal, or termination of residence within the designated area from which the member was appointed. Vacancies shall be filled for the unexpired term by the Board of

Supervisors. (§2, Ord. 1406, eff. April 14, 2011)

Section 2-2.3709. Powers of the Housing Commission.

The Housing Commission shall have those powers specifically set forth in Health and Safety Code Section 34292 and such other powers as may be delegated to it as provided by law. (§2, Ord. 1406, eff. April 14, 2011)

Section 2-2.3710. Quorum.

Four (4) members of the Housing Commission constitute a quorum for the purpose of conducting its business and exercising its powers. Action may be taken by the Housing Commission upon a vote of a majority of the members empowered to vote, unless in any case the bylaws of the Housing Commission require a larger number. (§2, Ord. 1406, eff. April 14, 2011)

Section 2-2.3711. Officers.

The Housing Commission shall annually select a chairperson from its members and such other officers as are provided for in its bylaws. (§2, Ord. 1406, eff. April 14, 2011)

Section 2-3712. Bylaws.

The attached bylaws are adopted as the initial bylaws of the Housing Commission. Thereafter, the bylaws of the Housing Commission may be amended only with the approval of at least four (4) members of the Housing Commission at a regular or special meeting, and any amendment shall not be inconsistent with the provisions of this ordinance, applicable Health and Safety Code provisions, or enactments delegating powers to the Housing Commission. (§2, Ord. 1406, eff. April 14, 2011)

Chapter 3

JUDICIAL DISTRICT*

Sections:

- 2-3.01 Municipal Court District established.**
- 2-3.02 Municipal Court established.**
- 2-3.03 Sessions.**

- * Sections 2-3.01 through 2-3.07, codified from Ordinance Nos. 236, 237, 346, and 591, repealed and amended in its entirety by Sections 1 and 2, respectively, by Ordinance No. 742, effective February 4, 1976, operative January 1, 1977.

Please note that pursuant to Government Code §§70200 et seq. the Municipal and Superior Courts of Yolo County have been unified and there is no longer any Yolo County Municipal Court.

Sec. 2-3.01. Municipal Court District established.

Pursuant to the provisions of Sections 1040, et seq. of the Government Code of the State, there is hereby established a Municipal Court District which embraces the entire territory of the County lying within the exterior boundaries of the County. (§ 2, Ord. 742, eff. February 4, 1976, operative January 1, 1977)

Sec. 2-3.02. Municipal Court established.

A Municipal Court is hereby established within the district. The court shall be known as the Yolo County Municipal Court. (§ 2, Ord. 742, eff. February 4, 1976, operative January 1, 1977)

Sec. 2-3.03. Sessions.

Sessions of the Municipal Court shall be held in the City of Woodland provided, however, that trials of traffic matters and small claims matters shall be held in the City Council Chambers of the City of Davis and the City of West Sacramento to the extent that those Chambers are available for such trials. (§ 2, Ord. 742, eff. February 4, 1976, operative January 1, 1977, as amended by § 1, Ord. 935, eff. October 21, 1982, and § 1, Ord. 1149, eff. November 5, 1992)

Chapter 4

JUVENILE HOMES AND CAMPS*

Sections:

Article 1. Juvenile Forestry Camp

- 2-4.101 Established: Authority.**
- 2-4.102 Ownership: Operation: Financing.**
- 2-4.103 Board of Directors.**
- 2-4.104 Superintendent: Duties.**

Article 2. Juvenile Home

- 2-4.201 Established: Authority.**
- 2-4.202 Internal affairs.**
- 2-4.203 Personnel.**

- Chapter 4 entitled "Juvenile Forestry Camp" consisting of Sections 2-4.01 through 2-4.04, codified from Ordinance No. 366, repealed and amended in its entirety by Sections 1 and 2, respectively, by Urgency Ordinance No. 665, effective May 1, 1972.

Article 1. Juvenile Forestry Camp

Sec. 2-4.101. Established: Authority.

Pursuant to the provisions of Sections 880, et seq. of Article 15 of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code of the State and Chapter 5 of Division 7 of Title 1 of the Government Code of the State, commencing with Section 6500 (Joint Exercise of Powers Act), a Juvenile Forestry Camp is hereby established at Fouts Springs in the County of Colusa. Such camp shall be known as the Fouts Springs Boys Camp. (§ 2, Urg. Ord. 665, eff. May 1, 1972)

Sec. 2-4.102. Ownership: Operation: Financing.

The Juvenile Forestry Camp shall be jointly owned and operated by the Counties of Solano, Colusa, and Yolo. Any written contracts or agreements heretofore entered into by such counties respecting the camp are hereby ratified. The method and procedure of financing such camp, and the details of the joint operation thereof, shall be established by written contract between the respective Boards of Supervisors of such counties. (§ 2, Urg. Ord. 665, eff. May 1, 1972)

Sec. 2-4.103. Board of Directors.

The internal affairs and administration of the Juvenile Forestry Camp shall be under the management and control of a Board of Directors consisting of an equal number of members of the Boards of Supervisors of the Counties of Solano, Colusa, and Yolo to be selected and hold office by virtue of and during the term of their official positions. (§ 2, Urg. Ord. 665, eff. May 1, 1972)

Sec. 2-4.104. Superintendent: Duties.

The Juvenile Forestry Camp shall be in the charge of a superintendent who shall be selected by the Board of Directors of the camp. The duties of the superintendent shall be prescribed by, and his activities, orders, rules, regulations, and administration of the camp shall be subject to, the authority, approval, and direction of, the Board of Directors of the camp. (§ 2, Urg. Ord. 665, eff. May 1, 1972)

Article 2. Juvenile Home

Sec. 2-4.201. Established: Authority.

Pursuant to the provisions of Sections 880, et seq. of Article 15 of Chapter 2 of Part 1 of Divisions 2 of the Welfare and Institutions Code of the State, a juvenile home is hereby established in the County. Such juvenile home shall be known as the Juvenile Group Home. (§ 2, Urg. Ord. 665, eff. May 1, 1972)

Sec. 2-4.202. Internal affairs.

The internal affairs of the Juvenile Group Home shall be under the management and control of the Probation Officer. The Juvenile Group Home shall be in the charge of a director who shall be selected and appointed by the Probation Officer, subject to confirmation by the Board of Supervisors. (§ 2, Urg. Ord. 665, eff. May 1, 1972)

Sec. 2-4.203. Personnel.

All other personnel at the Juvenile Group Home shall be subject to the personnel regulations of the County and shall be selected and appointed by the Probation Officer. (§ 2, Urg. Ord. 665, eff. May 1, 1972)

Chapter 5

OFFICES AND DEPARTMENTS

Sections:

	Article 1. General Provisions		Article 6. Elections
2-5.101	Annual reports: Required.	2-5.601	Cost of preparing register of voters.
2-5.102	Annual reports: Yearly basis. (Repealed).	2-5.602	Improper distribution of voter registration cards: Misdemeanors.
2-5.103	Annual reports: Dates of Submission. (Repealed).		Article 7. Health Department
2-5.104	Annual reports: Contents. (Repealed).	2-5.701	Health Department.
2-5.105	Annual reports: Printing. (Repealed).	2-5.702	Director of the Health Department.
2-5.106	Office summary reports. (Repealed).		Article 8. Medical Director and Staff Physicians
2-5.107	Office hours. (Repealed).	2-5.801	Qualifications.
2-5.108	Office hours: Employees. (Repealed).	2-5.802	Private practice prohibited.
2-5.109	Office hours: Exceptions. (Repealed)		Article 9. Public Guardian
2-5.110	Consolidation of offices: County Clerk and Recorder.	2-5.901	Office created.
2-5.111	Consolidation of offices: Sheriff and Coroner.	2-5.902	Representation by District Attorney: Employment of private counsel.
2-5.112	Consolidation of offices: Treasurer and Tax Collector.		Article 10. Purchasing Department and System
2-5.113	Consolidation of Offices: County Auditor-Controller and Treasurer-Tax Collector.	2-5.1001	Purchasing Agent: Office established.
2-5.114	Qualifications for the County Auditor-Controller and Treasurer-Tax Collector.	2-5.1002	Purchasing Agent: General duties.
2-5.114.1	Continuing course of study requirement of County Auditor-Controller and Treasurer-Tax Collector.	2-5.1003	Purchasing Agent: Specific duties.
2-5.115	Post County Employment Restrictions.	2-5.1004	Emergency purchases.
	Article 2. County Counsel	2-5.1005	Stock Supplies Fund.
2-5.201	Position established.	2-5.1006	Purchasing procedure.
2-5.202	Qualifications.	2-5.1007	Competitive bidding.
2-5.203	Term of office.	2-5.1008	Preference to County vendors.
2-5.204	Duties.	2-5.1009	Notices of sales: Posting.
2-5.205	Private practice prohibited.	2-5.1010	Notices of sales: Advertising.
	Article 3. County Administrative Officer	2-5.1011	Surplus pool.
2-5.301	Purpose.	2-5.1012	Standards committees.
2-5.302	Qualifications.		Article 11. Social Services
2-5.303	Appointment: Salary.	2-5.1101	General Assistance Program: Establishment.
2-5.304	Term of office: Removal.	2-5.1102	General Assistance Program: Implementation.
2-5.305	Powers and duties.		Article 12. Peace Officers
	Article 4. County Library	2-5.1201	Declaration.
2-5.401	Established.	2-5.1202	Adherence.
	Article 5. County Surveyor	2-5.1203	Compliance.
2-5.501	Appointment: Compensation.		Article 13. Sheriff-Coroner
		2-5.1301	Legislative authorization.
		2-5.1302	Feasibility of the Work Furlough Rehabilitation Law.
		2-5.1303	Duties of the Sheriff-Coroner.
		2-5.1304	Delegation of authority to enter into certain agreements.
			Article 14. Youth Services Bureau
		2-5.1401	Created.

- 2-5.1402 Duties.
- 2-5.1403 Appointments.

Article 15. Local Corrections and Probation Officers

- 2-5.1501 Declaration.
- 2-5.1502 Adherence.
- 2-5.1503 Payment of incarceration costs.
- 2-5.1504 Designation of collection officer under Section 1203.1c of the Penal Code.
- 2-5.1505 Determination of average per day costs of incarceration.
- 2-5.1506 Payment of probation costs.

Article 16. Clerk of the Board of Supervisors

- 2-5.1601 Office created.
- 2-5.1602 Duties.
- 2-5.1603 Ex officio designation.

Article 17. County Director of Transportation

- 2-5.1701 Offices created and abolished.
- 2-5.1702 Duties.
- 2-5.1703 Appointment: Qualifications.
- 2-5.1704 Limitations.

Article 18. Department of Alcohol, Drug, and Mental Health Services

- 2-5.1801 Department of Alcohol, Drug, and Mental Health Services.
- 2-5.1802 Director of the Department of Alcohol, Drug, and Mental Health Services.

Article 19. Department of Child Support Services

- 2-5.1901. Created; Separate Entity.
- 2-5.1902. Definitions.
- 2-5.1903. Departmental Duties and Responsibilities.
- 2-5.1904. Director.
- 2-5.1905. Transfer of Functions.

Article 1. General Provisions

Sec. 2-5.101. Annual reports: Required.

The County Administrative Officer shall submit an annual summary report for each fiscal year that shall reflect an overview of the operations and financial condition of the county government and include such special items as the Board may require. (§ 1, Ord. 511, as amended by §1, Ord. 1362, eff. November 23, 2007)

Sec. 2-5.102. Annual reports: Yearly basis.

(§ 2, Ord. 511; repealed by §2, Ord. 1362, eff. November 23, 2007)

Sec. 2-5.103. Annual reports: Dates of submission.

(§ 3, Ord. 511; repealed by §2, Ord. 1362, eff. November 23, 2007)

Sec. 2-5.104. Annual reports: Contents.

(§ 4, Ord. 511; repealed by §2, Ord. 1362, eff. November 23, 2007)

Sec. 2-5.105. Annual reports: Printing.

(§ 6, Ord. 511; repealed by §2, Ord. 1362, eff. November 23, 2007)

Sec. 2-5.106. Annual summary reports.

(§ 5, Ord. 511; repealed by §2, Ord. 1362, eff. November 23, 2007)

Sec. 2-5.107. Office hours.

(§§ 1 and 2, Ord. 425; repealed by § 1, Ord. 790, eff. January 15, 1978)

Sec. 2-5.108. Office hours: Employees.

(§ 3, Ord. 425; repealed by § 1, Ord. 790, eff. January 15, 1978)

Sec. 2-5.109. Office hours: Exceptions.

(§ 4, Ord. 425; repealed by § 1, Ord. 790, eff. January 15, 1978)

Sec. 2-5.110. Consolidation of offices: County Clerk and Recorder.

The County elective offices of County Clerk and Recorder and the statutory duties and responsibilities of such offices are hereby united and consolidated, and such office shall be known as County Clerk-Recorder.

The provisions of this section shall not affect the present incumbents of such elective offices. (§§ 1 and 3, Ord. 423)

Sec. 2-5.111. Consolidation of offices: Sheriff and Coroner.

The County elective offices of Sheriff and Coroner and the statutory duties and responsibilities of such offices are hereby united and consolidated, and such office shall be known as Sheriff-Coroner.

The provisions of this section shall not affect the present incumbents of such elective offices. (§§ 1 and 3, Ord. 428)

Sec. 2-5.112. Consolidation of offices: Treasurer and Tax Collector.

The County elective offices of Treasurer and Tax Collector and the statutory duties and responsibilities of such offices are hereby united and consolidated. (§1, Ord. 407).

Sec. 2-5.113 Consolidation of Offices: County Auditor-Controller and Treasurer-Tax Collector.

The County elective offices of Auditor-Controller and Treasurer-Tax Collector are hereby consolidated. Further, the statutory

duties, responsibilities and budgets of these offices are consolidated. The consolidated office shall be known as County Auditor-Controller and Treasurer-Tax Collector. (§ 1, Ord. 686, eff. September 26, 1973, as amended by § 1, Ord. 1194, eff. December 5, 1996, as amended by §2, Ord. 1336, eff. June 23, 2005, as amended by §1, Ord. 1360, eff. June 22, 2007)

Sec. 2-5.114 Qualifications for the County Auditor-Controller and Treasurer-Tax Collector.

No person shall hereafter serve as County Auditor-Controller and Treasurer Tax-Collector unless the person meets at least one of the following criteria:

(a) The person possesses a valid certificate issued by the California State Board of Accountancy under Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code showing that person to be, and a permit authorizing that person to practice as, a certified public accountant; or

(b) The person possesses a baccalaureate degree from an accredited university, college or other four (4) year institute, with a major in accounting or its equivalent, as described in subdivision (a) of Section 5081.1 of the Business and Professions Code, and has served within the last five years in a senior fiscal management position in a county, city, or other public agency, a private firm, or a nonprofit organization, dealing with similar fiscal responsibilities, for a continuous period of not less than three years. (§ 1, Ord. 1203, eff. January 16, 1997, as amended by §3, Ord. 1336, eff. June 23, 2005)

Sec. 2-5.114.1. Continuing course of study requirement of County Auditor-Controller and Treasurer-Tax Collector.

After the election of a County Auditor-Controller and Treasurer-Tax Collector, that person shall complete a valid continuing course of study as prescribed in this section, and shall, on or before June 30 of each two-year period, render to the State Controller a certification indicating that the County officer has successfully completed a continuing education program consisting of, at a minimum, forty (40) hours or an equivalent amount of continuing education units within the discipline of governmental accounting offered by a recognized state or national association, institute, or accredited college or university, or the California Debt and Investment Advisory Commission, that provides the requisite educational programs prescribed in this section. The willful or negligent failure of any elected County Auditor-Controller and Treasurer-Tax Collector to comply with the requirements of this section shall be deemed a violation of this section. (§ 2, Ord. 1203, eff. January 16, 1997,

as amended by §4, Ord. 1336, eff. June 23, 2005)

Sec. 2-5.115 Post County Employment Restrictions.

(a) Scope. This section regulates the employment of any designated person after leaving any County office or employment. Designated persons consist of any appointed County officer or employee.

(b) Limited term broad regulation. No designated person, for a period of one year after leaving office or employment, shall for compensation other than reimbursed expenses, without the approval of the Board of Supervisors or its designee, act as agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance, or by making any oral or written communication, before the Board of Supervisors, any committee or subcommittee thereof, any board, committee, or commission of the County, or any officer except a member of the Board of Supervisors or employee of the County, if the appearance or communication is made for the purpose of influencing legislative action, administrative action, or the issuance, amendment, awarding, or revocation of a permit, license, grant, contract, or the sale or purchase of goods or property.

(c) Penalty. Violation of any provision of this section is an infraction punishable by (1) a fine not exceeding \$100 for a first violation; (2) a fine not exceeding \$200 for a second violation within one year; (3) a fine not exceeding \$500 for each additional violation within one year. A court may also impose a civil penalty of not to exceed \$2,500, or an amount equal to the compensation received by the violator, whichever is higher. (§ 1, Ord. 1222, eff. April 1, 1998)

Article 2. County Counsel

Sec. 2-5.201. Position established.

There is hereby established the position of County Counsel. (§ 1, Ord. 448)

Sec. 2-5.202. Qualifications.

The County Counsel shall be a member of the State Bar, shall be licensed to practice before all courts of the State, and shall be an elector of the County. (§ 3, Ord. 448)

Sec. 2-5.203. Term of office.

The County Counsel shall serve for four (4) years from the time of his appointment and until his successor is appointed, subject to the provisions of Section 27641 of the Government Code of the State. (§ 4, Ord. 448)

Sec. 2-5.204. Duties.

The County Counsel shall discharge all the duties vested by law in the District Attorney, other

than those of a public prosecutor, as follows: Those duties set forth in Chapter 12 of Part 3 of Division 2 of Title 3 of the Government Code of the State, except the duties set forth in Sections 27642 and 27643 of the Government Code of the State. (§ 2, Ord. 448)

Sec. 2-5.205. Private practice prohibited.

The County Counsel shall not engage in the private practice of the law. (§ 2, Ord. 448)

Article 3. County Administrative Officer*

* The title of Article 3, formerly entitled County Executive", amended by Section 1, Ordinance No. 782, effective September 1, 1977.

Sec. 2-5.301. Purpose.

The purpose of this article is to establish the position of County Administrative Officer and to define the nature, duties, and responsibilities of the position. (§ 1, Ord. 406, as amended by § 1, Ord. 782, eff. September 1, 1977)

Sec. 2-5.302. Qualifications.

The County Administrative Officer shall be a graduate of a college or university with a bachelors degree in public administration, business administration, government, political science or a closely related field. A masters degree in public administration is desirable. The County Administrative Officer shall have seven (7) years of increasingly responsible experience in City or County government with at least three (3) years experience in a county at a senior management level. The County Administrative Officer shall possess the following knowledge and abilities: thorough knowledge of modern principles of public administration, organization, and management; thorough knowledge of administrative survey principles and techniques; wide knowledge of the principles and practices of governmental budgeting; knowledge of the powers, limitations, organization, methods, and financial problems of County government; wide knowledge of the principles of personnel management; wide knowledge of the principles of effective public relations; knowledge of the Federal and State programs applicable to local government; ability to analyze and make recommendations on administrative and technical problems; ability to interpret, explain, and apply applicable laws, rules, and regulations; ability to plan, organize, direct, and evaluate the work of others; ability to prepare and present comprehensive reports and recommendations; ability to establish and maintain effective relationships with public officials, administrators, employees, and the public; and skills in coordinating the activities of administrative officials while encouraging their development and administrative ability. (§ 3, Ord. 406, as

amended by § 1, Ord. 782, eff. September 1, 1977, and § 1, Ord. 1090, eff. March 23, 1989)

Sec. 2-5.303. Appointment: Salary.

The County Administrative Officer shall be appointed by a majority of the members of the Board at a salary to be determined by the Board. (§ 3, Ord. 406, as amended by § 1, Ord. 782, eff. September 1, 1977)

Sec. 2-5.304. Term of office: Removal.

The County Administrative Officer shall serve at the pleasure of the Board. He or she may be removed by a majority vote of the Board at any regular meeting of the Board, except that during the first three (3) months after any change in membership of the Board, the County Administrative Officer may only be removed by a four-fifths (4/5) majority vote of the Board. The County Administrative Officer shall have at least 180 days notice of the Board's intention to remove him or her before such removal shall become final. (§ 3, Ord. 406, as amended by § 1, Ord. 782, eff. September 1, 1977, and § 1, Ord. 1098, eff. October 5, 1989)

Sec. 2-5.305. Powers and duties.

The County Administrative Officer shall supervise for the Board the administration of all County offices, departments, and institutions over which the Board has responsibility and control through its power of appointment. In addition, the County Administrative Officer shall act as the Administrative Officer for the Board to enforce all the rules and regulations of the Board which it has the power to apply to elective and appointive County offices, departments, and institutions.

The County Administrative Officer's duties, powers, and responsibilities shall include, but shall not be limited to, the following:

(a) The County Administrative Officer shall be responsible to the Board for the administration of County offices, departments, and institutions as set forth in the first paragraph of this section. He or she shall be responsible for the coordination of the work of all elective and appointive County offices, departments, and institutions in such matters which are the concern and responsibility of the Board. He or she may make such studies and investigations which he or she believes are necessary or desirable and shall make any study or investigation the Board requests. He or she shall make recommendations to the Board which he or she believes will result in greater efficiency and economy in the administration of County affairs. To enable the County Administrative Officer to carry out such responsibilities, he or she may require reports from any officer, department head, or institutional head.

(b) Unless otherwise prescribed by statute, the County Administrative Officer shall appoint appointed department heads, subject to the

approval of the Board of Supervisors. The County Administrative Officer may recommend that the Board suspend or remove any person holding an administrative position where the Board has the power to appoint and remove. Whenever the County Administrative Officer makes such a recommendation, the person involved shall have the right to be heard by the Board.

(c) The County Administrative Officer shall maintain and direct central administrative services which are approved and placed in his or her charge by the Board, such as building and property management, insurance, the use of office appliances and duplicating, the control and assignment of extra help, and the maintenance of automotive or other major equipment and control over its use.

(d) (Repealed by § 3, Ord. 1090, eff. March 23, 1989)

(e) The County Administrative Officer shall recommend an annual County budget, shall review departmental budget requests with the persons filing the requests, and shall enter recommendations for each departmental budget along with the requests. He or she shall review the revenue estimates of the County Auditor-Controller. After the County Administrative Officer has submitted the recommended budget to the Board, the Board shall review the recommendations and the departmental requests, make any changes believed to be advisable, and adopt the preliminary budget in the manner provided for by law.

(f) After the final County budget has been adopted by the Board, the County Administrative Officer shall administer the budget and exercise continuous budgetary control. He or she shall review all requests for appropriation transfers, and none shall be approved or disapproved by the Board until he or she makes a recommendation to the Board. He or she shall supervise expenditures of all elective and appointive offices, departments, and institutions. He or she may disapprove proposed expenditures whether or not they have been included in the budget. The County Administrative Officer may recommend to the Board the establishment of a budgetary allotment system and such other expenditure controls which he or she believes to be necessary or desirable.

(g) The County Administrative Officer shall review all requests for new positions and classifications or reclassifications, and none shall be approved or disapproved by the Board until the County Administrative Officer had made a recommendation to the Board on the position involved. The County Administrative Officer shall recommend to the Board procedures which he or she believes will result in a more efficient personnel program.

(h) The County Administrative Officer shall attend the meetings of the Board and may participate in the discussion of any matter but shall have no vote.

(i) The County Administrative Officer shall represent the Board in the County's intergovernmental relationships in accordance with Board policies and instructions. When directed, the County Administrative Officer shall represent the Board in dealing with individuals or groups concerned with County affairs.

(j) The County Administrative Officer shall evaluate the on-the-job performance of each department head (except for elected officers, appointed officers with fixed terms of office, and members of boards and commissions) at least once annually and prepare a written record of the review. The County Administrative Officer shall discuss the draft evaluation with the department head. If the final report indicates unsatisfactory performance, the report shall be discussed with the Board and the department head.

(k) The County Administrative Officer shall be responsible for the labor relations program of the County.

(l) The County Administrative Officer shall coordinate the planning for the design and construction of physical facilities and the assignment of space required for County services. He or she shall prepare, and keep current, a capital improvement plan, including recommended methods for financing, for adoption by the Board. (§§ 2 and 4, Ord. 406, as amended by § 1, Ord. 782, eff. September 1, 1977 and §§ 2, 3, Ord. 1090, eff. March 23, 1989)

Article 4. County Library

Sec. 2-5.401. Established.

Pursuant to the provisions of Sections 27151 et seq. of Chapter 2 of Division 20 of Part 4 of the Education Code of the State, the Board hereby establishes a County Free Library. (Res. of October 4, 1915)

Article 5. County Surveyor

Sec. 2-5.501. Appointment: Compensation.

On or after the first Monday of January, 1955, the County Surveyor shall be an officer appointed by the Board and shall receive compensation as determined by the Board. (§ 1, Ord. 263)

Article 6. Elections

Sec. 2-5.601. Cost of preparing register of voters.

When a new great register of voters is required by law to be made, the County Clerk-Recorder shall receive his actual expense in

making such register, and the index thereto, and ten (10¢) cents per name for every name registered. (§ 13, Ord. 231)

Sec. 2-5.602. Improper distribution of voter registration cards: Misdemeanors.

(a) It shall be unlawful for any person or group of persons to do any of the following:

(1) To obtain fifty (50) or more Post Card Registration Forms from the County Clerk without filing an approved plan with the County Clerk;

(2) To obtain Post Card Registration Forms for the purpose of distribution to prospective voters and to neglect or refuse to give such a form to any elector requesting one for the purpose of registering to vote;

(3) To obtain Post Card Registration Forms for the purpose of distribution to prospective voters and to fail to return all unused Post Card Registration Forms within thirty (30) days or, after that time, to report to the County Clerk the purpose in retaining any unused forms; and

(4) For any person or group of persons distributing Post Card Registration Forms, and who receives completed voter registration cards from voters, to fail to return the completed cards to the County Clerk or to fail to deposit such cards in the postal service within three (3) days, excluding Saturdays, Sundays, and State holidays, after receipt from a voter.

(b) Any person violating any provision of subsection (a) of this section shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this section shall be punishable by a fine of not more than Five Hundred and no/100ths (\$500.00) Dollars, or by imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every individual violation of the provisions of this section, and each such separate violation shall be punishable accordingly. (§ 1, Ord. 795, eff. May 11, 1978)

Article 7. Health Department

Section 2-5.701. Health Department.

(a) There is hereby established the Health Department, to include and perform all health functions as provided by law or by order of the Board of Supervisors, including public health, environmental health and indigent health functions and operations.

(b) The delivery of services provided by the Department of Public Health and the Department of Indigent Health Care are hereby consolidated and integrated into the Health Department. (Sections 2-5.701 through 2-5.705, codified from Resolution No. 66-80, repealed by Section 3, Ordinance No. 687, effective October 24, 1973;

Sections 2-5.7.01 added by § 1, Ord. 1216, effective March 5, 1998)

Section 2-5.702. Director of the Health Department.

(a) The Health Department shall be under the control and direction of, and managed and administered by, the Director of the Health Department. Nothing herein shall be construed to limit the authority or resources of the county health officer, or to authorize an organizational structure, in such a way as to impede the health officer from carrying out the duties required by law.

(b) Unless otherwise prescribed by statute, the Director of the Health Department shall appoint, manage, direct, supervise, and evaluate all persons employed in the Health Department. The Director of the Health Department may recommend that the Board suspend or remove any person holding a position where the Board has the power to appoint and remove. (Sections 2-5.701 through 2-5.705, codified from Resolution No. 66-80, repealed by Section 3, Ordinance No. 687, effective October 24, 1973; Sections 2-5.702 added by § 1, Ord. 1216, effective March 5, 1998)

Article 8. Medical Director and Staff Physicians

Sec. 2-5.801. Qualifications.

The Medical Director and Staff Physicians employed at the Yolo County General Hospital shall be licensed to practice medicine in the State. They shall, at the date of their employment or within thirty (30) days thereafter, possess a valid California license to administer and prescribe narcotics. Such licenses shall at all times be maintained in good standing.

The Medical Director and Staff Physicians shall become active members of the organized medical staff of the Yolo County General Hospital, subject to all bylaws which have been approved by the Board. (§ 2, Ord. 499)

Sec. 2-5.802. Private practice prohibited.

The Medical Director and Staff Physicians employed on a full-time basis shall not be permitted to engage in the private practice of medicine or receive fees for any service performed by them at the Yolo County General Hospital. (§ 2, Ord. 499)

Article 9. Public Guardian

Sec. 2-5.901. Office created.

There is hereby created in the County the office of Public Guardian, and the Public Administrator is hereby designated as ex officio Public Guardian. (§ 1, Ord. 336)

Sec. 2-5.902. Representation by District Attorney: Employment of private counsel.

The District Attorney shall represent the Public Guardian; provided, however, the Public Guardian may, in his discretion, employ private counsel when the cost thereof can be defrayed from guardianship estate funds. (§ II, Ord. 336)

Article 10. Purchasing Department and System

Sec. 2-5.1001. Purchasing Agent: Office established.

Pursuant to the provision of Sections 25500 et seq. of the Government Code of the State, the office of Purchasing Agent of the County is hereby established. (§ 1, Ord. 348)

Sec. 2-5.1002. Purchasing Agent: General duties.

The Purchasing Agent shall have the duties and powers prescribed by the laws of the State relating to County purchasing agents, the provisions of this article, and resolutions of the Board. He shall be the head of the Purchasing Department of the County and shall appoint such deputies, assistants, and other employees as from time to time shall be authorized. He shall furnish the Board with such reports and information as the Board from time to time may require and shall establish the methods and procedures necessary for the proper functioning of the Purchasing Department in an efficient and economical manner. (§ 2, Ord. 348)

Sec. 2-5.1003. Purchasing Agent: Specific duties.

The Purchasing Agent shall:

(a) Purchase for the County and its offices all materials, supplies, furnishings, equipment, livestock, and other personal property of whatever kind and nature, and, except in cases of emergency, as provided in Section 2-5.1004 of this article, no purchase of personal property by any persons other than the Purchasing Agent shall be binding upon the County or constitute a lawful charge against any County fund;

(b) Rent for County and its offices furnishings, equipment, and livestock, except, however, road equipment which the Director of Public Works is authorized by law to rent;

(c) Negotiate and execute in the name of the County all equipment service contracts and lease purchase agreements of personal property;

(d) By direct sale or otherwise, sell, lease, or dispose of any personal property belonging to the County which the Purchasing Agent finds not to be required for public use, or when purchasing personal property, to accept advantageous trade-in allowances for such property not further required for public use. The Purchasing Agent

shall pay the proceeds into the County Treasury for the use of the County. Where the property is exchanged or traded, the Purchasing Agent shall secure its value on behalf of the County;

(e) Engage independent contractors to perform services for the County or County officers, with or without the furnishing of materials, when the aggregate cost does not exceed Fifty Thousand Dollars (\$50,000.00), except that this amount shall be adjusted annually by any annual increase in the California Price Index as determined pursuant to Section 2212 of the Revenue and Taxation Code; provided, however, the provisions of this subsection shall not apply to contracts to do work upon the public roads of the County, contracts to print legal briefs or legal notices, contracts for reporters' services or transcripts, contracts for election supplies, contracts for expert services to be rendered to the offices of the District Attorney, County Counsel, or Sheriff-Coroner, contracts for appraisers' services, contracts for consultants and other experts employed directly by the Board, or contracts for other services which, by law, some other officer or body is specifically charged with obtaining;

(f) Employ state-licensed independent contractors and purchase materials, furnishings, and supplies used in the construction or repair of public works estimated as costing not more than six thousand five hundred dollars (\$6,500) without the formality of obtaining bids, letting contracts, preparing specifications, and the other things required by Article 3.5 of Chapter 1 of Part 3 of Division 2 of the Public Contract Code;

(g) Contract for special services with persons specially trained, experienced, expert and competent to perform the special services, when the aggregate cost does not exceed one hundred thousand dollars (\$100,000). The special services shall consist of services, advice, education or training for the County or its employees. The special services shall be in financial, economic, accounting (including the preparation and issuance of payroll checks or warrants), engineering, legal, medical, therapeutic, administrative, architectural, airport or building security matters, laundry services or linen services. They may include maintenance or custodial matters if the Purchasing Agent finds that the site is remote from available County employee resources and that the County's economic interests are served by such a contract rather than by paying additional travel and subsistence expenses to existing County employees.;

(h) Lease real property as provided in Sections 2-7.101 et seq. of this Code;

(i) When specifically authorized by law, purchase for the Superintendent of Schools or other public officers or agencies personal property;

(j) When specifically authorized by law, sell or dispose of personal property of any special district and pay the proceeds thereof into the treasury of the district or, if an exchange or trade is made, return the proceeds to the special district; and

(k) Perform such other services as the Board from time to time by resolution may require. (§ 3, Ord. 348, as amended by § 1, Ord. 792, eff. February 2, 1978, § 1, Ord. 798, eff. June 8, 1978, § 1, Ord. 937, eff. October 28, 1982, § 1, Ord. 1136, eff. February 20, 1991, and § 2, Ord. 1326, eff. October 14, 2004)

Sec. 2-5.1004. Emergency purchases.

Emergency purchases may be made by any person or official authorized to sign requisitions when the Purchasing Agent or any of his assistants in the Purchasing Department authorized to make purchases are not immediately available and the item or items so purchased are immediately necessary for the continued operation of the office or department involved or are immediately necessary for the preservation of life or property. Such emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent, or, if he refuses such confirmation, the Board may subsequently approve and confirm such purchases by a four-fifths (4/5) vote of the entire Board. Unless such purchases are so approved and confirmed by either the Purchasing Agent or the Board, the costs thereof shall not constitute a legal charge against the County. (§ 4, Ord. 348)

Sec. 2-5.1005. Stock Supplies Fund.

There is hereby established from the unappropriated funds of the County a Stock Supplies Fund in such an amount as the Board may from time to time, by resolution, establish. Such fund shall be known as the Purchasing Department Stock Supplies Fund. The Purchasing Agent may purchase supplies, materials, and equipment in quantities to be issued to the several offices and departments of the County as needed and shall make payments therefor from the funds of the Stock Supplies Fund. (§5, Ord. 348)

Sec. 2-5.1006. Purchasing procedure.

Except for purchases from the Stock Supplies Fund, all purchases, rentals, and contracts shall be made only upon proper written requisitions, the form of which shall be supplied by the Purchasing Agent to the several offices of the County. No purchase order shall be issued until the County Auditor-Controller shall have certified that sufficient money is available in the proper budgeted fund of the department to pay for the purchase. The head of any County office, department, or institution, or his duly designated assistant, is hereby authorized to draw

requisitions for purchases for such office, department, or institution in accordance with current budget accounts. Such head may delegate such authority to one or more of his deputies, assistants, or employees within the department by filing a written authorization therefor with the Purchasing Agent and the Auditor-Controller. (§ 6, Ord. 348)

Sec. 2-5.1007. Competitive bidding.

Except as otherwise provided by law, the Purchasing Agent may, without notice, advertisement, or the securing of competitive bids or quotations, make any purchase of personal property or do any other thing which he is authorized to do by the provisions of this article; provided, however, in the event he purchases any individual item (as distinct from the total contract) costing more than Two Thousand and no/100ths (\$2,000.00) Dollars without securing competitive bids or quotations thereon, he shall report such action to the Board with his reasons therefor; and provided, further, if he does call for competitive bids or quotations and accepts any bid or quotation other than the lowest upon any individual item costing more than Five Hundred and no/100ths (\$500.00) Dollars, he shall likewise report such fact to the Board. (§ 7, Ord. 348, as amended by § 1, Ord. 384)

Sec. 2-5.1008. Preference to County vendors.

In any purchase authorized by the provisions of this article, the Purchasing Agent may allow a three (3%) percent preference to vendors located in the County. (§ 7-A, Ord. 348, as added by § 1, Ord. 520)

Sec. 2-5.1009. Notices of sales: Posting.

(a) Notices of sales or other dispositions of surplus personal property shall be posted for not less than five (5) business days preceding the day of sale in the County Courthouse, in the office of the Purchasing Agent, and in such other places within the County as the Purchasing Agent may deem advisable.

(b) Notwithstanding the provisions of subsection (a) of this section and Section 2-5.1010 of this article, if the Purchasing Agent determines that surplus personal property is valuable only as scrap material, and thus potential buyers are limited, the Purchasing Agent may sell the material without posting any notice of sale and without advertising. Such determination shall be based upon the Purchasing Agent's estimate that such a sale without posting or advertising would be financially beneficial to the County, and, having so determined, the Purchasing Agent may consummate the sale to appropriate buyers. (§ 8, Ord. 348, as amended by § 2, Ord. 798, eff.

June 8, 1978, and § 1, Ord. 816, eff. October 19, 1978)

Sec. 2-5.1010. Notices of sales: Advertising.

In the disposition of any surplus personal property and upon the approval of the Board, the Purchasing Agent may purchase advertising space and may advertise the proposed sale or other disposition of the personal property in such newspapers, magazines, and other periodicals as, in his judgment, will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. Within the limitations of the order of the Board approving the advertising, the Purchasing Agent shall decide upon the amount, nature, makeup, and contents of the advertising. (§ 9, Ord. 348)

Sec. 2-5.1011. Surplus pool.

Whenever any item of personal property is no longer needed by the office, department, or institution in possession thereof, such fact shall be reported to the Purchasing Agent who, with the approval of the Board, may transfer such item to a surplus pool to be maintained under the supervision of the Purchasing Agent, and whenever any office, department, or institution is in need of an article which has been placed in such surplus pool or has requisitioned the purchase of a similar article, the Purchasing Agent, upon a properly drawn request for a transfer or requisition approved by the Board, may transfer the article to such department. (§ 10, Ord. 348)

Sec. 2-5.1012. Standards committees.

The Purchasing Agent may organize standards committees as needed to establish standards with respect to the type, design, quality, or brand of a certain article or group of related articles or services purchased by the County. The membership of a standards committee shall be the Purchasing Agent, who shall be the chairman, the Board, and the heads of each County office, department, or institution which is a primary user of the item or group of items for which the committee is appointed. Any member of the committee may act through a representative appointed by him. (§ 11, Ord. 348)

Article 11. Social Services*

* Article 11 entitled "Welfare Department", commencing of Sections 2-5.1101 through 205.1102, codified from Ordinance No. 462, repealed by Section 1, Ordinance No. 886, effective August 21, 1980.

Sec. 2-5.1101. General Assistance Program: Establishment.

The Board, by resolution, shall from time to time adopt standards of aid and care for the indigent and dependent poor of the County

constituting the General Assistance Program of the County. (§ 2, Ord. 886, eff. August 21, 1980)

Sec. 2-5.1102. General Assistance Program: Implementation.

The Director of Social Services shall implement the General Assistance Program and shall do so by the adoption of administrative resolutions to implement the program established pursuant to Section 2-5.1101 of this article. (§2, Ord. 886, eff. August 21, 1980).

Article 12. Peace Officers

Sec. 2-5.1201. Declaration.

The County hereby declares that it desires to qualify to receive aid from the State of California under the provisions of Section 13522, Chapter 1 of Title 4, Part 4 of the California Penal Code, for training of peace officer personnel employed by the Sheriff's Department and the District Attorney's Office. (§ 1, Ord. 664, eff. April 5, 1972, as amended by § 1, Ord. 1230, eff. February 4, 1999)

Sec. 2-5.1202. Adherence.

Pursuant to Sections 13510.1, 13512 and 13522 of the California Penal Code, all peace officer personnel employed in the Sheriff's Department and the District Attorney's Office will adhere to the standards for recruitment and training established by the Commission on Peace Officer Standards and Training. (§ 1, Ord. 664, eff. April 5, 1972, as amended by § 2, Ord. 1230, eff. February 4, 1999)

Sec. 2-5.1203. Compliance.

The Commission and its representatives may make such inquiries as deemed necessary and as authorized by law to ascertain that the peace officer personnel employed by the Sheriff's Department and the District Attorney's Office adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (§ 3, Ord. 1230, eff. February 4, 1999)

Article 13. Sheriff-Coroner

Sec. 2-5.1301. Legislative authorization.

The provisions of this article are adopted pursuant to the provisions of Section 1208 of the Penal Code of the State. All words used in this article which also are used in said Section 1208 are used in the same sense and mean the same as the respective words used in said Section 1208. (§ 1, Ord. 674, eff. October 11, 1972)

Sec. 2-5.1302. Feasibility of the Work Furlough Rehabilitation Law.

The Board hereby finds, on the basis of employment conditions, the state of the County

Jail facilities, and other pertinent circumstances, that the operation of the Work Furlough Rehabilitation Law is feasible in the County. (§ 1, Ord. 674, eff. October 11, 1972)

Sec. 2-5.1303. Duties of the Sheriff-Coroner.

The Sheriff-Coroner shall perform the functions of the Work Furlough Administrator. (§ 1, Ord. 674, eff. October 11, 1972)

Sec. 2-5.1304. Delegation of authority to enter into certain agreements.

The Board, pursuant to the provisions of Section 1208.5 of the Penal Code of the State, hereby delegates the authority to enter into agreements for the transfer of prisoners between counties under work furlough programs to the Work Furlough Administrator. (§ 1, Ord. 761, eff. August 12, 1976)

Article 14. Youth Services Bureau

Sec. 2-5.1401. Created.

Pursuant to the provisions of Sections 535 and 535.6 of the Welfare and Institutions Code of the State, there is hereby created in the County a Youth Services Bureau. (§ 3, Ord. 723, eff. July 1, 1975)

Sec. 2-5.1402. Duties.

The duties and responsibilities of the Youth Services Bureau shall be as follows:

(a) To cooperate with and assist in coordinating on a County-wide basis the work of those community agencies engaged in activities designed to prevent juvenile delinquency;

(b) To cooperate with any such public or community committees, agencies, or councils at their invitation; and

(c) To engage in activities designed to prevent juvenile delinquency, including rendering direct and indirect services to persons in the community. (§ 3, Ord. 723, eff. July 1, 1975)

Sec. 2-5.1403. Appointments.

The staff of the Youth Services Bureau, including the Director, supervisory employees, and non-supervisory employees, shall be appointed by the Board, County Administrative Officer and department head, respectively, in accordance with the provisions of the Personnel Regulations of the County. (§ 3, Ord. 723, eff. July 1, 1975)

Article 15. Local Corrections and Probation Officers*

* The title of Article 15, formerly entitled "Probation Department," amended by Section 1, Ordinance No. 902, effective January 29, 1981.

Sec. 2-5.1501. Declaration.

The County hereby declares that it desires to qualify to receive aid from the State pursuant to the provisions of Article 3 of Chapter 5 of Title 7 of Part 3 of the Penal Code of the State. (§ 2, Ord. 896, eff. November 13, 1980)

Sec. 2-5.1502. Adherence.

Pursuant to the provisions of subsection (b) of Section 6035 of Article 2 of said Chapter 5 of said Penal Code, while receiving any State aid pursuant to said Article 3, commencing with Section 6040 of the Penal Code of the State, the County will adhere to the standards for recruitment and training established by the Board of Corrections. (§ 3, Ord. 896, eff. November 13, 1980)

Sec. 2-5.1503. Payment of incarceration costs.

The provisions of Section 1203.1c of the Penal Code of the State, relative to payments by inmates of their costs of incarceration, shall be operative within the County. (§ 1, Ord. 948, eff. April 21, 1983)

Sec. 2-5.1504. Designation of collection officer under Section 1203.1c of the Penal Code.

The Treasurer/Tax Collector is designated as the County officer responsible for the collection of moneys ordered pursuant to Section 1203.1c of the Penal Code of the State. (§ 2, Ord. 948, eff. April 21, 1983, as amended by § 1, Ord. 1171, eff. July 7, 1994)

Sec. 2-5.1505. Determination of average per day costs of incarceration.

The average per day costs of incarceration in the County Jail are determined to be, pursuant to Section 1203.1c of the Penal Code of the State, Thirty and no/100ths (\$30.00) Dollars. Such amount shall be reviewed annually by the Board at the time of the adoption of the County budget and may be revised by resolution of the Board. (§ 3, Ord. 948, eff. April 21, 1983)

Sec. 2-5.1506. Payment of probation costs.

The provisions of Section 1203.1b of the Penal Code of the State, relative to the payment of probation costs by persons granted probation, shall be operative within the County. (§ 2, Ord. 947, eff. April 21, 1983)

Article 16. Clerk of the Board of Supervisors

Sec. 2-5.1601. Office created.

Pursuant to the provisions of Section 25100.5 of the Government Code of the State, there is hereby created in the County the office of Clerk of the Board of Supervisors. (§ 1, Ord. 914, eff. July 23, 1981)

Sec. 2-5.1602. Duties.

The duties of the Clerk of the Board of Supervisors shall be to:

(a) Perform those duties prescribed by law for the County Clerk as ex officio Clerk of the Board of Supervisors or for the Clerk of the Board of Supervisors;

(b) Attend each session of the Board and attend committee meetings when requested so to do;

(c) Keep and enter in the minute book of the Board a full and complete record of the proceedings of the Board at all regular and special meetings, including the entry of all decisions on questions concerning the allowance of accounts. The vote of each member on every question shall be recorded;

(d) In lieu of entering resolutions, ordinances, and agreements in full in the minute book, the Clerk of the Board of Supervisors shall keep a resolution book, ordinance book, and agreement book in which he shall enter all resolutions, ordinances, and agreements in full. In such case, references in the minute book to resolutions, ordinances, and agreements shall be made by number and subject reference;

(e) Immediately after each meeting of the Board, the Clerk of the Board of Supervisors shall deliver to and leave with the County Auditor-Controller all demands allowed for the payment of money;

(f) File and preserve, or dispose of pursuant to law, all petitions, applications, and other papers and records deposited with him;

(g) Authenticate with his signature and the seal of the Board and file each ordinance, resolution, and agreement passed by the Board;

(h) Take acknowledgments and administer and certify oaths in the performance of his official duties;

(i) Perform all duties vested in the County Clerk other than those vested in the County Clerk as Ex Officio Clerk of the Superior Court or Registrar of Voters or Recorder; and

(j) Maintain unsecured roll corrections and the cancellation book and secured roll corrections and the cancellation book. (§ 1, Ord. 914, eff. July 23, 1981)

Sec. 2-5.1603. Ex officio designation.

The County Administrative Officer is hereby designated as ex officio Clerk of the Board of Supervisors. (§ 1, Ord. 914, eff. July 23, 1981, as amended by § 1, Ord. 1030, eff. July 1, 1986)

Article 17. County Director of Transportation

Sec. 2-5.1701. Offices created and abolished.

(a) Pursuant to Section 65084 of the Government Code of the State, there is hereby created in the County the office of County Director of Transportation and pursuant to Section 2006.1 of the Streets and Highways

Code of the State; and the office of road commissioner, which as been consolidated with the appointive office of county surveyor under the title of Director of Public Works, is hereby abolished.

(b) The delivery of services provided by the Department of Public Works and Transportation and the Community Development Agency are hereby consolidated and integrated into a department to be known as the Planning and Public Works Department. The County Director of Transportation shall be the director of the Planning and Public Works Department and shall be known by the working title of Director of Planning and Public Works. (§ 2, Ord. 1205, eff. January 13, 1997, as amended by § 1, Ord. 1206, eff. February 27, 1997, as amended by §1, Ord. 1214, eff. February 5, 1998, and § 1, Ord. 1215, February 26, 1998)

Sec. 2-5.1702. Duties.

The duties of the County Director of Transportation are as follows:

(a) The duties of the road commissioner are hereby transferred to the County Director of Transportation; provided, however, that any civil engineering functions which are required to be performed by the road commissioner shall be performed by a registered civil engineer acting under the authority of the County Director of Transportation.

(b) The duties shall include the coordinated planning, development, and operation of transportation systems of all types and modes, including the County's relationship with other local agencies with whom the County shares these functions.

(c) The duties of the County Surveyor are integrated within the Planning and Public Works Department organized as a unit of that Department, and the County Surveyor shall perform the duties of that office under the administrative direction of the County Director of Transportation.

(d) The duties of the Director of Community Development are hereby transferred to the County Director of Transportation. The duties shall include, under administrative direction, the organization, coordination, and direction of the various functions of the Community Development Agency, which includes advance planning/current planning, zoning administration and ordinance development, housing code enforcement, and building inspection. (§ 2, Ord. 1205, eff. January 13, 1997, as amended by § 1, Ord. 1206, eff. February 27, 1997, as amended by § 2, Ord. 1214, effective February 5, 1998, and § 2, Ord. 1215, eff. February 26, 1998)

Sec. 2-5.1703. Appointment: Qualifications.

The County Director of Transportation shall be appointed by and serve at the pleasure of the

Board of Supervisors and shall not be required to have any special permit, registration or license. (§ 2, Ord. 1205, eff. January 13, 1997, as amended by § 1, Ord. 1206, eff. February 27, 1997)

Sec. 2-5.1704. Limitations.

The office of County Director of Transportation and all personnel acting under the authority of the Director of Transportation shall be subject to the following limitations:

(a) There shall at all times be a registered civil engineer acting under the authority of the Director of Transportation to perform any civil engineering functions which are required to be performed by the Road Commissioner for which a license, permit, or registration is required.

(b) This article shall not permit the occupant of a consolidated, integrated, or separated office to practice any profession or trade for the practice of which a license, permit, or registration is required, without that license, permit, or registration.

(c) All personnel acting under authority of the Director of Transportation, including the heads of units within departments and formed from units of County departments (including but not limited to the County Surveyor), shall possess the particular qualifications required by the statutes governing the provision of services provided by those departments, including standards of education and experience that assure competence appropriate for the direction of the departments or the local administration of County functions. (§ 2, Ord. 1205, eff. January 13, 1997, as amended by § 1, Ord. 1206, eff. February 27, 1997)

Article 18. Department of Alcohol, Drug, and Mental Health Services

Sec. 2-5.1801. Department of Alcohol, Drug, and Mental Health Services.

(a) There is hereby established the Department of Alcohol, Drug, and Mental Health Services, to include and perform all functions as provided by law or by order of the Board of Supervisors, concerning alcohol, drug, and mental health services, functions and operations.

(b) The delivery of services provided by the Department of Mental Health Services and the Department of Drug and Alcohol Services are hereby consolidated and integrated into the Department of Alcohol, Drug, and Mental Health Services. (added by § 1, Ord. 1220, eff. March 19, 1998)

Section 2-5.1802. Director of the Department of Alcohol, Drug, and Mental Health Services.

(a) The Department of Alcohol, Drug, and Mental Health Services shall be under the control and direction of, and managed and administered by, the Director of the Department of Alcohol, Drug, and Mental Health Services. Nothing herein shall be construed to limit the authority or resources of the director of mental health services, or to authorize an organizational structure, in such a way as to impede that director from carrying out the duties required by law.

(b) Unless otherwise prescribed by statute, the Director of the Department of Alcohol, Drug, and Mental Health Services shall appoint, manage, direct, supervise, and evaluate all persons employed in the Department of Alcohol, Drug, and Mental Health Services. The Director of the Department of Alcohol, Drug, and Mental Health Services may recommend that the Board suspend or remove any person holding a position where the Board has the power to appoint and remove. (added by § 1, Ord. 1220, eff. March 19, 1998)

Article 19. Department of Child Support Services

Sec. 2-5.1901. Created; Separate Entity.

(a) Pursuant to California Family Code Section 17304, there is hereby created the Yolo County Department of Child Support Services.

(b) The Yolo County Department of Child Support Services shall be separate and independent from any other county department and shall be responsible for promptly and effectively establishing, modifying, and enforcing child support obligations, including medical support, enforcing spousal support orders established by a court of competent jurisdiction, and determining paternity in the case of a child born out of wedlock. (§ 1, Ord. 1279, eff. April 18, 2002)

Sec. 2-5.1902. Definitions.

(a) "Department" shall mean the Yolo County Department of Child Support Services.

(b) "Director" shall mean the Director of the Yolo County Department of Child Support Services.

(c) "Board of Supervisors" shall mean the Yolo County Board of Supervisors. (§ 1, Ord. 1279, eff. April 18, 2002)

Sec. 2-5.1903. Departmental Duties and Responsibilities.

The Yolo County Department of Child Support Services shall perform such duties and responsibilities as are required and authorized by Section 17000 et seq. of the California Family Code, other applicable provisions of state law, and such other duties and responsibilities as are

directed by the Board of Supervisors. (§ 1, Ord. 1279, eff. April 18, 2002)

Sec. 2-5.1904. Director.

The administrator of the local child support agency referenced in Section 17304(f) of the California Family Code shall be known as the Director of the Yolo County Department of Child Support Services. The department shall be under the direction and management of the director, who shall be appointed by and serve at the pleasure of the Board of Supervisors. The director shall appoint all employees of the Department to fulfill the functions required by the department. (§ 1, Ord. 1279, eff. April 18, 2002)

Sec. 2-5.1905. Transfer of Functions.

All Yolo County employees and other personnel who perform child support collection and enforcement services, and assets bought or purchased with child support funding shall be transferred from the Yolo County District Attorney's Office to the Yolo County Department of Child Support Services as provided in California Family Code Section 17304 and 17305. The transfer of programs, staff and assets shall be effective upon approval of the Director of the California Department of Child Support Services. (§ 1, Ord. 1279, eff. April 18, 2002)

Chapter 6

PERSONNEL MERIT SYSTEM

Sections:

- 2-6.01 Title and scope.
 - 2-6.02 Definitions.
 - 2-6.03 Personnel Director: Duties.
 - 2-6.04 Labor Relations Panel: Creation: Membership: Meetings.
 - 2-6.04.1 Labor Relations Panel: Meetings. (Repealed)
 - 2-6.05 Labor Relations Panel: Duties.
 - 2-6.06 Labor Relations Panel: Jurisdiction.
 - 2-6.06.1 Classification Advisory Panel: Creation and membership. (Repealed).
 - 2-6.06.2 Classification Advisory Panel: Meetings. (Repealed).
 - 2-6.06.3 Classification Advisory Panel: Duties. (Repealed).
 - 2-6.07 Competitive examinations: Eligible list.
 - 2-6.08 Salaries: Pay periods.
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 - 2-6.10 Salaries: Payroll reports.
 - 2-6.11 Salaries: Newly-appointed employees.
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 - 2-6.50 Grievance procedure.
- Sec. 2-6.01. Title and scope.

(a) *Title.* This chapter shall be known as the Personnel Regulations of the County.

(b) *Scope.* The provisions of this chapter shall not apply to any employee in the representation unit created pursuant to the Employer-Employee Relations Policy of the County to the extent that any term of an agreement or Memorandum of Understanding covering such employee specifically declares itself to supersede or prevail over the provisions of this chapter.

(c) *Applicability: Affirmative action plan.* Both elected and appointed appointing authorities shall be governed by the provisions of this chapter and by the affirmative action plan, and both elected and appointed appointing authorities shall make appointments, discharges, suspensions, demotions, and other personnel transactions in accordance with the provisions of both this chapter and the affirmative action plan. Where inconsistent, the affirmative action plan of the County shall prevail over the provisions of this chapter. References to the affirmative action plan mean the Affirmative Action Plan of the county as it exists at the time of the action taken and also include the provisions of an order of any court adopting, approving, or modifying an affirmative action plan or requiring steps to be taken by the County or its officers or employees pursuant to Title VII of the Civil Rights Act of 1964, as amended, or pursuant to any other statute which provides a remedy for discrimination in employment by reason of race, religious creed, color, national origin, ancestry, or sex.

(d) *Per diem employees.* An individual hired to perform services for the County whose compensation is calculated on an hourly or duty basis pursuant to a contract, agreement, memorandum of understanding, or other writing which indicates that such hiring is on a per diem basis shall be considered a "per diem employee". Such an individual shall not be considered an "employee" (regular employee, probationary, permanent, extra help, temporary, limited term, or otherwise), as such term (and terms) is used this Code, and shall not be entitled to any of the rights and benefits provided for County employees under this Code. Such an individual shall be an at-will employee who may be discharged at any time for any reason and without cause, shall have no right or expectation (present or future) of permanent or continuing employment, and shall have only those rights as are specifically enumerated in the contract, agreement, memorandum of understanding, or other writing pursuant to which such individual is hired; provided, however, intermittent employment shall be considered continuous for the purposes of applications, oaths, and other pre-employment requirements. (§ 1, Ord. 513, as amended by § 1, Ord. 707, eff. August 28, 1974, retroactive to July 1, 1974, § 1, Ord. 780, eff. July

28, 1977, and § 1, Urgency Ord. 1068, eff. December 22, 1987)

(e) Contract Employees.

(1) An individual other than a per diem employee who is hired pursuant to a written contract or agreement shall be considered a "contract employee".

(2) Any other provision of this Code notwithstanding, and any other County rule, regulation, policy or procedure notwithstanding, such an individual shall not otherwise be considered an "employee" (regular, probationary, permanent, provisional, extra-help, temporary, limited term, or otherwise) as such term is used elsewhere in this Chapter, and shall not be entitled to any of the rights and benefits provided for County employees under this Chapter, or under such rule, regulation, policy or procedure, but shall have only those rights and benefits (if any) as are specifically enumerated in the contract or agreement pursuant to which such individual is hired or expressly required by State or federal law. Such an individual shall be an at-will employee who may be discharged at any time for any reason and without cause, prior notice or hearing, and shall have no right to expectation (present or future) of permanent or continuing employment.

(3) Such contracts shall be limited to either of the following circumstances:

(A) The position in question serves at the pleasure of the appointing authority; or

(B) A written request therefor has been made by the Department Head or County Administrative Officer to the Personnel Director specifying the services to be performed and the Personnel Director has determined that (i) it is not practical to use the recruitment and hiring processes otherwise contemplated by this Chapter to hire an individual to provide the required services in the time and manner required by the County (e.g., due to time constraints, limitations in the classification and/or compensation systems as they then exist or could reasonably be amended), and (ii) the services to be provided do not fall within the scope of representation of County employees who, pursuant to the Meyers-Milias-Brown Act, are represented by a bargaining representative which at that time has in effect a memorandum of understanding with the County, or contracting for such services is either not inconsistent with the memorandum of understanding or not inconsistent with past practices concerning or affecting that representation unit (or both).

Provided however, that an individual who is otherwise employed by contract, in circumstances which do not meet the foregoing criteria, shall nonetheless be and remain a contract employee as that term is defined and used hereinabove, and such individual shall be an at-will employee who may be discharged at

any time for any reason and without cause, prior notice, or hearing, shall have no right or expectation (present or future) of permanent or continuing employment, and shall have only those rights as are expressly required by State or federal law or specifically enumerated in the contract pursuant to which such individual is employed.

(4) The contract shall be approved and signed by or on behalf of the County Board of Supervisors and the Department Head, if any; provided however, that the County Administrative Officer is hereby authorized to approved and sign the contract in lieu of the Board of Supervisors if all of the following circumstances exist: (i) the duration of the contract will not exceed nine hundred sixty (960) hours; (ii) the total compensation payable will not exceed ten thousand dollars (\$10,000); and (iii) the individual has not been employed by the County, other than as a per diem or contract employee, within the one (1) year period immediately preceding the commencement of the contract (any renewal or extension of the contract that would result in the contract cumulatively exceeding either the dollar or hourly limitation set forth above shall require approval by the Board of Supervisors). (Added by § 1, Ord. 1218, eff. February 19, 1998)

Sec. 2-6.02. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "Appointing authority" shall mean the Board, a County officer, a department head, or any person or group of persons having the power pursuant to law to make an appointment to any position in a specified department for the County.

(b) "At-will" employee is an employee who is appointed to a position designated as at-will. Such employee shall serve at the pleasure of the appointing authority. The tenure of such employee shall be governed by Section 2-6.28.3, Section 2-6.47.2 and Section 2-6.47.3.

(c) "Continuous service" shall mean service during which the employee has been employed by the County without a break or interruption; provided, however, neither military leaves nor leaves of absence, whether with or without pay, shall be construed as breaks in service.

(d) "County officers" shall mean those certain officers designated in Section 24000 of the Government Code of the State.

(e) "Demotion" shall mean a change of employment from a position allocated to a given salary range to a position of a different class allocated to a lower salary range in the same department.

(f) "Department heads" shall mean those persons who are the heads of established

departments or offices and shall include County officers.

(g) "Employees" shall mean all persons employed by the County, other than County officers, except where the natural construction of the provisions of this chapter otherwise indicates.

(h) "Extra help employee" shall mean a person employed in an extra help position.

(i) "Extra help position" shall mean a position intended to be occupied on less than a year-round basis to cover seasonal peak work loads, emergency work loads of limited duration, necessary vacation and sick leave relief, and other situations involving a fluctuating staff.

(j) "Living-in position" shall mean a position for which the Board of Supervisors has approved a work schedule exceeding an average of forty (40) hours a week, where part of the schedule is sleeping time and the employee is required to sleep at the place of employment.

(k) "Limited term employee" shall mean a person employed in a limited term position.

(l) "Limited term position" shall mean a position established for a limited term, funded for a limited term, or funded by a program which governs the eligibility of the employee to hold the position as a participant in the program.

—(m) "Open examination" shall mean a competitive examination, either written or oral, or both, which shall be open to all applicants who meet the minimum qualifications for the particular classification for which the examination is to be held.

(n) "Permanent employee" shall mean an employee who has satisfactorily served a probationary period and may only be dismissed for cause.

(o) "Probationary employee" shall mean an employee who is serving a probationary period during which he shall demonstrate satisfactory performance in order to be accorded permanent status.

(p) "Promotion" shall mean a change of employment from a position allocated to a given salary range to a position of a different class allocated to a higher range, whether in the same or a different department.

(q) "Promotional examination" shall mean a competitive examination, either written or oral, or both, which shall be open to current employees of the County who meet the minimum qualifications for the particular classification for which the examination is to be held.

(r) "Provisional appointment" shall mean the appointment of a person to fill a regular position when the eligible list for the class of employment is exhausted or nonexistent.

(s) "Reclassification" shall mean a change in the allocation of a position by raising it to a higher class, reducing it to a lower class, or changing the title on the basis of substantial changes in the

kind, difficulty, or responsibility of duties performed in such position.

(t) "Regular employee" shall include both regular full-time employees and regular part-time employees.

(u) "Regular full-time employee" shall mean a person employed in a regular full-time position.

(v) "Regular full-time position" shall mean a position established on a permanent year-round basis requiring work on a regular schedule of forty (40) hours per week.

(w) "Regular part-time employee" shall mean a person employed in a regular part-time position.

(x) "Regular part-time position" shall mean a position established on a permanent year-round basis requiring work on a regular schedule of twenty (20) hours or more per week on a continuing basis.

(y) "Temporary employee" shall mean an employee hired to perform the duties of a position in County service where the regular employee holding the position (A) is on extended sick leave, extended leave of absence, or extended workers' compensation disability, (B) is providing services by order of the Board of Supervisors in a capacity other than that for which the employee is regularly employed, (C) is temporarily assigned duties and responsibilities of a position in another classification for an extended period, or (D) has submitted a written resignation or retirement application to the appointing authority setting forth a final date of employment of not more than one (1) year following the temporary appointment and the Personnel Director has determined in writing that there is a need for an additional interim appointment for vacancy planning purposes.

(z) "Supervisory position" shall mean a position, the assigned duties of which include the supervision of a work unit of a department. A supervisory position shall normally be responsible for assigning and reviewing the work of at least three (3) subordinates.

(aa) "Transfer" shall mean a change of employment from a position allocated to a given salary range to a position of the same class, or a different class allocated to the same or lower salary range in a different department.

(ab) "General unit" shall mean the representation unit, or any modification thereof, established by the County pursuant to its Employer-Employee Relations Policy by Minute Order No. 72-1447 of the Board of Supervisors, or any amendment thereto.

(ac) "Sheriffs unit" shall mean the representation unit, or any modification thereof, established by the County pursuant to its Employer-Employee Relations Policy by Minute Order No. 73-113 of the Board of Supervisors, or any amendment thereto.

(ad) "Y rate" shall mean a salary rate and/or benefit rate outside of the salary rate and/or benefit rate of a classification. (§ 1, Ord. 513, as amended by § 1, Ord. 650.31, eff. February 5, 1973, §§ 1 and 2, Ord. 684, eff. August 15, 1973, retroactive to July 1, 1973, § 9, Ord. 789, eff. December 22, 1977, § 1, Ord. 862, eff. December 4, 1979, § 1, Ord. 880, eff. May 29, 1980, §§ 1, 2, and 3, Ord. 931, eff. May 13, 1982, § 1, Ord. 1232, eff. February 4, 1999, § 1, Ord. 1267, eff. September 27, 2001, and § 1, Ord. 1278, eff. February 21, 2002)

Sec. 2-6.03. Personnel Director: Duties.

Subject to the administrative direction of the County Administrative Officer, the Personnel Director shall be responsible for the administration of a system of recruitment, qualifying examinations, appointments, promotions, and the retention of employees based on merit. He/she shall establish the methods and procedures necessary for the proper functioning of a merit system. He/she shall provide such personnel services and assistance to department heads and employees which will contribute to the efficient conduct of the County's business. He/she shall maintain such records as are necessary for the effective administration of the personnel program.

The position and authorities of the County Personnel Director may be incorporated in the position of the Assistant CAO by order of the County Administrative Officer. (§ 2, Ord. 513, as amended by § 2, Ord. 1278, eff. February 21, 2002)

Sec. 2-6.04. Labor Relations Panel: Appointed: Membership: Meetings.

(a) *Appointed.* The County Labor Relations Panel shall be appointed and will convene as provided below upon the receipt of an appeal files by an employee subject to the provisions of this Chapter 6.

(b) *Membership.* The Panel shall consist of an Administrative Law Judge provided by the California Office of Administrative Law Judges, upon the request submitted by the human resources manager following receipt of an appeal as described in Section (a) above. Any request by the grieving or appealing party shall be made when the written request for a hearing or appeal is filed. Any request by the responding party for an Administrative Law Judge shall be made within five (5) working days after the receipt of the written request for a hearing or appeal.

(c) *Qualification of members.* The Panel member shall have personnel experience, labor relations management experience, or legal experience in adjudicating administrative matters.

(d) *Limitation.* The Panel member shall not be a County employee or a member or employee

of any of the Yolo County employee organizations.

(e) *Term.* The member of the Panel shall hold office only until the conclusion of the matter for which he/she was retained as provided herein.

(f) *Meetings.* The Panel shall meet upon the call of the human resources manager. The Panel shall have the power to subpoena witnesses and papers. Rules governing the proceedings of the Panel shall be those rules as set forth by the Office of Administrative Hearings in general governing administrative hearings. (§ 15.1, Ord. 513, as amended by § 2, Ord. 789, eff. December 22, 1977, § 1, Ord. 867, eff. March 13, 1980, § 1, Ord. 1023, eff. December 26, 1985, and § 1, Ord. 1043, eff. October 16, 1986, and as amended by § 1, Ord. 1306, eff. September 4, 2003)

Sec. 2-6.04.1. Labor Relations Panel:

Meetings.

(§ 3, Ord. 789, eff. December 22, 1977; repealed by § 2, Ord. 1043, eff. October 16, 1986)

Sec. 2-6.05. Labor Relations Panel: Duties.

The duties of the Labor Relations Panel shall be as follows:

(a) To hear appeals from disciplinary actions ordered by an appointing authority and to render decisions thereon; and

(b) To hear appeals of grievances and to render decisions thereon. (§ 15.2, Ord. 513, as amended by § 1, Ord. 557, § 4, Ord. 789, eff. December 22, 1977, and § 9, Ord. 905, eff. March 19, 1981)

Sec. 2-6.06. Labor Relations Panel:

Jurisdiction.

Matters lying within the jurisdiction of the Yolo County Equal Employment Opportunity Appeals Process shall be exempt from the provisions or jurisdiction of the Labor Relations Panel. If any such matter shall be raised in any proceeding before the Labor Relations Panel, the proceeding shall be abated until a determination of the hearing officer of the Yolo County, Equal Employment Opportunity Appeals Process or an appeal therefrom, becomes final, and the Labor Relations Panel shall be bound by such determination. (§ 15.3, Ord. 513, as amended by § 4, Ord. 545, § 2, Ord. 708, eff. September 18, 1974, § 10, Ord. 905, eff. March 19, 1981, and § 2, Ord. 1306, eff. September 4, 2003)

Sec. 2-6.06.1. Classification Advisory Panel:

Creation and membership.

(§ 2, Ord. 779, eff. July 14, 1977; repealed by § 10, Ord. 789, eff. December 22, 1977)

Sec. 2-6.06.2. Classification Advisory Panel:

Meetings.

(§ 3, Ord. 779, eff. July 14, 1977; repealed by § 10, Ord. 789, eff. December 22, 1977)

Sec. 2-6.06.3. Classification Advisory Panel:

Duties.

(§ 4, Ord. 779, eff. July 14, 1977; repealed by § 10, Ord. 789, eff. December 22, 1977)

Sec. 2-6.07. Competitive examinations:

Eligible list.

(a) *Administration.* The Personnel Director shall be responsible for the administration of competitive examinations to fill vacancies in the County service.

(b) *Examinations.* Examinations may consist of written, performance, or oral tests by a comparison of the candidates' educational and experience background, or any combination thereof. The determination of what type of examination to be administered shall be made by the Personnel Director after consulting with the appointing authority. Written or oral examinations may be waived by the Personnel Director of an applicant who possesses a State license, certificate, or registration in a professional or technical field not including supervisory or administrative positions.

(c) *Examinations: Qualification.* Candidates who successfully qualify in an examination shall be placed on an eligible list in the order of their relative final scores.

(d) *Veterans' preference.*

(1) Applicants who have received a passing grade in an open examination and who are veterans shall receive credit for an additional five (5) grade points to be added to the final examination grade or an additional ten (10) grade points if he or she has a service-connected disability rated at not less than ten (10%) percent by the United States Veterans Administration.

(2) For the purposes of this section, a veteran is one who served on active duty in the United States Armed Forces in the time of war or a national emergency or for a period in excess of 180 days in the time of peace for which service a campaign or expeditionary medal has been authorized by the Government of the United States and who has been discharged or released from active duty under honorable conditions.

(3) An original or photostatic copy of a discharge (Form DD-214) shall be submitted with the veteran's application on or before the final filing date for the position. Failure to apply for the veterans' preference credits or to submit the required credentials at the stated time will be deemed a waiver of the credits.

(4) The spouse of any veteran who has a service-connected disability rated as such by the United States Veterans Administration which prevents the veteran from engaging in any remunerative occupation, and the widow or widower of any person who died while in such

service as would have qualified the decedent as a veteran for the purposes of this section, shall be credited with an additional five (5) grade points after passing an examination. Such person also shall submit discharge documents as required of the veteran.

(5) Veterans' preference shall apply only to initial employment lists and shall not affect the order of eligibility or reemployment lists or intra-departmental promotional lists:

(e) *Promotional examinations.* Vacancies in the County service shall be filled by promotional examinations whenever practical. After consulting with the appointing authority, the Personnel Director shall determine whether an examination shall be promotional or open, or both. Promotional examinations may be County-wide or department-wide at the discretion of the Personnel Director and shall be open only to employees of the County with probationary or permanent status.

(f) *Certification of names.* Upon a request from an appointing authority, the Personnel Director shall certify the names of the top ten (10) active candidates from the appropriate eligible list.

(g) *Removal of names.* A candidate whose name has been certified from an eligible list but who has not been appointed may have his name removed from the eligible list by the Personnel Director for any one of the following reasons:

- (1) Failure to meet the requirement prescribed for participation in the examination as announced in the public notice;
- (2) False statements of material facts or attempted deception in the application or examination;
- (3) Disability which renders the applicant unable to perform the essential functions all of the positions of the classification (however, candidates who otherwise meet the qualifications and pass the examination may be appointed to certain positions);
- (4) Conviction of any crime which renders the person unsuitable for a position in the class;
- (5) Dismissal from prior employment for a cause rendering the applicant unsuitable for a position in the class;
- (6) Participating in the compilation, administration or correction of the examination;
- (7) Use or attempted use of political pressure or bribery to secure an advantage in an examination or appointment;
- (8) Upon review and approval of the Assistant CAO – Human Resources, any other action of the applicant that renders the applicant unsuitable for employment for any position in the classification.

(h) *Waivers of appointments.* A candidate on an eligible list may waive an appointment to a position; provided, however, should he waive appointment two (2) times, his name shall be removed from the eligible list.

(i) *Provisional appointments.* If there is an urgent reason for filling a position, and an eligible list has not been established for that class, the Personnel Director may authorize a provisional appointment to fill the position pending the establishment of an eligible list.

(j) *Welfare Department Employees.* (Repealed by § 6, Ord. 931, eff. May 13, 1982)

(k) *County Preference Points.* County employees who have completed an initial probationary period and who have received a passing grade in an open examination, shall receive credit for an additional five (5) grade points to be added to the final examination grade. (§ 3, Ord. 513, as amended by § 1, Ord. 545, § 1, Ord. 710, eff. October 10, 1974, § 1, Ord. 751, eff. March 10, 1976, §§ 4, 5, and 6, Ord. 931, eff. May 13, 1982, § 1, Ord. 1239, eff. July 29, 1999, § 3, Ord. 1278, eff. February 21, 2002, and § 1, Ord. 1307, eff. September 4, 2003)

Sec. 2-6.08. Salaries: Pay periods.

All salaries shall be payable on a biweekly basis. The biweekly pay period shall end at 12:00 midnight on each second Saturday following July 1, 1979, except for any department in which that midnight falls within a shift. The pay period for such departments shall end at the beginning of the next shift after midnight. The payment of salaries shall be made on the Friday following the end of the pay period. (§ 4.1, Ord. 513, as amended by § 1, Ord. 847, eff. July 1, 1979).

Sec. 2-6.09. Salaries: Method of computation.

(a) *Biweekly and hourly.* Biweekly salary rates shall be computed by multiplying the monthly salary rate by twelve (12) and dividing the product by twenty-six (26). Hourly salary rates shall be computed by multiplying the monthly salary rate by twelve (12) and dividing the product by 2,080.

(b) *Flat annual and monthly.* Whenever compensation is fixed for any position at a flat rate per year or month, such compensation shall be paid to the person holding such position in equivalent biweekly installments as equal as possible.

(c) *Portion of pay period.* A regular employee who works less than a full pay period, other than while on paid leave, shall have his/her pay for such pay period computed on the basis of the hourly rate times the number of hours worked; provided, however, that the salary of an employee designated as exempt under the Fair Labor Standards Act shall not be subject to deduction for absences of less than one day.

(d) *Regular part-time employees.* A regular part-time employee shall be paid a salary which bears the same relationship to the rate the employee would receive if he/she were a regular full-time employee as the number of hours per week the employee's part-time schedule bears to the number of hours per week the employee would work if he/she were a regular full-time employee.

(e) *Extra help employees.* An extra help employee shall be paid only for the actual time worked. He/she shall be paid at the equivalent hourly rate of a full-time employee for the particular classification. (§§ 4.2 and 4.3, Ord. 513; § 4.4, Ord. 513, as amended by § 1, Ord. 569; § 4.5, Ord. 513; and § 4.6, Ord. 513, as amended by § 1, Ord. 550; as amended by § 2, Ord. 847, eff. July 1, 1979, and § 1, Ord. 1120, eff. June 27, 1991)

Sec. 2-6.10. Salaries: Payroll reports.

Each officer or department head shall cause to be prepared and shall certify a payroll report in a form specified by the County Auditor-Controller. (§ 4.7, Ord. 513, as amended by § 3, Ord. 847, eff. July 1, 1979)

Sec. 2-6.11. Salaries: Newly-appointed employees.

New employees shall be appointed at the first A step of the salary range for the particular class of position to which the appointment is made. The Board of Supervisors, however, by minute order, may provide that an employee be appointed at any step within the range, the County Administrative Officer, by written order, may provide that an employee be appointed at any step up to and including the "E" step; and the Personnel Director, by written order, may provide that an employee be appointed at any step up to and including the "C" step. (§ 2, Ord. 1232, eff. February 4, 1999)

Sec. 2-6.12. Salaries: Reemployed employees.

(§ 4.9, Ord. 513, as amended by § 3, Ord. 1232, eff. February 4, 1999; repealed by § 1, Ord. 1241, eff. September 23, 1999)

Sec. 2-6.13. Salaries: Extra help employees.

(a) Extra help employees shall not be eligible for sick leave, holidays, vacations, or group insurance benefits; provided, however, the service time of an employee employed on an extra help basis shall be recognized in the computation of service time for advancement to the next step of the salary range and for sick leave and vacation credit provided the employee is appointed to a regular full-time position without a break in service.

(b) Extra help staff nurses who are employed on the A step of the salary range shall be eligible for advancement to the B step when they have

worked 1,040 hours (the hourly equivalent of thirteen (13) biweekly pay periods) with the approval of the Board of Supervisors.

(c) Extra help staff nurses who are employed on the B, C, or D step of the salary range shall be eligible for advancement to the next higher step when they have worked 2,080 hours (the hourly equivalent of twenty-six (26) biweekly pay periods) with the approval of the Board of Supervisors. (§ 4.6, Ord. 513, as amended by § 1, Ord. 550, and § 1, Ord. 974, eff. April 19, 1984)

Sec. 2-6.13.5. Salaries: Provisional employees.

Any regular employee who is appointed as a provisional employee to a position other than a department head position having a higher salary range shall receive a minimum step in the new range which provides for no less than a five (5%) percent increase in compensation rounded to the nearest dollar. Any regular employee who is appointed as a provisional employee to a department head position having a higher salary range shall receive the next higher salary in the range. If the employee is eligible for a merit step advancement on the same day as the provisional appointment begins, the merit step shall be granted first if recommended by the appointing authority. While a provisional employee, the employee shall not receive a new anniversary date. Upon a permanent appointment to the position, the employee will receive a new salary anniversary date beginning from the first of the pay period following the date the provisional appointment was made. Provisional appointees will be eligible to receive a merit step advancement after thirteen (13) biweekly pay periods of continuous full-time service in the position, if appointed on the A step. (§ 1, Ord. 905, eff. March 19, 1981, as amended by § 2, Ord. 974, eff. April 19, 1984)

Sec. 2-6.14. Salaries: Merit step increases.

(a) Every regular employee shall have a salary anniversary date which shall be the first day of the pay period following the completion of thirteen (13) biweekly pay periods of service if the appointment was at the A step or twenty-six (26) biweekly pay periods of service if the appointment was at other than the A step in a particular classification. If an employee begins his employment on the first working day of a pay period, it shall be considered, for the purposes of this section, that such employment began on the first calendar day of such pay period.

(b) Employees shall be eligible for advancement to the B step of their salary range on their salary anniversary date after thirteen (13) biweekly pay periods of continuous service on the A step. Eligibility for advancement to the C step shall require twenty-six (26) biweekly pay

periods of continuous service on the B step. Eligibility for advancement to the D step shall require twenty-six (26) biweekly pay periods of continuous service on the C step. Eligibility for advancement to the E step shall require twenty-six (26) biweekly pay periods of continuous service on the D step.

(b-1) Employees to whom a Longevity/Career Incentive Plan is made applicable by a Memorandum of Understanding or Order adopted by the Board of Supervisors shall be eligible for advancement to the F step of their salary range on their salary anniversary dates after 130 biweekly pay periods of continuous service rendered on the E step in that classification. Such employees shall be eligible for advancement to the G step of their salary range on their salary anniversary dates after 130 biweekly pay periods of continuous service rendered on the F step in that classification. If an employee has rendered 130 biweekly pay periods on the E step of that employee's classification on the date a Longevity/Career Incentive Plan is made applicable to that employee, the employee shall be eligible for advancement to the F step on the date the plan is made applicable, and the employee shall receive a new salary anniversary date.

(c) At least thirty (30) days prior to each employee's salary anniversary date, the Personnel Department shall advise the department head in writing that the employee will be eligible for a merit step increase, and the department head shall advise the Personnel Department in writing prior to the employee's anniversary date whether or not the department head recommends that the employee be advanced to the next higher step of the salary range.

(d) Merit step increases shall be given only on the affirmative recommendation of the department head, and such recommendation shall be made on the basis of the employee's continued satisfactory performance on the job. An employee performance evaluation report shall be completed for each employee and shall be filed with the Personnel Department at least thirty (30) days before a merit step increase shall be granted.

(e) Should an employee's anniversary date be overlooked through an error and, upon discovery of the error, the employee be recommended for the anniversary increase, the County Auditor-Controller's office, on the following biweekly pay period, shall compensate the employee for the additional salary he would have received, dating from his anniversary date.

(f) Any absence without pay exceeding forty (40) hours shall cause the employee's anniversary date to be postponed a number of pay periods equal to the nearest number of pay

periods for which the leave is granted, based on the number of hours in such leave.

(g) The service time of staff nurses employed on the day shift or on the p.m. and night shift shall apply for advancement to the next higher step of the salary range.

(h) Merit step increases for appointive department heads shall be recommended by the County Administrative Officer and submitted to the Board of Supervisors for approval. (§ 4.10, Ord. 513, as amended by § 1, Ord. 736, eff. November 12, 1975, § 1, Ord. 770, eff. February 24, 1977, retroactive to January 1, 1977, and § 3, Ord. 974, eff. April 19, 1984)

Sec. 2-6.15. Salaries: Promotions.

Any employee who is promoted to a position having a higher salary range than the position formerly occupied shall receive the minimum step in the new range which provides for no less than a five (5%) percent increase; provided, however, that the department head may provide that the employee be placed at any step up to and including the "C" step with the written approval of the Personnel Director, and at any step up to and including the "E" step with the written approval of the County Administrative Officer. This change shall take effect as of the date the appointment becomes effective. Employees who are eligible for merit step advancements in their present salary ranges shall receive such advancement before being promoted if recommended by the department head. The employee shall receive a new salary anniversary date upon appointment. Employees who are promoted permanently to positions they are holding as provisional employees shall be appointed as of the date of the provisional appointment. (§ 4.11, Ord. 513, as amended by § 1, Ord. 720, eff. May 7, 1975, § 2, Ord. 736, eff. November 12, 1975, retroactive to July 1, 1975, § 1, Ord. 854, eff. August 16, 1979, retroactive to July 1, 1979, and § 4, Ord. 1232, eff. February 4, 1999)

Sec. 2-6.16. Salaries: Demotions.

(a) Except as otherwise provided in this section, when a regular employee is demoted to a position having a lower salary range than the position from which he was demoted, the salary of the employee shall be as follows:

(1) If the salary before demotion exceeds the E step of the range after demotion, the salary shall be designated as a Y rate and shall not change during continuous service until the E step of the new range exceeds the Y rate.

(2) If the salary before demotion is identical to that of any step in the new range, the employee shall be placed on that step with the identical salary and shall not receive a new anniversary date.

(3) If the salary before demotion lies between Steps A and E of the new range but is

not identical to any such step, the salary shall be designated as a Y rate, and the salary and anniversary date shall not change. Upon the employee's next anniversary date, the employee shall be eligible for advancement to the next higher step in the new range.

(b) When a regular employee is so demoted as a result of disciplinary action, a voluntary demotion, or a layoff, the employee's salary shall be reduced to the step in the range for the class of position to which the employee has been demoted next lower than the salary the employee received before demotion. For the purposes of further step increases within the range, the employee shall receive a new anniversary date as provided in subsection (a) of Section 2-6.14 of this chapter.

(c) Notwithstanding the foregoing provisions of this section, the County Administrative Officer may authorize the designation of a Y rate in the event of a voluntary demotion. (§ 4.12, Ord. 513, as amended by § 2, Ord. 905, eff. March 19, 1981)

Sec. 2-6.17. Salaries: Transfers.

Any regular employee who is transferred from one position to another in the same class or in the same salary range shall be compensated at the same step in the salary range as he previously received. For the purposes of further annual increases within the salary range, his anniversary date shall remain the same as it was before the transfer. A transfer shall not change the employee's accrued days of vacation or sick leave. (§ 4.13, Ord. 513)

Sec. 2-6.18. Salaries: Range changes.

(a) An employee who receives a range change to a higher salary range shall advance to the step in the new range corresponding to the step in the prior range. An employee who is eligible for a merit step increase in his present salary range shall receive such increase first, if recommended by his department head, and then shall be advanced in accordance with the provisions of this section. The employee's anniversary date for further step increases shall not change.

(b) An employee who is eligible for a merit step increase in his present salary range as of January 1, 1966, shall receive such step increase first and then shall be advanced in accordance with the provisions of subsection (a) of this section as of January 1, 1966.

(c) The County Auditor-Controller shall make the necessary salary adjustments for employees who are advanced to a higher salary range pursuant to the provisions of the salary schedule of the County. (§ 4.14, Ord. 513, as amended by § 1, Ord. 599; and §§ 1 and 2, Ord. 543)

Sec. 2-6.19. Salaries: Reclassifications.

The salary of an employee in a position which is reclassified shall be determined as follows:

(a) If the position is reclassified to a class having the same salary range, the salary and anniversary date of the employee shall not change.

(b) If the position is reclassified to a class having a higher salary range, the employee so appointed shall receive the next higher salary in the salary range as of the date upon which the appointment becomes effective. The employee shall receive a new anniversary date upon appointment. Notwithstanding the foregoing, upon reclassification any employee so appointed to a position other than a department head position shall receive at least a five (5%) percent increase in salary provided such increase is not beyond the E step of the new salary range.

(c) If the position is reclassified to a class having a lower salary range, the salary and anniversary date of the employee shall not change. If the employee's salary is greater than the maximum step of the new range, the salary shall be designated as a Y rate. A Y rate salary shall not change during continuous regular service until the salary of the new position exceeds the employee's present salary. (§ 4.15, Ord. 513, as amended by § 2, Ord. 707, eff. August 28, 1974, retroactive to July 1, 1974, §§ 3 and 4, Ord. 736, eff. November 12, 1975, retroactive to July 1, 1975, § 5, Ord. 779, eff. July 14, 1977, §§ 5, 6, and 7, Ord. 789, eff. December 22, 1977, § 1, Ord. 852, eff. August 2, 1979, retroactive to July 1, 1979, and § 3, Ord. 905, eff. March 19, 1981)

Sec. 2-6.20. Salaries: Adjustments by Board.

Notwithstanding any provision of this chapter to the contrary, the Board of Supervisors, in order to correct inequities, to reward outstanding achievement and performance, or for other reasons acceptable to the Board, may, by minute order, adjust the salary of an incumbent of any particular position to any step within the salary range for the classification to which the position is allocated. (§ 4.16, Ord. 513)

Sec. 2-6.20.1. Salaries: Pay for Performance.

Any contrary provision of this Code notwithstanding, the Board of Supervisors may provide that any appointed position may be compensated for a pay for performance basis, in which within a salary range for the position is set by resolution duly adopted by the Board, and the salary of an individual holding that position is initially fixed within that range based upon the appointing authority's evaluation of the individual's qualifications for that position, and thereafter increased or decreased based upon the appointing authority's evaluation of the

individual's performance in that position. (§ 1, Ord. 1259, eff. March 8, 2001)

Section 2-6.20.2. Salaries: Y-Rate.

(a) The County Administrative Officer may authorize designation of a Y-rate for an employee upon voluntary demotion, upon approval of a departmental reorganization, or upon the return of an employee to a former position, except that no Y-rate may be authorized as part of a layoff procedure.

(b) Except as specified below, or unless provided for elsewhere in this Chapter, a Y-rate shall provide that the salary of an employee is fixed at the rate earned at the time of the Y-rate, that the employee be placed in a position that is at a lower salary rate, and that the benefits to which the employee may be entitled is as specified for the position to which the employee is placed. The salary rate for an employee designated as a Y-rate shall remain fixed until the salary rate for the position to which the employee is placed reaches or exceeds the salary level which the employee is receiving as a Y-rate.

(c) The County Administrative Officer may authorize the designation of a Y-rate for an employee for both salary rate and benefits to which the employee may be entitled. Under such a circumstance, the salary rate received shall be as specified in subsection (b) of this section. Benefits to which the employee may be entitled shall remain fixed at the benefit rate of the position the employee occupied immediately prior to the Y-rate and shall remain fixed at that rate until the benefit rate for the position to which the employee is placed reaches or exceeds the level of benefits which the employee is receiving as a Y-rate. (§ 1, Ord. 1273, eff. November 22, 2001)

Section 2-6.20.3. Salaries: Placement Upon Reorganization.

(a) Upon approval of a department reorganization, employees may be transferred and placed into positions for which they are qualified.

(b) When an employee is transferred into a position pursuant to subsection (a) of this section, such employee shall continue to receive the salary rate and benefit rate of the position from which they were transferred for a period of three (3) years. At the conclusion of this three (3) year period, the employee shall be Y-rated for salary and benefits as specified in Section 2-6.20.2. (§ 2, Ord. 1273, eff. November 22, 2001)

Sec. 2-6.21. Overtime.

(a) If, in the judgment of the department head, work beyond the normal workday or workweek is required of any employee, such department head may authorize such overtime hours in advance.

(b) When permitted by law, the department head may authorize such overtime hours to be compensated by compensatory time; otherwise, compensation shall be paid overtime.

(c) For the purposes of this section, "overtime" shall be defined as all time worked in excess of the normal workday established for a position, all time worked in excess of the official workweek, and all time worked on holidays.

(d) Paid overtime shall be compensated by multiplying the hourly equivalent of the employee's monthly salary by one and one-half (1 1/2) times the number of authorized overtime hours worked.

(e) Compensatory time shall be accumulated at the rate of one and one-half (1 1/2) times the number of authorized overtime hours worked. Compensatory time shall be taken at the discretion of the department head not later than 180 calendar days from the date earned, or such compensatory time shall be deemed lost. The extension of time beyond such 180 days shall require approval in advance by the Personnel Director.

(f) Elected officials, department heads, assistant department heads, deputy department heads, chief deputy officers of department heads, and employees in the Department Heads and Confidential Unit and the Sheriffs' Safety Management Unit shall not be eligible for overtime, unless otherwise specified by the Board of Supervisors. (§ 5.1, Ord. 513, as amended by § 2, Ord. 569; § 5.1 A, Ord. 513, as added by § 2, Ord. 569; § 5.2, Ord. 513, as amended by § 3, Ord. 569; and §§ 5.3, and 5.4, Ord. 513; as amended by §§ 6, 7, 8, and 9, Ord. 669, eff. July 1, 1972, and § 1, Ord. 866, eff. February 1, 1980)

Sec. 2-6.21.1. Administrative leave.

(a) Employees in the Management Unit, and such unrepresented employees as may be designated by the Board of Supervisors, shall be entitled to annual administrative leave (nonaccumulative) which is to compensate for overtime, night meetings, and other work-related activities; unless otherwise set by memorandum of understanding (for represented employees) or provided by the Board of Supervisors (for unrepresented employees), the amount of such leave shall be forty (40) hours. By "non-accumulative," it is meant that so much of the forty (40) hours of annual administrative leave as is not used in any one fiscal year is lost and cannot be carried forward to a later date.

(b) Employees in the Attorneys Unit shall be entitled to annual administrative leave (nonaccumulative) which is to compensate for overtime, night meetings, and other work-related activities; unless otherwise set by memorandum of understanding (for represented employees) or provided by the Board of Supervisors (for

unrepresented employees), the amount of such leave shall be forty (40) hours. By "nonaccumulative," it is meant that so much of the forty (40) hours of annual administrative leave as is not used in any one fiscal year is lost and cannot be carried forward to a later date.

(c) Department heads may adopt such rules regarding the use of administrative leave as each department head deems reasonable in light of the departments operation; such rules may provide that such leave shall not be used on consecutive working days before or after vacation days so the total time off is in excess of ten (10) working days (working days separated by weekends or holidays shall be deemed consecutive). (§ 5, Ord. 736, eff. November 12, 1975, as amended by § 2, Ord. 770, eff. February 24, 1977, retroactive to January 1, 1977, § 3, Ord. 1043, eff. October 16, 1986, § 1, Ord. 1087, eff. February 2, 1989, and § 1, Ord. 1125, eff. October 24, 1991)

Sec. 2-6.22. Standby call duty.

Should an employee be placed on standby call duty, such employee shall be compensated for the time on call at the rate of two (\$2.00) dollars per hour for time worked as the result of a call back to duty in accordance with the overtime provisions of this chapter. In no instance shall a call back to duty be considered as less than one hour for pay purposes. Payment for simultaneous call-back time and on-call time shall be prohibited. The assignment of classifications of employees to standby call duty shall be approved by the Board of Supervisors. For the purposes of this section, "standby call duty" shall mean time in excess of the official workweek during which an employee is required to return to duty when called to do so. (§ 6, Ord. 513; repealed by § 8, Ord. 625.4; reenacted by § 1, Ord. 625.5, eff. July 1, 1970, as amended by § 3, Ord. 669, eff. July 1, 1972, and § 4, Ord. 1278, eff. February 21, 2002)

Sec. 2-6.23. Additional compensation.

(a) In the event a department head is incapacitated or unable to perform the duties of his/her office, the Board of Supervisors, within its sole discretion, by minute order, may permit the chief deputy or other person performing the duties of the department head additional compensation during the period the department head is incapacitated or unable to perform the duties of his office. Such additional compensation shall be fixed at the sole discretion of the Board of Supervisors.

(b) Notwithstanding any provision of this chapter to the contrary, when, in the judgment of the Board of Supervisors, it becomes necessary or desirable to utilize the services of County employees in capacities other than those for which they are regularly employed, the Board of

Supervisors, by minute order, may authorize and fix an additional rate of compensation for such employees who shall be paid such additional compensation.

(c) A regular employee who is temporarily authorized and assigned the duties and responsibilities of a position other than a department head position with a higher salary range shall receive a salary equal to the minimum step in the new range which provides not less than a five (5%) percent increase starting the first day the regular employee is performing the full range of duties and responsibilities. A regular employee who is temporarily authorized and assigned the duties and responsibilities of a department head position shall receive a salary not less than the minimum dollar amount for the salary band of the department head position to be filled starting the first day the regular employee is performing the full range of duties and responsibilities as determined by the appointing authority.

(d) Notwithstanding any provision to the contrary, the County Administrative Officer in order to correct inequities, reward outstanding achievement and performance, address recruitment and retention issues, or for any other market and/or job related reason acceptable to the County Administrative Officer, on either a fixed or temporary basis may adjust the salary of any unrepresented employee, who is not covered by the pay for performance plan, up to a maximum of 10% of base salary. (§ 7, Ord. 513, as amended by § 3, Ord. 707, eff. August 28, 1974, retroactive to July 1, 1974, § 4, Ord. 905, eff. March 19, 1981, and § 5, Ord. 1278, eff. February 21, 2002)

Sec. 2-6.24. Mileage and travel allowances.

(a) Officers of the County and employees authorized by the department head to use a private passenger vehicle for travel on County business shall be entitled to reimbursement in an amount designated by the Board of Supervisors for each mile so traveled.

(b) Members of commissions and committees consisting of citizens appointed by the Board of Supervisors to study problems of general or special interest to the Board and to make reports and recommendations to the Board shall be entitled to an amount designated by the Board of Supervisors for each mile for the use of a private passenger vehicle while traveling on business of the commission or committee and shall also be entitled to reimbursement for expenses while on such business the same as County officers and employees are entitled to reimbursement pursuant to the provisions of subsections (e) and (f) of this section. The chairmen and secretaries of such commissions and committees shall be entitled to such

reimbursement for telephone expenses incurred in the business of the commission or committee.

(c) Claims for mileage allowances shall be approved by the department head and shall include an odometer reading taken at the beginning and end of each day or each trip, if such trip lasts more than one day, less the miles traveled for personal reasons. Reimbursement for travel by bus, rail, or commercial aircraft shall be substantiated by a receipt for the payment of such transportation. Mileage reimbursement shall not exceed the lowest commercial air fare for the trip in question. Reimbursement for travel by private aircraft shall not be permitted.

(d) In addition to the fees and expenses permitted by law, as set forth in Section 27821 of the Government Code of the State, constables shall be allowed the necessary and actual traveling expenses incurred by them in the investigation of a felony committed within the township of which they are officers and the necessary and actual traveling expenses incurred by them in pursuing criminals charged with the commission of a felony.

(e) Employees and officers of the County shall be entitled to be reimbursed for lodging, meals, registration fees, parking fees, and ferry and bridge tolls incurred while attending conventions and meetings on official County business. Claims for lodging and registration fees shall be supported by receipts.

(f) Employees and officers of the County shall be entitled to be reimbursed for necessary meal expenses incurred through the attendance of meetings within the County for the promotion of County business but shall not be reimbursed for expenses incurred while attending meetings of service clubs, fraternal or religious organizations, or organizations of which the employee is a member. (§ 8.1, Ord. 513, as amended by § 2, Ord. 545, and § 1, Ord. 580; §§ 8.2 through 8.5, Ord. 513; and § 8.6, Ord. 513, as added by § 1, Ord. 553, as amended by § 1, Ord. 603; as amended by §§ 3 and 4, Ord. 684, eff. August 15, 1973, retroactive to July 1, 1973, §§ 4 and 5, Ord. 707, eff. August 28, 1974, retroactive to July 1, 1974, §§ 1 and 2, Ord. 741, eff. January 28, 1976, §§ 1 and 2, Ord. 754, eff. March 10, 1976, and § 1, Ord. 850, eff. July 26, 1979, retroactive to June 1, 1979)

Sec. 2-6.24.1. Certain expenses.

The County shall pay up to Two Hundred Fifty and no/100ths (\$250.00) Dollars per person annually for the reimbursement of actual expenses incurred for job-related professional licenses or membership dues in job-related professional organizations. (§ 6, Ord. 736, eff. November 12, 1975, as amended by § 5, Ord. 1232, eff. February 4, 1999)

Sec. 2-6.25. Appointments.

(a) *Department heads.* Unless otherwise prescribed by statute, the County Administrative Officer shall appoint appointed department heads, subject to the approval of the Board of Supervisors.

(b) *Other employees.* Department heads shall make all appointments below the level of department head. (§9.1, Ord. 513, as amended by §§ 7 and 8, Ord. 931, eff. May 13, 1982)

Sec. 2-6.26. Appointments: Procedure.

(a) Appointments shall be made from persons who have employment applications on file in the Human Resources Department and who have been certified by the Assistant CAO-Human Resources to meet the minimum qualifications of the particular classification.

(b) Except as otherwise provided, when an examination of a particular classification has been given by the Assistant CAO-Human Resources, an appointment shall be made only from those persons who have successfully passed the examination and are on an eligible list.

(c) Exceptions from the requirements of appointments from an eligible list include the following:

(1) The promotion of an employee to the next highest classification of a series of related classifications when the provision is made for alternate staffing of the position from such a series of related classes.

(2) Provisional appointments made in accordance with Section 2-6.27.2(a).

(3) Extra help appointments made in accordance with Section 2-6.28(c).

(4) Appointments made under the assumption of function provisions of Section 2-6.28.1.

(5) Appointments made under the reemployment of former employee provisions of Section 2-6.28.2.

(6) Transfers to classifications for which the employee meets the minimum qualifications.

(7) Demotions to classifications for which the employee meets the minimum qualifications or in which the employee formerly served.

(8) Appointments to at-will positions as set forth by resolution.

(d) The requirement of appointments from an eligible list does not apply to reclassifications where new duties do not significantly exceed those set forth in the class specification inasmuch as there is no appointment, and the reallocation of such position to new classifications carries with it any incumbent employees. The requirement of appointment from the eligible list, however, does apply to reclassifications where new duties significantly exceed those set forth in the class specification.

(e) Appointments governed by the Affirmative Action Plan of the County shall be made in accordance with that Plan. (§ 9.2, Ord. 513, as

amended by § 2, Ord. 780, eff. July 28, 1977, § 1, Ord. 788, eff. December 15, 1977, §§ 7 and 9, Ord. 931, eff. May 13, 1982, § 1, Ord. 943, eff. January 6, 1983, § 1, Ord. 958, eff. September 15, 1983, § 1, Ord. 968, eff. December 8, 1983, § 1, Ord. 992, eff. December 13, 1984, § 1, Ord. 1001, eff. March 21, 1985, § 1, Ord. 1060, eff. October 29, 1987, § 1, Ord. 1064, eff. December 10, 1987, § 1, Ord. 1103, eff. April 26, 1990, § 1, Ord. 1116, eff. February 7, 1991, § 1, Ord. 1136A, eff. March 19, 1992, § 1, Ord. 1174, eff. February 2, 1995, § 1, Ord. 1186, eff. January 11, 1996, § 1, Ord. 1188, eff. April 4, 1996, § 2, Ord. 1217, eff. February 19, 1998, § 2, Ord. 1216, March 5, 1998, § 1, Ord. 1223, eff. April 23, 1998, § 1, Ord. 1225, eff. May 21, 1998, § 1, Ord. 1242, eff. October 7, 1999, § 1, Ord. 1245, eff. February 17, 2000, § 1, Ord. 1253, eff. September 28, 2000, § 1, Ord. 1256, eff. October 19, 2000, § 1, Ord. 1258, eff. December 21, 2000, § 1, Ord. 1265, eff. September 27, 2001, § 1, Ord. 1280, eff. April 25, 2002; § 1, Ord. 1286, eff. July 25, 2002, § 1, Ord. 1288, eff. September 26, 2002, § 1, Ord. 1291, eff. November 21, 2002; and § 1, Ord. 1295, eff. January 2, 2003)

Sec. 2-6.27. Appointments: Limited term.

(a) Notwithstanding permanent status, an appointment to a limited term position shall be limited to the term for which the position exists, for which the position is funded, or for which the employee remains eligible to participate in the program by which the position is funded. The term of such an appointment shall not exceed two (2) years. When the position is no longer necessary, when the funding for the position ceases, or when the employee ceases to be eligible to participate in the program by which the position is funded, the employee shall be removed from the payroll, except as provided in this section.

(b) Regular employees who transfer, promote, or demote to limited term positions at the direction of an appointing authority shall retain their former status and retain the layoff benefits of their former position.

(c) Except as set forth in this section or otherwise prescribed, all limited term employees shall be subject to the same terms and conditions of employment which apply to regular employees. (§§ 9.3, 9.4, and 9.5, Ord. 513, as amended by § 3, Ord. 780, eff. July 28, 1977, and §§ 7 and 11, Ord. 931, eff. May 13, 1982)

Sec. 2-6.27.2. Appointments: Provisional.

(a) If there is an urgent reason to fill a vacant position, and there is no current eligible list established for that classification, the Personnel Director may authorize a provisional appointment to the vacant position.

(b) A person employed under a provisional appointment shall serve at the pleasure of the

appointing authority; provided, however, a provisional appointment shall not be authorized for longer than one year. When an examination has been given, and the employee fails to be appointed as a regular employee to the position he is holding, the provisional appointment shall be terminated. No provisional employment shall continue for more than thirty (30) days after an appropriate list has been established for the class.

(c) A provisional employee shall qualify for the certification list to be eligible for a regular appointment to the position.

(d) A regular employee of the County who has accepted a provisional appointment in another classification shall have the right at the termination of the provisional appointment to be reinstated in the employee's former position. Any other regular employee who has accepted an appointment in another classification as a result of the provisional appointment shall have the right, upon the reinstatement of the provisional appointee, to be reinstated in his former position. The employment of any such employee who does not exercise the right of reinstatement within ten (10) days after written notice of the reinstatement right shall automatically terminate. The employee shall be given written notice of his or her reinstatement to his or her former position and notice that he or she must notify the Personnel Department within ten (10) days after the receipt of the notice that he or she is exercising his or her reinstatement rights and that failure to so notify the Personnel Department will result in the termination of County employment. In the absence of other provisions to the contrary, the employment of any employee who is displaced by the exercise of a right of reinstatement and who does not have a right of reinstatement shall automatically terminate.

(e) Except as set forth in this section or otherwise prescribed, a provisional appointee shall be subject to the same terms and conditions of employment which apply to regular employees. (§ 12, Ord. 931, eff. May 13, 1982)

Sec. 2-6.27.5. Appointments: Temporary employees.

(a) An appointing authority may appoint a temporary employee upon approval by the Personnel Director. Requests to employ temporary employees shall include the name of the person, the classification, the salary rate to be paid, the estimated length of employment, and the justification for the request.

(b) Appointments of temporary employees shall be made from persons who have employment applications on file in the Personnel Department and who have been certified by the Personnel Director that they meet the minimum qualifications for the particular classification. When an examination for a particular

classification has been given by the Personnel Director, a department head may make an appointment only from those persons who have successfully passed the examination and are on the eligible list.

(c) Temporary employees shall be entitled to all salary and fringe benefits of regular employees, but the duration of employment shall be at the pleasure of the appointing authority and shall not extend beyond the sick leave, leave of absence, workers' compensation disability, service in another capacity, temporary out of class assignment of the regular employee holding the position, or the final date of employment of the regular employee who has submitted the written resignation or retirement application upon which the temporary appointment is based (which date shall be not more than one (1) year following the date of the temporary appointment). For persons appointed from other than eligible lists, the term of appointment shall not exceed one year. (§ 2, Ord. 862, eff. December 4, 1979, as amended by § 13, Ord. 931, eff. May 13, 1982, and § 6, Ord. 1232, eff. February 4, 1999)

Sec. 2-6.28. Appointments: Extra help.

(a) *Establishment of positions.* An extra help position may be established by the Personnel Director upon a request by an appointing authority after a prior informal review with the County Administrative Officer. Requests to establish an extra help position shall include the name of the person proposed for appointment to the position, the classification, the hourly rate to be paid, the estimated duration of the position, and the justification for the request.

(b) *Term.* An extra help employee shall serve at the pleasure of the appointing authority. Ordinarily, an extra help position shall not be authorized for a period exceeding three (3) months continuous service; however, the Personnel Director, in extraordinary circumstances, may authorize the position for a period of up to six (6) months of continuous service. No extra help employee shall be authorized to work in excess of 1,000 hours within any fiscal year.

(c) *Appointment.* If the person to be appointed has been appointed from a past eligible list for the classification, a substantially similar classification, or a higher related classification, the appointment need not be made from an eligible list; otherwise, appointments shall be made in accordance with Section 2-6.26 of this chapter.

(d) *Sick leave and holidays.*

(1) After three (3) months of continuous service, extra help employees employed on a full time basis shall be entitled to the same sick leave benefits and holidays as are regular full-time employees; provided, however, to be eligible for a paid holiday, an extra help employee shall have

been on paid status on the last assigned shift immediately preceding the holiday.

(2) Extra help employees employed at least half-time or more per pay period shall be entitled to the sick leave benefits and holidays provided for in this section in direct proportion as such part-time work bears to full-time work in that pay period after three (3) months of continuous service.

(3) For all purposes of eligibility for holidays and sick leave benefits, an extra help employee shall have served in a position which involves a regular schedule of twenty (20) hours or more per week or five (5) days per week for a period of at least three (3) months. Any week in which an extra help employee is not scheduled for the minimum number of regular hours or five (5) days shall require the commencement of a new three (3) month period. The County shall not fail to schedule an extra help employee for the minimum time for the purpose of circumventing an extra help employee's right to benefits. (§ 9.6, Ord. 513, as amended by § 1, Ord. 696, eff. February 13, 1974, and § 14, Ord. 931, eff. May 13, 1982)

Sec. 2-6.28.1. Appointments: Assumption of functions.

Whenever the County assumes a function performed by another person (including both governmental or private entities), the Board of Supervisors may make provisions for the appointment of employees of that person to County employment, and the Board of Supervisors may specify the terms and conditions thereof, including, but not limited to, compensation, tenure, seniority, accumulated vacation, and accumulated sick leave, and the Board of Supervisors may order such persons to be appointed to County service without an announcement, examination, or certification for appointment or may order a promotional examination open only to persons employed to perform the assumed functions; provided, however, employees with permanent or probationary status under a merit system meeting the Local Agency Personnel Standards will retain that status when the program of employment is transferred to the jurisdiction of the County Personnel Merit System. (§ 1, Ord. 768, eff. December 30, 1976, as amended by § 15, Ord. 931, eff. May 13, 1982)

Sec. 2-6.28.2 Appointments: Former employees.

(a) During the three (3) years following an employee's termination, an appointing authority may request to reemploy a former County employee to a classification in which the former employee held permanent status provided the former employee terminated in good standing. Such request shall be subject to the review and

approval of the Affirmative Action Coordinator and the Personnel Director. A reemployed employee shall be required to serve the probationary period established for all new employees.

(b) During the one (1) year following termination, a former employee reinstated to a regular position pursuant to this Section may, at the discretion of the appointing authority, be reinstated with any or all of the following:

(1) placement at any step within the "A" – "E" range; provided, however, that if the former employee was at a longevity step at the time that the prior employment terminated, the former employee may be reinstated at that same longevity step;

(2) waiver of any County-imposed waiting period for health, dental, and vision benefits;

(3) eligibility for retirement benefits (including but not limited to employer paid member contributions) in the same manner as existed prior to termination, but subject to the same conditions as exist at the time of reinstatement.

(c) The time between termination of employment and reinstatement shall not be counted toward eligibility for any salary, benefits or other compensation (including but not limited to employer paid member contributions).

(d) Except as is expressly provided hereinabove, any person reinstated pursuant to this Section shall be considered a new employee for all purposes. (§ 1, Ord. 853, eff. August 9, 1979, as amended by § 2, Ord. 1241, eff. September 23, 1999)

Sec. 2-6.28.3. Appointments: Return of At-Will Employees.

(a) Any employee appointed to an at-will position which is not a department head position and such employee has completed an initial probationary period prior to the appointment that employee shall have the right to return to the position in the same department from which appointed if the position is vacant.

(1) If no vacant position exists in the department where the employee came from, then such employee shall have the right of return to any other vacant position in that department which is not an at-will position and for which the employee qualifies at the same or higher salary and benefit level for the classification from which appointed to the at-will position.

(2) In the event that the returning employee's former position is no longer vacant and there are no vacant positions in that department which are not at-will positions, a position of the same classification from which appointed to the at-will position will be created.

(b) The right to return as specified in subsections (a) (1) and (2) only applies if the following conditions are met:

(1) The employee was appointed to the at-will position in the same department; and

(2) The right to return was specified and approved by the department head in writing, at the time of appointment to the at-will position.

(c) Nothing in this section shall be construed to imply that an employee returning has any right to the assignment held prior to the appointment to the at-will position. The assignment of an employee returning under these provisions is solely at the discretion of the department head.

(d) No employee may exercise the right of return under this section if removal from the at-will position was for criminal activity or acts of moral turpitude and there must not have been a break in service from the time the initial probationary period was completed to the time that the at-will appointment is made.

(e) Any employee who exercises the rights specified in this section shall be considered to have been continuously employed without a break in service during service in the at-will position. (§ 1, Ord. 1266, eff. September 27, 2001, as amended by § 2, Ord. 1322, eff. August 19, 2004)

Sec. 2-6.28.5. Part-time employment.

(a) All non-extra help, part-time employees shall be designated as either fixed schedule or flexible schedule part-time.

(1) *Fixed schedule.*

(i) Employees shall be assigned to a regular schedule of workdays and work hours which shall provide for no less than forty (40) hours of work in each bi-weekly pay period.

(ii) Once a schedule has been established, fixed schedule employees may be permitted to work additional hours by mutual agreement.

(2) *Flexible schedule.* Employees shall be required to work at least twenty (20) hours in each bi-weekly pay period and shall be available for additional hours as per individual written agreement with the appointing authority.

(b) Unless otherwise provided, flexible part-time employees shall accrue the same rights, conditions of employment, and benefits as full-time employees on a prorated basis.

(c) Fixed schedule part-time employees working forty (40) hours or more per pay period shall earn full-time health and dental benefits. Unless otherwise provided, all other rights and conditions of employment shall accrue on a prorated basis. (§ 16, Ord. 931, eff. May 13, 1982)

Sec. 2-6.29. Health examinations.

(§ 10, Ord. 513, as amended by § 3, Ord. 545; repealed by § 1, Ord. 1161, eff. June 24, 1993)

Sec. 2-6.30. Ineligibility for employment.

(a) Fingerprints of all new employees shall be taken as a condition of County employment.

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Fingerprints shall be taken at the Sheriff-Coroner's Department prior to the commencement of employment or not later than the first day of employment.

(b) Except as hereinafter provided, no person who has been convicted of any crime which renders the person unsuitable for a position in a classification shall be eligible for employment in such classification; provided, however, the appointing authority may disregard such conviction if he or she finds and determines that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, the length of time that has elapsed since such conviction, the age of the person at the time of the conviction, or that the conviction is not reasonably related to the qualifications, duties, or functions of the classification in question.

(c) The County Administrative Officer, Personnel Director, Sheriff-Coroner, County Counsel, and each appointing authority and/or their designee are hereby authorized to have access, on a need-to-know-basis, to information from the State Summary Criminal History Information, as provided for in Section 11105 of the Penal Code of the State.

(d) The Personnel Director is hereby appointed to be the Records Security Officer and shall adopt procedures for the safeguarding of the State Summary Criminal History Information.

(e) Persons or entities authorized to receive information as provided in subsection (c) of this section shall be given information from the State Summary Criminal History Information as permitted by the Personnel Director. No one shall be given a copy of the State Summary Criminal History Information unless authorized by the Personnel Director in writing.

(f) If the applicant for which the State Summary Criminal History Information is obtained is subsequently hired, then the State Summary Criminal History Information shall be destroyed within ten (10) working days after receipt; provided, however, the State Summary Criminal History Information may be retained by the Personnel Director only where it contains information that results, in whole or in part, in the disqualification of the applicant from examination or employment. (§ 11, Ord. 513, as amended by § 17, Ord. 931, eff. May 13, 1982 and § 1, Ord. 1825, eff. July 25, 2002)

Sec. 2-6.30.1. False statements or omitted information: Ineligibility for employment.

The Personnel Director may refuse to examine or certify as eligible for employment in the service of the County any person who has made a false statement of material facts on his employment application or who has omitted material facts requested by such application. (§ 18, Ord. 931, eff. May 13, 1982)

Sec. 2-6.31. Probation period.

(a) All employees entering the County service by appointments to regular positions shall be required to serve a probation period dating from the date of employment. Unless otherwise prescribed by a memorandum of understanding, the probation period shall be one year from date of hire.

(b) The probationary period is considered an extension of the selection process. At any time an employee may be rejected from a probationary appointment without the right of appeal or a hearing, except that such rejection shall not be based on political affiliation or discrimination. Rejection during a probationary period shall not be a disciplinary action. A statement in writing of the reasons for not according permanent status shall be made by the appointing authority and given to the employee. A copy of such statement shall be sent to the Personnel Department.

(c) Any absence without pay exceeding forty (40) hours shall cause the employee's probation period to be extended a number of pay periods equal to the nearest number of pay periods for which the leave is granted, based on the number of hours in such leave. Such absences shall be cumulative during the probation period.

(d) Any employee who is promoted to a position in a classification with a higher salary range shall serve a probation period of six (6) months in the position to which he/she has been promoted, from the date of such promotion. If the employee is not recommended for permanent status in such position, he/she shall be entitled to the position from which he/she was promoted provided he/she held permanent status in such position; provided, however, if the employee was not accorded permanent status for any reason other than the inability to perform the duties of the new position, he/she shall not be entitled to be restored to the position from which he/she was promoted. (§ 12, Ord. 513, as amended by § 1, Ord. 758, eff. June 24, 1976, § 19, Ord. 931, eff. May 13, 1982, § 1, Ord. 934, eff. September 30, 1982, § 4, Ord. 974, eff. April 19, 1984, and § 6, Ord. 1278, eff. February 21, 2002)

Sec. 2-6.32. Employee performance evaluation reports.

(a) All regular employees of the County shall have their work performance evaluated at regular intervals by their immediate supervisor and department head. The employee's department head or designated representative shall discuss such evaluations with the employee. A copy of the employee's performance evaluation report, signed by the department head and the employee, shall be sent to the Personnel Department.

(b) Employee performance evaluation reports on probationary employees serving a probation period of twenty-six (26) pay periods shall be completed at the end of the sixth (6th), before the end of the thirteenth (13th), before the end of the nineteenth (19th), and before the end of the twenty-sixth (26) biweekly pay periods of services. Employee performance evaluation reports on probationary employees serving a probationary period of thirteen (13) pay periods shall be completed at the end of the sixth (6th) and before the end of the thirteen (13) biweekly pay periods of service.

(c) Employee performance evaluation reports on permanent employees shall be completed annually at least thirty (30) days prior to the employee's salary anniversary date and shall be submitted to the Personnel Director.

(d) Nothing shall preclude special evaluations. (§ 17, Ord. 513, as amended by § 5, Ord. 974, eff. April 19, 1984, and §1, Ord. 1138, eff. April 2, 1992)

Sec. 2-6.33. Workweek.

(a) Except as otherwise provided in this chapter, the normal workweek of the County shall be forty (40) hours, and the normal workday of the County shall be eight (8) hours.

(b) The normal workweek and normal workday for living-in positions shall be as established by the Board of Supervisors.

(c) Upon an application by a department head, however, the Board of Supervisors may establish a normal workday in excess of eight (8) hours for such employees as the Board may designate. The designation of a work day in excess of eight (8) hours shall not change the length of the normal workweek. It shall be the responsibility of each department head to arrange the work of his department so that each regular employee therein shall work not more than a normal workweek; provided, however, a department head may require an employee in his department temporarily to perform services in excess of a normal workweek when the public necessity or convenience so requires. (§ 18, Ord. 513, as amended by § 5, Ord. 684, eff. August 15, 1973, retroactive to July 1, 1973, and § 1, Ord. 730, eff. August 18, 1975)

Sec. 2-6.33.1. Alternative work schedules.

(a) A department head, with the prior approval of the County Administrative Officer, may establish alternative work schedules for the employees of his or her department.

(b) Any employee or group of employees desiring an alternate schedule may request, in writing, that the department establish such a schedule. Requests for flex time schedules shall not be unreasonably denied.

(c) Any schedule recommended by a department head which provides for scheduled

workdays which exceed eight (8) hours of work shall be approved by the Board of Supervisors.

(d) Employee performance evaluation reports on permanent employees shall be completed annually at least thirty (30) days prior to the employee's salary anniversary date and shall be submitted to the Personnel Director.

(d) For the purposes of this section, "alternative work schedule" shall mean either:

(1) *Alternate workweeks.* A biweekly work schedule consisting of eighty (80) hours of work in no fewer than eight (8) workdays and with no more ten (10) hours scheduled on any workday; or

(2) *Flex time* schedule. A weekly work schedule consisting of forty (40) work hours during five (5) workdays at other than normally scheduled hours.

(e) Alternative work schedules may be discontinued at any time it is determined that such schedules inhibit the maintenance of County operations and/or services. (§ 1, Ord. 938, eff. November 11, 1982)

Sec. 2-6.33.2. Job sharing.

(a) Any two (2) employees within the same department who hold permanent full-time positions of the same classification may petition their department head to allow them to share one of such positions.

(b) The parties shall agree that if such a request is approved, the County may, but has no obligation to, return either participant to full-time status if requested to do so.

(c) It is understood that employees who request and have approved job sharing arrangements shall only be entitled to the rights and benefits which accrue to regular part-time employees.

(d) Any denial of a job sharing request pursuant to this section shall not be grievable. (§ 2, Ord. 938, eff. November 11, 1982)

Sec. 2-6.33.3. Furloughs.

(a) *Applicability.* The provisions of this section shall apply to all County employees unless otherwise provided by a memorandum of understanding or law.

(b) *Furloughs.* The County may temporarily furlough employees in case of financial hardship as determined by the Board of Supervisors; provided, however, that in no event shall any employee be placed on furlough for more than ninety-six (96) working hours during any fiscal year.

(c) *Wages, benefits, etc.* Except as is expressly provided in this section, an employee who is placed on furlough shall not be entitled to (and shall not be) paid wages, salary, or any other form of compensation for the time during which the employee is on furlough; an employee who is placed on furlough may not use vacation,

administrative leave, compensatory time off, sick leave or any other form of paid leave during the furlough. An employee on furlough shall receive health and welfare benefits, accrue sick leave, vacation, and other leaves which are otherwise accrued based upon time worked; in addition, the period of furlough shall not be considered a break in service, and shall be considered time worked for purposes of seniority, completion of a probation period, and eligibility for health and welfare benefits and merit step increases.

(d) *Notices.* The County shall give notice of the decision to place employees on furlough to the recognized employee organization or organizations representing the bargaining unit or units in which such furloughs are to occur. An employee who will be placed on furlough shall be given written notice of the days or dates of the furlough at least seven (7) calendar days in advance of the first effective date of such furlough. The County may change or cancel a notice of furlough.

(e) *Scope.* The County may decide to impose furloughs on any department, division, budget unit, function or operation of the County as the Board of Supervisors determines is necessary or appropriate. The County Administrative Officer, after considering relevant information from the affected departments, the Personnel Director, and such other sources that the County Administrative officer deems appropriate, shall, in a manner consistent with the action of the Board in ordering that the furloughs take place, determine which classifications and/or positions shall be affected by the furloughs.

(f) *Frequency, duration, etc.* Subject to the limitations of this section, an employee may be placed on furlough as many times during any fiscal year which the County determines is necessary to carry out the purpose and intent of this section. Any such furlough may be in such increments of time as the County deems appropriate, but in no event shall a furlough be in increments of less than two (2) hours per work day. (§ 1, Ord. 1182, eff. August 3 1, 1995)

Sec. 2-6.34. Holidays.

(a) *Entitlement.* Unless the Board of Supervisors, by memorandum of understanding, policy, minute order, or other action, otherwise provides, County officers, regular full-time employees, and regular part-time employees shall receive the following holidays:

- (1) July 4, Independence Day;
- (2) Labor Day;
- (3) Veterans Day (November 11);
- (4) Thanksgiving Day;
- (5) Day after Thanksgiving;
- (6) Christmas Day;
- (7) New Year's Day;
- (8) Washington's Birthday;

(9) Memorial Day; and

(10) All other days appointed by the President of the United States or Governor of the State for a public fast, thanksgiving, or holiday and approved by the Board of Supervisors.

When a holiday falls on a Saturday or Sunday, the Friday preceding a Saturday holiday or the Monday following a Sunday holiday shall be deemed to be a holiday in lieu of the day observed.

(b) *Floating holidays.* Up to thirty-two (32) hours per fiscal year shall be deemed floating holiday time which may be taken by regular employees as full days during the fiscal year upon the prior approval of the department head. Employees hired after July 1 of the fiscal year shall be credited with floating holiday time prorated for each month remaining in the fiscal year after the date of employment. Floating holidays shall be taken during the fiscal year of accrual and shall not be used or carried over in future fiscal years.

Upon termination, any unused floating holiday shall be paid at a straight time rate.

(c) *Scheduled days off.* Employees whose regularly scheduled days off fall on any County observed holiday shall be entitled to equivalent time off, or pay in lieu of equivalent time off, at their regular rate of pay. Employees shall be entitled to take such equivalent time off in conjunction with regular days off.

(d) *Regular part-time employees.*

(1) Regular part-time employees shall be entitled to holidays as set forth in subsection (a) of this section provided they are scheduled to work those days.

(2) Where a holiday falls on the regularly scheduled day off of a regular part-time employee, the regular part-time employee shall be entitled to equivalent time off or pay in lieu of equivalent time off at his regular rate of pay as set forth in subsection (c) of this section, except that such time off or pay shall be based on the ratio that the regular part-time employee's regular hours bear to a regular full time workweek.

(3) Regular part-time employees shall be entitled to each floating holiday in direct proportion as their regular workweek bears to regular full-time employment.

(e) *Alternative workweek schedule.*

(1) Employees on an alternative workweek schedule shall be entitled to eight (8) holiday hours for each of the holidays set forth in subsection (a) of this section. They may choose to take any remaining hours which they would regularly work on such holiday on compensatory time, vacation, or dock. If feasible, the department head may allow such employees to work back such hours on an hour-for-hour basis during the same pay period.

(2) An alternative workweek employee whose regularly scheduled day off falls on a

holiday as set forth in subsection (c) of this section shall be entitled to eight (8) hours off or eight (8) hours' pay.

(3) Employees who are on leave of absence without pay for more than five (5) days shall not be entitled to holidays or holiday pay for holidays during such leave.

(f) *Working employees.* Employees otherwise entitled to receive overtime or compensatory time off who are required to work on any holiday shall be entitled to be paid for overtime hours or to receive compensatory time off for such work. (§ 19, Ord. 513, as amended by § 1, Ord. 645, eff. December 30, 1970, § 6, Ord. 707, eff. August 28, 1974, retroactive to July 1, 1974, § 1, Ord. 740, eff. January 21, 1976, § 3, Ord. 741, eff. January 28, 1976, § 3, Ord. 754, eff. March 10, 1976, § 1, Ord. 808, eff. May 30, 1978, § 1, Ord. 837, eff. February 6, 1979, § 3, Ord. 938, eff. November 11, 1982, and § 4, Ord. 1043, eff. October 16, 1986)

Sec. 2-6.35. Vacations.

(a) *Entitlement.* Unless the Board of Supervisors, by memorandum of understanding, policy, minute order, or other action, otherwise provides, vacations shall be as set forth in this section.

(1) All regular full-time employees shall be entitled to paid vacation of forty (40) hours after thirteen (13) consecutive biweekly periods of employment. Thereafter, each employee shall accrue vacation time according to the schedule set forth in subsection (b) of this section.

(2) Vacation time accrual shall be based on a forty (40) hour workweek. All hours worked in excess of forty (40) hours in a week shall be excluded for vacation accrual purposes.

(3) Regular part-time employees shall accrue vacation in direct proportion as such part-time work bears to full-time work; provided, however, a part-time employee who works less than twenty (20) hours per biweekly pay period shall not be eligible for vacation.

(4) Any absence without pay exceeding forty (40) hours shall cause the employee's eligibility date for vacation time to be postponed a number of pay periods equal to the nearest number of pay periods for which the leave is granted, based on the number of hours in such leave. Such absence shall be cumulative.

(5) After the completion of thirteen (13) biweekly periods of employment, an employee who is absent without pay during a pay period shall accrue vacation credit in proportion to the number of hours he was in a paid status during such pay period.

(b) *Schedule.* Regular full-time employees shall accrue vacation time in accordance with the following schedule:

After 13 biweekly periods	3.08 hours per biweekly period
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After 78 biweekly periods	4.62 hours per biweekly period
After 286 biweekly periods	4.93 hours per biweekly period
After 312 biweekly periods	5.24 hours per biweekly period
After 338 biweekly periods	5.54 hours per biweekly period
After 364 biweekly periods	5.85 hours per biweekly period
After 390 biweekly periods	6.16 hours per biweekly period
After 416 biweekly periods	6.47 hours per biweekly period

(c) *Vacation time credited.* Vacation time shall be credited as of the end of each biweekly pay period.

(d) *Accumulation.*

(1) All regular employees shall be permitted to accumulate the unused portion of vacation time to their credit; provided, however, they shall not be permitted to accumulate credit for any vacation time in excess of 280 hours.

(2) If an extra-help, provisional, or limited term employee is appointed to a regular position without a break in employment, the length of service in such status shall be recognized in the computation of vacation accrual. For the purposes of this section only, a break in employment shall mean a break in excess of three (3) normal working days in the continuity of time such an employee is authorized to be employed by the County. The amount of vacation credited shall be determined by the number of hours actually worked in direct proportion to the number of hours in a pay period.

(e) *Payoff.* Upon the termination of employment, and after thirteen (13) pay periods of employment, an employee shall be entitled to a lump sum payment for any unused or accrued vacation time as of the date of termination.

(f) *Scheduling.*

(1) Vacation leave shall be taken upon the approval of the department head or his designee. Vacation time for appointive department heads shall be approved by the County Administrative Officer.

(2) When an employee has submitted a written request for vacation at least thirty (30) days in advance of the date requested, such request shall not be unreasonably denied and, if approved, shall only be rescinded to meet unanticipated departmental needs of an immediate nature.

(3) Employees who have accrued 240 hours of earned vacation time at the beginning of the fiscal year shall schedule and take off at least eighty (80) hours of vacation time during such fiscal year.

(4) Employees may be required to use accrued compensatory time before having

vacation time off approved. (§ 20, Ord. 513, as amended by § 4, Ord. 669, eff. July 1, 1972, §§ 6 and 7, Ord. 684, eff. August 15, 1973, retroactive to July 1, 1973, § 4, Ord. 938, eff. November 11, 1982, and § 6, Ord. 974, eff. April 19, 1984)

Sec. 2-6.36. Sick leave.

(a) Regular full-time employees shall accrue 3.70 hours of sick leave for each biweekly pay period of County service. All unused sick leave may be carried forward into each ensuing year.

(b) Regular part-time employees shall accrue sick leave in direct proportion as such part-time service bears to regular full-time service; provided, however, a regular part-time employee who works less than one-half (1/2) time shall not be eligible for sick leave benefits.

(c) Extra help employees, other than General Unit and Supervisory Unit employees, shall not be eligible for sick leave; provided, however, if an extra help employee is appointed to a regular position without a break in service, the length of service on extra help shall be recognized in the computation of sick leave credit.

(d) Sick leave shall only be granted upon the written recommendation of the department head in the case of the illness of the employee, in the event of serious illness or death in the employee's immediate family, or in the event of a death in the employee's family as set forth in subsection (h) of this section. For the purposes of this section, "immediate family" shall mean husband, wife, son, or daughter.

(e) Sick leave for appointive department heads shall be subject to the approval of the County Administrative Officer.

(f) All employees shall submit evidence in the form of a physician's certificate if such absence exceeds four (4) working days.

(g) Sick leave absences with pay because of death in the employee's immediate family shall not exceed forty (40) hours for each instance.

(h) Sick leave with pay because of the death of an employee's father, mother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandfather, grandmother, grandson, granddaughter, or relatives who are not members of the immediate family, but who reside in the employee's household, shall not exceed two (2) days for each instance; provided, however, a department head may authorize additional sick leave, with the approval of the Personnel Director, not to exceed a total of five (5) days, based on extenuating circumstances.

(i) Sick leave to care for a member of the immediate family who is seriously ill or injured and who requires care or attendance shall be authorized, but not over forty (40) hours of sick leave may be taken in any calendar year for such purpose. The member of the immediate family shall be seriously ill, and there shall be a real need for someone to give care or to attend the

seriously ill member of the family, and no one other than the employee shall be available to give such care. Sick leave shall not be authorized when another member of the household is present and capable of providing the care needed.

(j) The hospitalization of a member of the immediate family shall be a valid reason for sick leave under the following conditions:

(1) One day of sick leave may be authorized for the employee to be at the hospital on the date of an operation or on the day of the birth of his child; and

(2) Sick leave of more than one day for the reasons set forth in subsection (1) of this subsection may be authorized only if a physician certifies in writing that the employee's presence is necessary.

(k) Sick leave shall not be authorized when any of the following conditions exist:

(1) Disability arising from willful misconduct;

(2) Sickness or disability sustained while on leave of absence without pay; and

(3) Inability to work because of illness due to intemperance.

(l) Sick leave may be used for medical and dental office appointments when absences during working hours for this purpose are authorized by the department head. Employees shall be requested to secure medical and dental appointments on their own time, but when this is not possible, appointments shall be secured to reduce to a minimum the time away from work.

(m) A sick leave absence of less than four (4) hours need not be reported to the Auditor-Controller's office until the accumulative absences total four (4) hours or more. At the discretion of the department head, an employee may be allowed to make up a sick leave absence of less than four (4) hours within five (5) working days after the date of absence.

(n) An employee who is absent without pay during a pay period shall accrue sick leave credit in proportion to the number of hours he was in a paid status during such pay period.

(o) An employee who is on his regularly scheduled vacation and becomes ill may use sick leave for the period of disability provided a physician certifies as to the disability.

(p) Except as otherwise provided in this section, each employee shall be paid one-half (1/2) of the value of his accumulated sick leave in excess of 200 hours upon his retirement, layoff, or death, based upon his salary at the time of termination. In lieu of receiving such payment, the affected employee may elect to have his accumulated sick leave credited toward retirement in accordance with Section 20862.8 of the Government Code of the State, to the extent allowed by the County's agreement with the applicable retirement system or carrier, provided such election is submitted in writing to the

Personnel Director before such payment for accumulated sick leave is made. (§ 21, Ord. 513, as amended by § 1, Ord. 573, § 1, Ord. 634, eff. September 1, 1970, § 6, Ord. 669, eff. July 1, 1972, § 1, Ord. 689, eff. October 31, 1973, §§ 7, 8, 9, and 10, Ord. 707, eff. August 28, 1974, retroactive to July 1, 1974, §§ 7, 8, 9, and 10, Ord. 736, eff. November 12, 1975, § 7, Ord. 974, eff. April 19, 1984, and § 1, Ord. 976, eff. June 7, 1984)

Sec. 2-6.36.1. Compassionate leave.

Regular employees in the General Unit and the Management Unit shall be entitled to compassionate leave because of the death of an employee's spouse, child, father, mother, brother, sister, father-in-law, mother-in-law, grandchild, grandparent, brother-in-law, sister-in-law, or relatives who are not members of the immediate family, but who resided in the employee's household, for a minimum of two (2) days for each instance, but, in addition thereto, a department head may authorize the use of sick leave, with the approval of the Personnel Director, for not to exceed a total of three (3) days, based on extenuating circumstances. (§ 11, Ord. 707, eff. August 28, 1974, retroactive to July 1, 1974, as amended by § 11, Ord. 736, eff. November 12, 1975)

Sec. 2-6.36.2. Maternity leave: Adoptive parent leave.

(a) A pregnant employee shall furnish her department head, no later than the fourth month of pregnancy, a statement from the attending physician which statement indicates the anticipated date of delivery and the opinion of the physician as to her ability to perform her normal work assignment.

(b) A pregnant employee shall be permitted to work as long as, and return to work when, she is able to safely perform the duties of her position as recommended by her attending physician.

(c) A pregnant employee shall be entitled to maternity leave of up to sixteen (16) weeks, the dates of which shall be mutually agreed upon by the employee and the department head. Maternity leave is a leave without pay. However, an employee on maternity leave may take accrued vacation, compensatory time off, administrative leave, floating holiday, or sick leave, where applicable, during maternity leave. However, sick leave may only be used during the time that a physician has certified that the employee is disabled from performing her normal duties. Where an employee exhausts paid vacation, compensatory time off, administrative leave, floating holiday, and sick leave, unpaid leave shall be used.

(d) Maternity leave beyond sixteen (16) weeks shall be granted to an employee, if such time off is recommended by her attending

physician, for not to exceed an aggregate of five (5) months. Additional leave without pay may be granted upon request, as provided elsewhere in this chapter.

(e) An employee granted leave under this section, where possible, shall be returned to the same classification and department, geographical location, and shift.

(f) An adoptive parent may be granted up to twelve (12) weeks of parenting leave at the discretion of the department head. Such employee may use accrued vacation, compensatory time off, floating holiday, or administrative leave where applicable. Any time not covered by vacation, compensatory time, floating holiday, or administrative leave shall be unpaid leave. (§ 5, Ord. 938, eff. November 11, 1982, as amended by § 5, Ord. 1043, eff. October 16, 1986, and § 1, Ord. 1123, eff. September 19, 1991)

Sec. 2-6.37. Leaves of absence without pay.

(a) Any regular employee may be granted a leave of absence without pay upon approval for any of the following reasons:

(1) For illness or disability;

(2) To take a course of study which will increase the employee's usefulness on his return to his position; and

(3) For personal reasons acceptable to the department head or County Administrative Officer.

(b) Requests for leaves of absence without pay shall be made in writing to the department head and shall state specifically the reason for the request, the date the leave is desired to begin, and the probable date of return. If the leave requested does not exceed thirty (30) calendar days, the request shall be granted or denied by the department head. If the leave requested exceeds thirty (30) calendar days, it shall be granted or denied by the County Administrative Officer upon the recommendation of the department head. A copy of an approved leave of absence shall be sent to the Personnel Department.

(c) A leave of absence without pay may be for a period not to exceed one year.

(d) Whenever an employee who has been granted a leave of absence without pay desires to return to work before the expiration of such leave, he shall notify his department head as soon as possible in advance of his return by the completion of a Personnel Action Form.

(e) A vacancy resulting from an approved leave of absence may be filled by extra help personnel upon the approval of the County Administrative Officer. (§ 22, Ord. 513, as amended by § 1, Ord. 846, eff. June 28, 1979)

Sec. 2-6.38. Leaves of absence with pay.

(a) The Board of Supervisors, in accordance with the provisions of Section 300 of the Welfare and Institutions Code of the State, may grant stipendiary educational leaves to permanent employees of the Public Welfare Department who have been approved by the Department of Social Welfare and accepted for enrollment in an approved course of study for professional and technical training at an accredited institution of learning for the purpose of improving their skill, knowledge, and technique in the administration of social welfare programs.

(b) The procedure and conditions of such leave shall be as prescribed by the Department of Social Welfare of the State. (§ 23, Ord. 513)

Sec. 2-6.38.1. Educational and training assignments.

Any department head, with the concurrence of an employee, and subject to the approval of the County Administrative Officer, may assign or loan an employee to another jurisdiction or may receive an employee from another jurisdiction provided that:

(a) The assignment is of benefit to the County, is for training purposes, and is directly related to the employee's assigned duties and will provide knowledge and ability which cannot reasonably be provided on the job;

(b) The other jurisdiction is governmental in character. It may be Federal, State, or local, including other counties and public colleges or universities;

(c) No layoff of County personnel is necessary;

(d) Both jurisdictions approve a written document containing, as a minimum, a statement that the assignment or loan is subject to the provisions of this section, the period and duties and conditions of the assignment or loan, the training to be accomplished, and provisions for continuing or substituting alternatives for all rights and benefits to which the employee is other entitled;

(e) Employees from other jurisdictions gain no status in Yolo County service through such training assignments or loans;

(f) An employee participating in such assignment shall be considered an employee of the jurisdiction from which he was assigned or loaned, except that his work and activities shall be subject to the direction of the jurisdiction to which he is assigned or loaned; and

(g) Subject to the provisions of this Chapter and any applicable memorandum of understanding regarding layoffs, reductions in force and other circumstances in which employment may be terminated, an employee participating in such an arrangement shall have the absolute right to return to his/her former position. (§ 1, Ord. 791, eff. January 26, 1978, as

amended by § 1, Ord. 1213, eff. November 21, 1997)

Sec. 2-6.39. Military leave.

The County shall grant military leave in accordance with the Military and Veterans Code of the State. (§ 24, Ord. 513, as amended by § 20, Ord. 931, eff. May 13, 1982)

Sec. 2-6.40. On the job injuries and illnesses.

(a) An employee who is compelled to be absent from work because of illness or injury arising from, and in the course of, his employment, where Workers' Compensation is not immediately payable, shall be entitled to receive full compensation, without charge against sick leave or other leave, during the first forty (40) hours off work for such illness or injury provided the County has determined that the injury or illness is work-related, and the time off and duration thereof is warranted.

(b) An employee who has been injured on the job and is receiving Workers' Compensation shall continue to accrue and/or be credited with vacation time, sick leave, administrative leave, and holidays.

(c) Where the provisions of subsection (a) of this section are inapplicable, or where the forty (40) hour period provided for therein has been exhausted, the employee may elect to apply accumulated sick leave to time off work following an industrial injury or illness in a proportionate amount which, when added to Workers' Compensation benefits, provides total compensation equal to the employee's wages or salary. Upon the exhaustion of accumulated sick leave, compensatory time off, administrative leave, vacation time, and holidays may be applied in the same manner.

(d) An employee engaged in law enforcement, as defined by the provisions of Section 4850 of the Labor Code of the State, shall be entitled to his full salary in lieu of Workers' Compensation benefits if he suffers a disabling illness or injury arising from, and in the course of, his employment for the period of his disability not exceeding one year. An employee receiving such benefits shall relinquish to the County his Workers' Compensation benefits for such period of absence. During such time, the employee's accrued sick leave, compensatory time off, administrative leave, and vacation time shall not be charged.

(e) When the employee has exhausted his Workers' Compensation benefits, vacation time, sick leave, compensatory time off, and administrative leave, the employee may request a leave of absence without pay. No sick leave, holidays, administrative leave, compensatory time off, or vacation time shall accrue to the employee during the absence without pay. If no such request is made in writing before the

expiration of such benefits or leave, the employment of the employee shall be automatically terminated. Such termination may be rescinded at the discretion of the County.

(f) Upon the return of any employee who, while off work for an industrial injury or illness, exhausts all accrued sick leave, forty (40) additional hours of sick leave shall be credited to the employee.

(g) An employee who is injured or incurs an illness on the job, within twenty-four (24) hours thereafter, shall submit a written report of such injury or illness to his immediate supervisor on such forms as may be prescribed by the County. The failure to so report such an injury shall be a valid reason for disciplinary action. (§ 25, Ord. 513, as amended by § 6, Ord. 1043, eff. October 16, 1986)

Sec. 2-6.40.1. Health benefits.

The County shall pay a portion of the premiums, dues, or charges of each eligible County officer or employee and of each member of the Board of Supervisors who chooses to participate in plans providing hospital, medical, surgical, or dental benefits, all on a group or service basis approved by the Board of Supervisors. The portion paid by the County shall be that set forth in an agreement or memorandum of understanding covering the eligible employees electing to participate or set forth in a minute order of the Board of Supervisors as to other officers or employees. For the purposes of this section, "eligible County officers and employees" shall be regular employees, County officers, and other employees specified by the Board of Supervisors. Flexible part-time employees shall receive the same benefits provided pursuant to this section as afforded full-time employees, on a pro rata basis. Fixed schedule part-time employees working forty (40) or more hours per pay period shall receive the same such benefits as full-time employees. (§ 1, Ord. 669, eff. July 1, 1972, as amended by § 12, Ord. 707, eff. August 28, 1974, retroactive to July 1, 1974, § 1, Ord. 709, eff. October 3, 1974, retroactive to July 1, 1974, § 12, Ord. 736, eff. November 12, 1975, § 1, Ord. 781, eff. July 1, 1977, and § 21, Ord. 931, eff. May 13, 1982)

Sec. 2-6.41. Reassignment due to physical condition.

(a) A permanent employee who, because of illness or injury, is incapable of performing his regular duties in a department but who is capable of performing other duties may be assigned the duties he is capable of performing, either in the same or a different department, with the approval of the respective department heads and the Personnel Director.

(b) Medical examinations shall be performed by a physician from a panel designated by the Personnel Director. Such panel shall consist of at least three (3) physicians with expertise and experience in industrial medicine. The Personnel Director shall propose the composition of the panel, and any employee organization recognized for an employee representation unit shall have the right to reject any panel member at the time his or her name is proposed. Medical examinations ordered by the Personnel Director pursuant to this subsection shall be at no cost to the employee. Appointments for such examinations shall be on County time.

(c) If adverse action is proposed to be taken against an employee as a result of such medical examination, the employee shall have the right to obtain a second examination by a physician of the employee's choice selected from the panel at no cost to the employee. The report of the second examination shall be considered prior to the County proceeding with any adverse action.

(d) The salary of an employee who is reassigned due to physical condition to a classification with a lower salary range shall be reduced to the step in the range next lower than the salary he previously received.

(e) Such employee shall meet the minimum training and educational qualifications for the new classification prior to appointment.

(f) Uncorrected job related medical conditions determined to be incapacity for the performance of duty as defined and governed by Article 3 of Chapter 8 of Part 3 of Division 5 of Title 2 of the Government Code of the State, commencing with Section 21020, shall be handled according to said article. The Personnel Director shall designate the examining physician and undertake the costs of the medical examination. (§ 26, Ord. 513, as amended by § 22, Ord. 931, eff. May 13, 1982)

Sec. 2-6.42. Jury duty: Court appearances.

A regular employee summoned for attendance to any court for jury duty or called as a witness arising from and in the course of his County employment shall be deemed to be on duty and shall be entitled to his regular pay provided he deposits his fees for such service, exclusive of mileage, with the County Treasurer-Tax Collector. A regular employee who appears in court as a witness in a private matter shall not be entitled to receive his regular pay during such absence but may use accrued vacation or compensatory time for such purpose. (§ 27, Ord. 513)

Sec. 2-6.43. Employment schedule for living-in positions.

(a) Notwithstanding the provisions of Sections 2-6.21 and 2-6.33 of this chapter, the work schedule for all personnel working in living-

in positions shall consist of the number of consecutive normal work days on duty followed by the number of consecutive days-off duty designated by the Board of Supervisors. A normal work-day for such personnel shall consist of a full twenty-four (24) hour period. The compensation of live-in personnel shall include room and board during on-duty days.

(b) Personnel in living-in positions shall accrue vacation and sick leave benefits as specified in this chapter for County employees generally; however, such personnel shall be charged with twelve (12) hours for each day of vacation or sick leave taken.

(c) Personnel in living-in positions shall be entitled to all holidays specified in this chapter, regardless of whether such personnel are scheduled to work on the holiday.

(d) Only overtime served during waking hours shall be compensated by paid overtime or compensatory time off. No more than twelve (12) hours of overtime shall be compensated for during any single day. (§ 28, Ord. 513; repealed by § 1, Ord. 638, eff. November 4, 1970; reenacted by § 2, Ord. 650.3 1, eff. February 5, 1973)

Sec. 2-6.44. Nepotism Policy.

(a) It is the policy of the County of Yolo not to discriminate in its employment and personnel actions with respect to its employees, prospective employees, and applicants who are relatives of County employees or who are related to County employees based on marital status. No employee, prospective employee, or applicant shall be denied employment or benefit of employment on the basis of his/her relatives or marital status.

(b) Notwithstanding subsection (a), Yolo County reserves the right to reasonably regulate for reasons of supervision, safety, security, or morale, the terms of employment of persons who are related as defined in subsections (c) and (d) in the same department, division, facility or unit. The placement of one party to a relationship under the direct supervision of the other party to a relationship is subject to approval by the County Administrative Officer and Human Resources Manager. In no case shall supervision be less than two levels between the related persons as defined by subsections (c) or (d).

(c) The term "relative" as used in this ordinance is defined as a person's mother, father, spouse, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, step-brother, step-sister, aunt, uncle, niece, nephew, parent-in-law, brother-in-law, sister-in-law, legal guardian and/or any other individual related by blood or marriage living in the same household as the County employee.

(d) The term "marital status" as used in this ordinance is defined as an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state. (§ 29, Ord. 513; as amended by § 1, Ord. 1248, eff. July 27, 2000, as amended by § 1, Ord. 1298, eff. April 24, 2003)

Sec. 2-6.44.1. Former employees of Yolo-Solano Air Pollution Control District.

For the purposes of determining salaries upon an appointment or transfer and for determining seniority, service as an employee of the Yolo-Solano Air Pollution Control District shall be deemed to be service as an employee of the County. (§ 2, Ord. 768, eff. December 30, 1976)

Sec. 2-6.45. Political activities.

The political activities of County officers and employees shall be governed by the provisions of Sections 3201 et seq. of Chapter 9.5 of Division 5 of Title 1 of the Government Code of the State, entitled "Political Activities of Public Employees." Further, individuals whose principal employment is in a Federally grant-aided program shall also be subject to the provisions of the Federal Hatch Act, Chapter 15 of Title 5 of the United States Code, commencing with Section 1501. Any violation of such provisions shall make the employee subject to dismissal. (§ 30, Ord. 513, as amended by § 23, Ord. 931, eff. May 13, 1982)

Sec. 2-6.46. Classification plan.

(a) *Adoption and amendment.* The Board of Supervisors shall adopt, and may from time to time amend, the classification plan. A class specification shall be prepared for each class of position other than elected officers.

(b) *Conformance.* No person shall be employed in, or appointed to, any regular position unless such person meets the employment standards for the position as set forth in the class specification; provided, however, the Board of Supervisors, upon the recommendations of the Personnel Director and County Administrative Officer, or the Personnel Director with the approval of the County Administrative Officer, may amend the employment standards and other specifications of any classification.

(c) *Maintenance.*

(1) *New classifications* Whenever the appointing authority of any department, the County Administrative Officer, or the Board of Supervisors proposes that a new class be established, or whenever a significant change has occurred in the duties and responsibilities of an existing position, the appointing authority shall report the significant facts in writing to the Personnel Director. Thereupon the Personnel

Director shall make a study of the duties and responsibilities of any such position, of the qualifications required for filling the position, and of the relationship of such position to other positions in the classification plan. The results of such study shall be presented with a recommendation for an appropriate amendment, if any, to the classification plan to the County Administrative Officer who shall present the request to the Board of Supervisors with his/her evaluation thereof and his/her recommendations thereon.

(2) *Requests for reclassification.*

(i) Any regular employee who has completed the probationary period for a position may petition the department head with a request to initiate a position classification review of that position. Such petitions shall be submitted in writing during the months of January or July, and shall be accompanied by a completed position classification form. No employee may request a reclassification more often than once every other year.

(ii) The department head, within thirty (30) calendar days after the request, shall notify the employee, in writing, whether the position is going to be reviewed.

(iii) Position classification reviews by the Personnel Services Agency shall be concluded, and written recommendations shall be delivered to the Board of Supervisors, by June 10 for petitions submitted in January or by December 10 for petitions submitted in July.

(iv) All affected employees shall receive a copy of the recommendations of the Personnel Services Agency and a summary of the rationale for the recommendation. Any employee organization representing an affected unit shall receive a copy of the position classification review and decision.

(v) Position classifications approved by the Board of Supervisors shall be effective the first pay period after January 1 for petitions submitted in July and the first pay period after July 1 for petitions submitted in January.

(vi) Position classification determinations shall not be subject to grievance or other appeals.

(d) *Determination of classes.* In determining the class to which any position shall be allocated, the specification of each class shall be considered in its entirety and in relation to others in the classification plan.

(e) *Use of class titles.* The title of the class to which any position is allocated shall be used in all official personnel transactions and personnel records of the County; provided, however, the use of class titles shall not preclude the deputization of employees or the use of working titles within the department. (§ 31, Ord. 513, as amended by § 6, Ord. 779, eff. July 14, 1977, § 8, Ord. 789, eff. December 22, 1977, § 5, Ord.

905, eff. March 19, 1981, § 6, Ord. 938, eff. November 11, 1982, § 1, Ord. 1139, eff. April 30, 1992, and § 7, Ord. 1232, eff. February 4, 1999)

Sec. 2-6.46.1 Authorized Position Resolution.

(a) *Adoption and amendment.* The Board of Supervisors shall adopt, and may from time to time amend, an authorized position resolution setting forth the number of positions authorized in classifications for the various County departments and operations.

(b) *Conformance.* No person shall be employed in or appointed to any regular position, and no appointing authority shall employ or appoint any person in any regular position, except as authorized in the authorized position resolution; provided, however, that an appointment may be made to any lower position within the same classification series, or any position within a related classification series having similar duties and the same or a lower salary schedule, as the position authorized in the resolution. No person shall be employed in or appointed to any regular position, and no appointing authority shall employ or appoint any person(s) to any regular position, in excess of the number of positions set forth in the authorized position resolution.

(c) *Amendments.* Whenever an amendment or revision of the authorized position resolution is recommended or submitted to the Board of Supervisors, the appointing authority, Personnel Director, and/or County Administrative Officer shall report the significant facts and reasons supporting the amendment or revision to the Board at the time of its consideration of the matter. (§ 8, Ord. 1232, eff. February 4, 1999)

Sec. 2-6.47. Disciplinary action.

(a) *Disciplinary action defined.* For the purposes of this section, disciplinary action is deemed to be the discharge, demotion, suspension, disciplinary reduction in pay of an employee, or other discipline for which the law mandates notice and an opportunity for a hearing.

(b) *Disciplinary action authorized.* An appointing authority may take disciplinary action against an employee; however, an appointing authority may do so against a permanent employee only for due cause. Due cause shall consist of any of the following grounds:

(1) Incompetency or inefficiency on the job;

(2) Insubordination;

(3) Intoxication while on duty;

(4) Dishonesty or fraud;

(5) Negligence or willful damages to public property or the waste of public supplies or equipment;

(6) The violation of any proper policy, regulation or lawful order made and given by a superior;

(7) The falsification of an employment application or other personal record;

(8) Unauthorized absences from duty;

(9) Substantial off duty misconduct reasonably and directly related to the employee's public duties; or

(10) Conviction of a felony.

(c) *Prior notices and hearings.* Before an appointing authority discharges a permanent employee, demotes a permanent employee, suspends a permanent employee for more than five (5) working days, orders a disciplinary reduction in pay of a permanent employee, or subjects an employee to disciplinary action for which the law mandates prior notice and an opportunity for a hearing, the appointing authority shall give the employee notice of the proposed action, the reasons for the proposed action, a copy of the charges and materials upon which the proposed action is based, and the right to respond, either orally or in writing.

(d) *Limited hearings: Minor discipline.* Within five (5) days following action by an appointing authority ordering disciplinary action other than that provided for in subsection (c) of this section, the employee in writing may request a limited hearing by the appointing authority. Within ten (10) days following the receipt of the written request, the appointing authority shall apprise the employee of the action taken, the reasons therefor, provide for a copy of the charges, including materials, upon which the action is based, and the right to respond either orally or in writing. After the conclusion of the limited hearing, the appointing authority shall make an order affirming, reversing, or modifying the disciplinary action.

(e) *Appeals.* A regular, permanent employee who is discharged, demoted, suspended, or subjected to a disciplinary reduction in pay or any officer or employee subjected to disciplinary action for which the law mandates an opportunity for a hearing may appeal the action taken to the Labor Relations Panel; provided, however, the right to appeal provided for in this section shall not extend to any action subject to review by any administrative appeal or grievance procedure prescribed by law or a Memorandum of Understanding. Such procedure for filing appeals shall be governed by the rules and regulations established by the Labor Relations Panel and approved by the Board of Supervisors. In the case of disciplinary action provided for in subsection (d) of this section, a written demand for an appeal shall be served on the Personnel Director by the employee within ten (10) days after the receipt of the order affirming, reversing, or modifying the disciplinary action. In the case of other disciplinary action, a written demand for an appeal shall be served on the Personnel Director by the employee within ten (10) days after the

receipt of the order of disciplinary action of the appointing authority.

(f) *Other provisions.* To the extent, in whole or in part, the Board of Supervisors by Memorandum of Understanding, policy, Minute Order, or other action otherwise provides for disciplinary action (or for notice or a hearing or appeal in connection therewith) for County employees, such other provisions shall prevail over the provisions of this section. (§ 14, Ord. 513, as amended by § 1, Ord. 682, eff. August 1, 1973, and § 6, Ord. 905, eff. March 19, 1981, as amended by §2, Ord. 1391, eff. November 12, 2009)

Sec. 2-6.47.1. Disciplinary action: Management employees.

(a) *Application.* This section shall apply to management employees.

(b) *Procedure.*

(1) *Disciplinary action.* For the purposes of this section, disciplinary action is deemed to be the discharge, demotion, or suspension of permanent employees.

(2) *Purpose.* The purpose of this section is as follows:

(i) To provide employees subjected to disciplinary actions with all the rights to which they are entitled under the Constitution of the United States, the Constitution of the State, and State and Federal laws; and

(ii) To provide an orderly procedure for notices, pre-action response meetings, and formal hearings on appeals after disciplinary action.

(3) *Definitions.* For the purposes of this section, the following definitions shall apply:

(i) *Disciplinary action.* The discharge, demotion, or suspension of a regular permanent employee for cause.

(ii) *Parties.* The affected employee and the appointing authority.

(iii) *Day.* Calendar day.

(iv) *Response meeting.* An informal meeting at which an employee has an opportunity to respond to charges prior to action.

(v) *Hearing.* A formal hearing held due to an appeal of an employee from action taken by the appointing authority.

(vi) *Notice.* Notice shall be given by personal delivery or by certified mail. If there is a refusal to accept certified mail, notice shall be deemed received on the date of refusal.

(4) *Time limits.* The time limits specified in this section shall be strictly observed. Time limits may be modified only by the mutual agreement of the parties in writing. Such time limits shall be mandatory, not directory.

(5) *Standing.* A disciplinary action may be taken only by the appointing authority as defined in Section 2-6.02 of this chapter.

(6) *Exclusive procedure.*

(i) The procedure set forth in this section shall be the exclusive procedure for taking disciplinary actions and appealing disciplinary actions against permanent employees.

(ii) The provisions of the disciplinary procedure set forth in this section shall supersede the procedures in this chapter relating to Personnel Board appeals and Agreement No. 68-46.

(7) *Notices.*

(i) Employees shall be given written notice of a proposed discharge, demotion, or suspension. For suspensions longer than five (5) days, notice shall be given five (5) working days in advance of the date the action is proposed to be taken.

(ii) In an emergency situation, an employee may be suspended with pay or temporarily reassigned without loss of pay for the period between the date notice is given and the date action is taken.

(iii) The notice shall contain:

(aa) The reasons for the proposed action, including the rule or regulation or law violated and a complete explanation of the reasons;

(ab) A copy of the charges and recommendations;

(ac) Notice that the employee is entitled to an opportunity to respond to the charges orally or in writing, or both, personally, or by or with a representative, which may be an attorney; and

(ad) Notice that if no written request to respond is given by the employee, the appointing authority may proceed to order action, and the employee shall be deemed to have waived all rights to hearings or appeals from any action.

(iv) The notice shall be accompanied by either copies of materials on which the charges and recommendations are based or, if the materials are too voluminous to copy easily or are confidential within the Public Records Act, a description of the materials and a reasonable opportunity to inspect, summarize, or make copies.

(aa) The employee may copy and inspect all materials designated as the basis for charges and recommendations by the appointing authority.

(ab) The employee may copy and inspect his personnel file.

(ac) The employee may copy and inspect the part of other County records which the employee generated in his job, unless the appointing authority orders broader discovery.

(v) If, during the five (5) day period, the employee does not request, in writing, an opportunity to respond, the appointing authority may proceed to order action and the rights to a hearing or appeal from any action taken. Failure to request an opportunity to respond shall constitute a failure to exhaust administrative remedies.

(vi) If the employee requests an opportunity to respond, the appointing authority shall give the employee twenty-four (24) hours' written notice, at which time the employee may respond. Such meeting shall be held within the five (5) day period. If a meeting is scheduled after the five (5) day period, the appointing authority shall not take the proposed action until the conclusion of the response meeting.

(8) *Response meetings.*

(i) At the time and place set for the meeting giving the employee an opportunity to respond, the employee may respond, orally and/or in writing, personally, or by or with a representative.

(ii) Neither the appointing authority nor the employee shall be entitled to call witnesses or take testimony.

(iii) At the meeting the appointing authority may consider information contained in the charges and recommendations and other information as well as information presented by the employee or his representative. If new information relating to new charges or recommendations is introduced, or if a theory constituting a new ground or occurrence as a basis for discipline is alleged, the employee shall be entitled to a reasonable continuance to copy materials and respond to such new matters.

(iv) At the conclusion of the response meeting or within fifteen (15) days, the appointing authority shall issue an order taking or determining not to take the action and shall give written notice thereof to the employee, along with an explanation of the basis for the action and notice of the employee's right to appeal. If action is taken thereafter, an appeal shall be decided in favor of the employee, unless a good cause for the delay is shown.

(9) *Appeals.*

(i) If an employee has requested and participated in a meeting with the appointing authority as set forth in subsection (9) of this subsection, the employee shall have the right to appeal the appointing authority's disciplinary action to the Labor Relations Panel.

(ii) The filing of an appeal shall not stay the effective date of the order of disciplinary action.

(iii) A written demand for an appeal and hearing shall be served on the Personnel Director by the employee or his representative within ten (10) days after the receipt of the order of disciplinary action by the appointing authority.

(iv) The failure to serve a written demand for a hearing within the prescribed period shall be deemed a waiver of the right to a hearing, and the order of disciplinary action shall be final. Such failure shall constitute a failure to exhaust administrative remedies.

(v) The demand for a hearing shall include:

(aa) Specific grounds for an appeal; and

(ab) Copies of materials on which the appeal is based or, if too voluminous, reference to materials in the custody of the County.

(vi) The Personnel Director, within ten (10) days, shall set a date for a hearing which shall be held as soon as possible after the date of the demand for a hearing.

(vii) The Personnel Director shall notify the parties in writing of the time and place of the hearing at least fifteen (15) days prior to the hearing.

(viii) An appeal through the procedure set forth in this subsection shall waive the grievance proceedings under any agreement or memorandum between the County and any employee organization.

(ix) Three (3) days prior to the hearing, each party shall serve a list of the witnesses and copies of all exhibits on the other party. If additional witnesses or evidence is added after such date, the opposing party shall be entitled to reasonable continuance at the discretion of the Labor Relations Panel. If new allegations are brought out, the opposing party shall have the right to a reasonable continuance at the discretion of the Labor Relations Panel.

(10) *Hearings.*

(i) The hearing shall be conducted as a full scale evidentiary hearing, with full due process rights, including the right to counsel, and findings to support the decision.

(ii) Within thirty (30) days after the conclusion of the hearing, the Labor Relations Panel shall render a written decision and/or order. Any decision and/or order shall be subject to appeal to the Board of Supervisors. (§ 7, Ord. 1043, eff. October 16, 1986, as amended by §3, Ord. 1391, eff. November 12, 2009)

**Sec. 2-6.47.2. Disciplinary action:
Department heads.**

(a) The provisions of Section 2-6.47 of this chapter shall not apply to department heads except as provided in this section. The discipline of department heads shall be as provided for in this section.

(b) Except as otherwise provided by State law or subsection (c) of this section, department heads shall serve at the pleasure of the appointing authority.

(c) The discipline of certain department heads is provided for by State law or other provisions of this Code as follows:

(1) Elected department heads are governed by the provisions of Section 25303 of the Government Code of the State.

(2) The Agricultural Commissioner and Sealer of Weights and Measures shall be governed by the provisions of Article 2 of Chapter 2 of Division 2 of the Food and Agricultural Code of the State (commencing with Section 2121).

(3) The County Counsel shall be governed by the provisions of Section 2-5.203 of Article 2 of Chapter 5 of this title and Section 27641 of the Government Code of the State.

(4) The County Administrative Officer shall be governed by the provisions of Article 3 of Chapter 5 of Title 2 of this Code.

(5) The Clerk of the Municipal Court/Administrator shall be governed by the provisions of Section 74963 of the Government Code of the State.

(6) The Probation Officer shall be governed by the provisions of subsections (a) and (b) of Section 2-6.47 of this chapter. Any disciplinary proceeding shall be governed by subsections (d) and (e) of this section.

(7) The Public Defender shall be governed by the provisions of Section 27703 of the Government Code of the State.

(8) The Public Guardian shall be governed by the provisions of Section 2-5.901 of Article 9 of Chapter 5 of this title and Sections 8000 and 8001 of the Welfare and Institutions Code of the State.

(9) Deleted.

(10) The Director of Social Services shall be governed by the provisions of Section 10801 of the Welfare and Institutions Code of the state, subsection (a) of Section 17035 of Title 2 of the California Administrative Code.

(d) Before an appointing authority subjects a department head to disciplinary action for which the law mandated prior notice and an opportunity for a hearing, the County Administrative Officer shall give the department head notice of the proposed action, the reasons for the proposed action, a copy of the charges and materials upon which the proposed action is based, and the right to respond, either orally or in writing. A department head who has exercised the right to respond may appeal such disciplinary action to the Board of Supervisors. A written demand for an appeal shall be filed with the Clerk of the Board of Supervisors within ten (10) days after the service of the order of disciplinary action. The Board of Supervisors may appoint a hearing officer to hear the matter and make a recommended decision to the Board. The Board of Supervisors may adopt a recommended decision, after argument, correct errors of law, or refer the matter for, or conduct, a rehearing on the merits in whole or in part.

(e) Within five (5) days following an order subjecting a department head to disciplinary action for which the law mandates an opportunity for a hearing after the order of disciplinary action, the department head may request a limited hearing by the appointing authority. Within ten (10) days following the receipt of the written request, the appointing authority shall apprise the department head of the action taken and the reasons therefor, provide for a copy of the

charges, including the materials, upon which the action is based, and afford the right to respond orally or in writing. After the conclusion of the limited hearing, the appointing authority shall make an order affirming, reversing, or modifying the disciplinary action. (§ 7, Ord. 905, eff. March 19, 1981, as amended by § 3, Ord. 1205, eff. January 13, 1997, § 3, Ord. 1206, eff. February 27, 1997, and § 1, Ord. 1224, eff. May 21, 1998)

**Sec. 2-6.47.3. Disciplinary action:
Certain employees.**

(a) This section shall govern employees in the classifications set forth in subsection (8) of subsection (c) of Section 2-6.26 of this chapter; provided, however, this section shall not govern employees appointed to the classification of Master Calendar/Arbitration Administrator before October 4, 1988.

(b) The provisions of Section 2-6.47 of this chapter shall not apply to employees governed by this section.

(c) Employees governed by this section shall serve at the pleasure of the appointing authority.

(d) Before an appointing authority shall subject an employee governed by this section to action for which the law mandates prior notice and an opportunity for a hearing, the appointing authority shall give the employee notice of the proposed action, the reasons for the proposed action, a copy of the charges and materials upon which the proposed action is based, and a right to respond, either orally or in writing. Unless otherwise mandated by law, any action thereon shall be final and shall not be subject to review by the board of Supervisors or any administrative tribunal of the County.

(e) Where an administrative appeal or hearing is mandated by law as to action taken as to an employee governed by this section, and also the employee has exercised a right to respond (if such right has been afforded to the employee), the employee may appeal the action to the Labor Relations Panel. A written demand for an appeal shall be filed with the Personnel Director within ten (10) days after the service upon the employee of notice of the action taken. No action shall be taken on a demand for appeal unless it is filed within the time set forth in this section. Any action taken on the appeal shall be final and shall not be subject to review by the Board of Supervisors or any other administrative tribunal of the County. (§ 2, Ord. 943, eff. January 6, 1983, as amended by § 2, Ord. 1001, eff. March 21, 1985, § 2, Ord. 1060, eff. October 29, 1987, § 2, Ord. 1064, eff. December 10, 1987, and § 2, Ord. 1103, eff. April 26, 1990)

**Sec. 2-6.48. Termination of employment:
Resignation.**

An employee who wishes to terminate his employment with the County shall submit a

written resignation to his department head, giving at least two (2) weeks' notice, unless his department head consents to an earlier date of termination. The failure of an employee to comply with the provisions of this section shall cause him to be separated without good standing, and he shall be denied future employment with the County. (§ 13, Ord. 513)

**Sec. 2-6.49. Termination of employment:
Layoff.**

(a) *Applicability.* The provisions of this section shall apply to all County employees, unless otherwise provided by a memorandum of understanding or law.

(b) *Notices.*

(1) *Association notices.* When, for reasons of lack of funds, or lack of work, or reduction in the number of positions, the County has determined a layoff is necessary, the County shall give notice thereof to the recognized employee organization or organizations representing the bargaining unit or units in which such layoff is to occur.

(2) *Employee notices.* The employee shall be given written notice of layoff by the County at least fourteen (14) calendar days in advance of the effective date of such layoff. The notice of layoff shall include the following information: the reason for the layoff, the effective date of the layoff, the displacement rights, and the employee's rights relating to the layoff.

(3) *Alterations to notices.* Should the County give a notice of layoff to an employee, the County, during the period of notice, may change or cancel the notice.

(c) *Scope of layoffs.* Layoffs will be by department, by classification, with credit given to County-wide seniority. The Board of Supervisors may specify designated positions to constitute a separate classification for the purposes of layoff.

(d) *Order of layoffs.* The order of layoff of employees in the departments affected shall be as follows:

- (1) Extra-help employees;
- (2) Provisional employees;
- (3) Limited term employees;
- (4) Probationary employees;
- (5) Permanent part-time employees; and
- (6) Permanent full-time employees.

The order of layoff shall be in the inverse order of seniority among employees in the basic order set forth in this subsection. Ties among seniority dates shall be broken by lot.

(e) *Seniority.* The seniority date of an employee for the purposes of layoff and rehire shall be based upon the date of hire. A break in employment shall result in the acquisition of a new date of hire. Any employee laid off after acquiring permanent status shall, after reinstatement, regain the seniority credit he possessed at the time of layoff. Periods of approved absences shall be credited as

continuous County employment. In the case of employees in positions subject to Local Agency Personnel Standards, and whose date of hire by the County of Yolo is before July 1, 1982, the date of hire shall be the date of hire by any employer in a position subject to Local Agency Personnel Standards; however, for any such employee subject to Local Agency Personnel Standards, any permanent separation of six (6) months shall result in the acquisition of a new hire date.

(f) *Seniority lists.* Upon an order of layoff, the Personnel Department shall make available to employees a list of all County employees by classification and seniority date.

(g) *Transfers to vacant positions.* The Personnel Department shall make an effort to transfer any employee who is to be affected by a reduction in force to another vacant position for which such employee may qualify.

(h) *Time off to obtain other employment.* An employee who has been notified of his or her impending layoff shall be granted reasonable time off without a loss of pay or benefits, by prior arrangement with his or her supervisor, to obtain other employment.

(i) *Health insurance.* An employee who has been laid off may elect to continue health insurance coverage in the group at his or her own cost for six (6) months provided the policy involved allows such continuance. Health insurance coverage will cease if he or she finds other employment. It shall be the employee's responsibility to make arrangements for such coverage with the County.

(j) *Displacement procedure.* An employee who receives a notice of layoff from his position may displace within the department an employee in the same classification, an employee holding a lower classification in the laid off employee's current series, or an employee in a position previously held in the County by the laid off employee provided:

(1) He or she has more County-wide seniority than the employee to be displaced;

(2) He or she is willing to accept the reduced compensation level;

(3) He or she meets the minimum qualifications for the lower class; and

(4) He or she requests displacement action in writing to the Personnel Department within ten (10) days after the receipt of the notification of layoff under this section.

(k) *Preferential rehire rights.* For a period of eighteen (18) months, the names of employees who were laid off and/of reduced in class or displaced shall be placed on the reemployment list for their class at the time of layoff in order of seniority. Any vacancy occurring in the class from which employees have been laid off shall be filled by a person on preferential rehire status for such

class in order of seniority provided he or she is qualified and available for such position.

(1) A permanent or probationary employee who has been laid off may request that his or her name be placed on the reemployment list for a lower class in his or her current series also for a period of eighteen (18) months.

(2) Any probationary or permanent employee who has been laid off may request that his or her name be placed on the reemployment list for a classification he or she has previously held in the County provided such classification was held within four (4) years prior to the date of layoff.

(3) Employees who have been laid off shall remain on preferential rehire status for a period of eighteen (18) months after their layoff date.

(4) Preferential rehire status shall not be revoked. However, active placement efforts for a person on preferential rehire status may be suspended in the following circumstances: if the person indicates unavailability or if attempts to reach the individual are unsuccessful. Active placement efforts shall be resumed if the person later indicates availability in the eighteen (18) month preferential rehire period. If the person declines three (3) job offers, active placement efforts may be suspended by the County.

(5) When a person is reemployed from preferential rehire status, the employee shall be entitled to accrue sick leave and vacation at the same rate at which it was accrued prior to layoff. The status of the employee in relation to the probationary period, merit salary increases, and seniority shall be the same as at the time of layoff. Any unused and unpaid sick leave and vacation shall be reinstated.

(6) An individual on preferential rehire status may accept an extra-help appointment or position and not lose his preferential rehire status.

(l) *Hearings.* A regular permanent employee who receives a notice of layoff shall be entitled to request a hearing before the Labor Relations Panel prior to the effective date of the layoff. Such a request shall be made within five (5) days after the service of the notice of layoff. Failure to make such request shall waive the right to a hearing. At such hearing the employee may challenge the determination of seniority and bumping rights and whether the procedure set forth in this section was complied with. The employee shall have the right to be represented by a representative of his choosing, to present evidence, and to cross-examine any witnesses. Following the hearing, the Labor Relations Panel shall issue an order affirming or revoking the layoff of the employee. Unless the Labor Relations Panel orders the revocation of the notice of layoff, the employee shall be laid off on the date set forth in the notice.

If, after a request, a hearing is not held prior to the effective date of the layoff as set forth in the notice of layoff, the effective date of the layoff

shall be deemed to have been extended until after the hearing and the issue of the order by the Labor Relations Panel. (§ 16, Ord. 513, as amended by § 1, Ord. 809, eff. June 7, 1978, and §§ 24, 25, and 26, Ord. 931, eff. May 13, 1982)

Sec. 2-6.49.1. Termination of employment:

Layoff: Sheriff's unit.

(a) *Applicability.* This procedure shall apply to all employees within the Sheriff's representation unit.

(b) *Notice to the association.* When, for reasons of lack of funds, or lack of work, the County has determined a layoff is necessary, the County shall give notice thereof to the recognized employee organization or organizations representing the unit. Thereafter, the persons to be laid off shall be determined in accordance with the rules set forth in this section. The Personnel Services Agency shall make an effort to transfer any employee who is to be affected by a reduction in force to another vacant position for which such employee may qualify.

(c) *Order of layoffs.* Layoffs shall be made by classification within the department. Extra-help employees shall be terminated before any provisional employee is laid off. All provisional employees shall be laid off before any limited-term employee; all limited-term employees shall be laid off before any probationary employee; all part-time probationary employees shall be laid off before any full-time probationary employee; all probationary employees shall be laid off before any permanent employee; and all part-time permanent employees shall be laid off before any full-time permanent employee. Within each of the above categories employees shall be laid off in the inverse order of seniority.

(d) *Seniority.* Seniority shall be based upon the total time in rank, plus time in higher rank, or time served by persons employed in sworn positions in the Sheriff's Department on September 1, 1979, or in matron/clerk positions in the Sheriffs Department. A break in employment shall result in the loss of seniority previously acquired, unless such break in employment is as a result of a layoff. Any employee laid off after acquiring permanent status, after his reinstatement, shall regain the seniority credit he possessed at the time of the layoff. Periods of approved absences and disciplinary suspensions shall be credited as continuous County employment. If two (2) or more employees have identical seniority, time in the department shall be considered. Ties among hiring dates shall be broken by lot.

(e) *Notices of layoffs.* The employee shall be given written notice of the layoff by the County at least twenty-one (21) calendar days in advance of the effective date of such layoff. The notice of layoff shall include the following information: the reason for the layoff and the effective date of the

layoff. An employee who has been notified of his impending layoff shall be granted reasonable time off, without loss of pay or benefits, by prior arrangement with his supervisor to obtain other employment. "Reasonable time" is defined as follows:

(1) Up to eight (8) hours of paid time off to seek employment; and

(2) As much paid time off as is necessary during the normal workweek to go to the Department of Employment Development, employment agencies, job examinations, and job interviews with prospective employers. Paid time off for such purposes shall be prearranged with his supervisor and will require a telephone call or letter between the interested prospective employer and the employee's supervisor confirming the appointment.

(f) *Health insurance.* An employee who has been laid off may elect to continue health insurance coverage in the group at the employee's own cost for six (6) months provided the policy involved allows such continuance. Health insurance coverage shall cease if the employee finds other employment. It shall be the employee's responsibility to make arrangements for such coverage with the County.

(g) *Preferential rehire rights.*

(1) For a period of twenty-four (24) months, the names of permanent employees who were laid off and/or reduced in class or displaced shall be placed on the reemployment list for their class at the time of the layoff in order of seniority. Any vacancy occurring in the class from which employees have been laid off shall be filled by a person on preferential rehire status for that class in the order of seniority provided he is available for the position.

(2) Employees who have been laid off shall remain on preferential rehire status for a period of twenty-four (24) months after their layoff date.

(3) Preferential rehire status shall not be revoked. However, active placement efforts for a person on preferential rehire status may be suspended in the following circumstances:

(i) If the person indicates unavailability or if attempts to reach the individual are unsuccessful, active placement activities may be suspended. Active placement efforts shall be resumed if the person later indicates availability in the twenty-four (24) month preferential rehire period; and

(ii) If the person declines three (3) job offers in his job classification, the person's name may be removed from the rehire list.

(4) When a person is reemployed from preferential rehire status, the employee shall be entitled to accrue sick leave and vacation leave at the same rate at which it was accrued prior to layoff. The status in relation to the probationary period, merit salary increases, and seniority shall be the same as at the time of the layoff. Any unused and unpaid sick leave and vacation shall

be reinstated, but no used or paid sick leave or vacation shall be reinstated.

(5) An individual on preferential rehire status may accept an extra-help appointment or position within the department for which he is qualified and not lose his preferential rehire status.

(6) No extra-help, auxiliary, special project, or reserve sworn personnel shall be utilized to replace any position, part-time or permanent, vacated due to layoff procedures.

(h) *Seniority lists.* At the time notices of layoffs are sent to employees, the Personnel Services Agency shall post a list of all Sheriffs Department employees, by classification and seniority date, in the Personnel Office and in the Sheriffs Department.

(i) *Displacement procedure.* An employee in or outside the Sheriffs representation unit employed as a peace officer who is serving or has served in the past without a break in service as a peace officer in the Sheriffs Department who receives a notice of layoff from his position may displace within the department an employee in the same classification or an employee holding a lower classification as a peace officer provided:

(1) The laid-off employee has more seniority (computed as set forth in this section) than the employee to be displaced;

(2) The laid-off employee is willing to accept the reduced compensation level;

(3) The laid-off employee meets the minimum qualifications for the lower class; and

(4) The laid-off employee requests displacement action in writing to the Personnel Office within ten (10) days after the receipt of the notification of layoff under the provisions of this section. (§ 1, Ord. 856, eff. September 13, 1979, as amended by § 1, Ord. 860, eff. November 29, 1979)

Sec. 2-6.49.2. Termination of employment:

Layoff: Sheriff's Safety Management Unit.

(a) *Applicability.* This procedure shall apply to all employees within the Sheriff's Safety Management representation unit.

(b) *Notice to the association.* When, for reasons of lack of funds, or lack of work, the County has determined a layoff is necessary, the County shall give notice thereof to the recognized employee organization or organizations representing the unit. Thereafter, the person to be laid off shall be determined in accordance with the rules set forth in this section. The Personnel Services Agency shall make an effort to transfer any employee who is to be affected by a reduction in force to another vacant position for which such employee may qualify.

(c) *Order of layoffs.* Layoffs shall be made by classification within the department. Extra-help employees shall be terminated before any provisional employee is laid off. All provisional

employees shall be laid off before any temporary employee; all temporary employees shall be laid off before any limited-term employee; all limited-term employees shall be laid off before any probationary employee; all part-time probationary employees shall be laid off before any full-time probationary employee; all probationary employees shall be laid off before any permanent employee; and all part-time permanent employees shall be laid off before any full-time permanent employee. Within each of the above categories employees shall be laid off in the inverse order of seniority.

(d) Seniority,

(1) Seniority, for the purposes of layoff, shall be based on the number of points each employee has acquired, calculated as follows:

(i) One point for each month of service in current rank in the Yolo County Sheriff's Department;

(ii) One-half (1/2) point for each month of service with the Yolo County Sheriffs Department as a Sworn Peace Officer (as defined in Section 830 of the Penal Code of the State) in any rank below the current rank; and

(iii) One point for each month of service in the Yolo County Sheriff's Department in a higher rank.

(2) A break in employment shall result in the loss of seniority previously acquired, unless such break in employment is as a result of a layoff. Demotion to a position in the Sheriff's Unit shall not constitute a break in employment. Any employee laid off after acquiring permanent status, after his reinstatement, shall regain the seniority credit he possessed at the time of the layoff. Periods of approved absences and disciplinary suspensions shall be credited as continuous County employment. If two (2) or more employees have identical seniority, ties shall be broken by lot.

(e) *Notices of layoff.* The employee shall be given written notice of the layoff by the County at least twenty-one (21) calendar days in advance of the effective date of such layoff. The notice of layoff shall include the following information: the reason for the layoff and the effective date of the layoff. An employee who has been notified of his impending layoff shall be granted reasonable time off, without loss of pay or benefits, by prior arrangement with his supervisor to obtain other employment, "Reasonable time" is defined as follows:

(1) Up to eight (8) hours of paid time off to seek employment; and

(2) As much paid time off as is necessary during the normal workweek to go to the Department of Employment Development, employment agencies, job examinations, and job interviews with prospective employers. Paid time off for such purposes shall be prearranged with his supervisor and will require a telephone call or

letter between the interested prospective employer and the employee's supervisor confirming the appointment.

(f) *Health insurance.* An employee who has been laid off may elect to continue health insurance coverage in the group at the employee's own cost for six (6) months, provided the policy involved allows such continuance. Health insurance coverage shall cease if the employee finds other employment. It shall be the employee's responsibility to make arrangements for such coverage with the County.

(g) *Preferential rehire rights.*

(1) For a period of twenty-four (24) months, the names of permanent employees who are laid off and/or reduced in classification (rank) or displaced shall be placed on the reemployment list for their classification (rank) at the time of layoff in order of seniority. Any vacancy occurring in the classification (rank) from which employees have been laid off shall be filled by a person on preferential rehire status for that classification (rank) in the order of seniority provided he is available for the position.

(2) Employees who have been laid off shall remain on preferential rehire status for a period of twenty-four (24) months after their layoff date.

(3) Preferential rehire status shall not be revoked. However, active placement efforts for a person on preferential rehire status may be suspended in the following circumstances:

(i) If the person indicates unavailability or if attempts to reach the individual are unsuccessful, active placement activities may be suspended. The County shall not determine an attempt to reach the individual to be unsuccessful unless the County first mails a notice to that individual addressed to the County's last known address for the individual. Active placement efforts shall be resumed if the person later indicates availability in the twenty-four (24) month preferential rehire period.

(ii) If the person declines three (3) job offers in his job classification (rank), the person's name may be removed from the rehire list.

(4) When a person is reemployed from preferential rehire status, the employee shall be entitled to accrue sick leave and vacation at the same rate at which it was accrued prior to layoff. Status in relation to the probationary period, merit salary increases, and seniority shall be the same as at the time of the layoff. Any unused and unpaid sick leave and vacation shall be reinstated, but no used or paid sick leave or vacation shall be reinstated.

(5) Any individual on preferential rehire status may accept an extra-help appointment or position within the department for which he is qualified and not lose his preferential rehire status.

(6) No extra-help, auxiliary special project, or reserve sworn personnel shall be utilized to

replace any position, part-time or permanent, vacated due to layoff procedures.

(h) *Seniority lists.* At the time notices of layoffs are sent to employees, the Personnel Services Agency shall post a list of all Sheriffs Department employees, by classification, seniority date, and point score, in the Personnel Office and in the Sheriffs Department.

(i) *Displacement procedure.* An employee in or outside the Sheriffs Safety Management representation unit employed as a peace officer in the Sheriffs Department who is designated to be laid off from his position shall displace within the department an employee in the same classification or an employee holding a lower classification as a peace officer in accordance with the following rules:

(1) The displacing employee shall have more seniority (computed as provided for the representation unit of the displaced employee) than the employee to be displaced.

(2) The displaced employee shall be willing to accept the reduced compensation level.

(3) The displaced employee shall meet the minimum qualifications for the lower class.

(4) An employee who cannot displace to a next lower classification (rank) shall displace to the first further lower classification (rank) permitted by seniority.

(5) Notwithstanding the above, part-time employees shall not have the right to displace full-time employees.

(6) Employees who are laid off by reason of declining displacement rights shall retain their preferential rehire rights.

(7) An employee laid off pursuant to this section who claims a right of displacement which is not granted shall be deemed to have waived the displacement right unless the employee seeks review of the layoff by administrative proceedings or litigation commenced no later than thirty (30) days after the employee has been given notice of layoff in accordance with this section.

The operation of the foregoing rules requires that employees in the Sheriffs Safety Management Unit shall have the right to displace into the Sheriffs Unit (sometimes referred to as the Deputy Sheriffs' Unit); provided, however, the seniority system applicable to employees in the Sheriffs Unit (Deputy Sheriffs' Unit) shall apply to employees in the Sheriffs Safety Management Unit when they displace into such positions. (§ 1, Ord. 865, eff. February 1, 1980)

Sec. 2-6.50. Grievance procedure.

(a) *Purposes.* The purposes of this section are:

(1) To resolve equitably employee grievances at the lowest level of administrative responsibility, if possible; and

(2) To provide an orderly procedure for reviewing and resolving grievances promptly.

(b) *Grievance defined.* For the purposes of this section, "grievance" shall mean:

(1) Any dispute which arises over the interpretation, application, or alleged violation of any ordinance or resolution presently in force or which may from time to time be adopted by the County on matters relating to the employee's employment relationship to the County; and

(2) Any dispute brought by an employee which arises over a performance evaluation which is less than satisfactory; provided, however, such dispute may be grieved only through Step 1 of the formal procedure.

Discharges, suspensions, and/or demotions shall not be subject to grievance.

(c) *Regulations.*

(1) No reprisal of any nature shall be taken against any employee for participating in the grievance procedure.

(2) Any party may be represented or assisted at any level of the procedure by a representative of his or her choosing.

(3) The grievance, his or her witnesses, and his or her representative shall suffer no loss of compensation or benefits while participating in the grievance procedure, which shall include no more than thirty (30) minutes preparation time per grievance.

(4) Proceedings shall be held within the grievant's normal working hours. If held at any other time than within the grievant's normal working hours, the grievant shall be entitled to an equivalent number of hours off on an hour for hour basis.

(5) Grievances shall be signed by the employee or employees bringing the grievance.

(6) There shall be no hearing, witness testimony, or cross-examination at any level prior to the hearing stage of the formal procedure.

(d) *Time limits.*

(1) The time limits as specified in each step of the grievance procedure shall be strictly observed. The time limits may be extended only by mutual agreement of the parties, in writing.

(2) Failure of a grievant to observe a time limit shall terminate the grievance. Failure of the party to whom the grievance is submitted to observe the time limit shall give the grievant the right to move the grievance to the next level of review.

(e) *Exclusive procedure.*

(1) This procedure shall be the exclusive procedure for the adjustment of grievances for all employees having standing.

(2) The commencement of formal grievance proceedings pursuant to this section shall constitute a waiver of any other administrative procedure.

(3) The commencement of proceedings under any other administrative procedure shall

bar the use of the procedure set forth in this section as to such matters.

(f) *Standing.*

(1) Any employee, other than a department head or employees in the classifications set forth in subsection (8) of subsection (c) of Section 2-6.26 of this chapter, for whom no grievance procedure is otherwise afforded shall have standing to use this procedure.

(2) "Any employee", for the purposes of this section only, shall mean all regular employees, State merit system employees, limited term employees, temporary employees, provisional employees, and extra help employees who have served in a position which involves a regular schedule of twenty (20) hours or more per week for a continuous period of at least three (3) months.

(g) *Procedure.*

(1) *Informal grievances.*

(i) The grievant shall initially present the grievance informally for disposition by the immediate supervisor. Such presentation shall be made within twenty (20) calendar days of the event giving rise to the grievance, or within twenty (20) calendar days of the discovery of such event, but not longer than forty-five (45) calendar days after the event.

(ii) The presentation of an informal grievance shall be a prerequisite to the institution of a formal grievance.

(2) *Formal grievances.*

(i) *Initiation.* If the grievant believes that the grievance has not been resolved within five (5) working days after the informal presentation, he or she may initiate a formal grievance within five (5) working days thereafter. A formal grievance shall only be initiated by completing and filing with the appointing authority a prescribed form within ten (10) working days after the informal presentation and sending a copy to the Personnel Director. The completed form shall contain:

(aa) The name of the grievant;

(ab) The class title;

(ac) The department;

(ad) The mailing address of the grievant;

(ae) A clear statement of the nature of the grievance (citing the applicable ordinance or resolution);

(af) The date upon which the grievance occurred;

(ag) A proposed solution to the grievance;

(ah) The date of the execution of the grievance form;

(ai) The date of the presentation of the informal grievance and the name of the person to whom presented;

(aj) The signature of the grievant; and

(ak) The name and signature of the grievant's representative, if any.

(ii) *Step 1.* Within ten (10) working days after a formal grievance has been filed, the appointing authority shall investigate the grievance, confer with the grievant in an attempt to resolve the grievance, and make a decision in writing.

(iii) *Step 2.*

(aa) If the grievance is not resolved in Step 1 to the satisfaction of the grievant, he or she may, within not more than five (5) working days after his or her receipt of the appointing authority's decision or the expiration of the time limit for response, appeal to the Employee Relations Officer by so notifying the Employee Relations Officer in writing.

(ab) Within ten (10) working days after such notification, the Employee Relations Officer shall investigate the grievance, confer with the persons affected and their representatives to the extent he deems necessary, and render a decision in writing.

(ac) If the decision of the Employee Relations Officer resolves the grievance to the satisfaction of the grievant, it shall bind the County, subject to the ratification by the Board of Supervisors of unbudgeted expenditures.

(iv) *Step 3.* If the decision of the Employee Relations Officer does not resolve the grievance to the satisfaction of the grievant, the grievant or his representative, within ten (10) working days after the receipt of the decision, may request a hearing by the Labor Relations Panel. The hearing shall be commenced within thirty (30) calendar days after the request is received. The Labor Relations Panel shall conduct a hearing and, within thirty (30) calendar days after the conclusion of the hearing, shall render a written decision and/or order.

(3) *Costs.* The grievant shall bear one-half (1/2) of the cost of the Labor Relations Panel and any mutually agreed upon transcript or reporters' fees for any grievance which is appealed to the Labor Relations Panel. (§ 8, Ord. 905, eff. March 19, 1981, as amended by § 3, Ord. 943, eff. January 6, 1983, and §§ 8 and 9, Ord. 1043, eff. October 16, 1986)

Chapter 7

PROPERTY

Sections:

Article 1. Leasing of Real Property

- 2-7.101 Lease of County Property: Alternative procedures.
- 2-7.102 Lease of Property for County: Purchasing Agent.
- 2-7.103 Execution. (Repealed).

Article 2. Prisoner Labor on Public Property Supervision.

2-7.201

Article 3. Unclaimed Property

- 2-7.301 Purpose.
- 2-7.302 Retention.
- 2-7.303 Sale at public auction: Proceeds: Non-Sale: Disposition.
- 2-7.304 Sale at public auction: Notices.
- 2-7.305 Sale at public auction: Receipts.
- 2-7.306 Restoration to owners.
- 2-7.307 Destruction and other disposition.

Article 1. Leasing of Real Property

Sec. 2-7.101. Lease of County Property: Alternative Procedures.

(a) Subject to the requirements of this Section, any real property owned or leased by the County, together with any or all improvements thereon, may be leased or licensed for a duration not exceeding ten (10) years, and an estimated monthly rental not exceeding Ten Thousand and no/100ths (\$10,000.00) Dollars, without compliance with the formal bidding procedures required by the provisions of Government Code Sections 25526 through 25535.

(b) Before the execution of any lease pursuant to this Section, the Purchasing Agent shall publish notice pursuant to Government Code Section 6061 in a newspaper of general circulation printed and published in the County, post notice in the Office of the Clerk of the Board of Supervisors, and, if the lease or license involves residential property, give notice to the housing sponsors as defined by Health and Safety Code Sections 50074 and 50074.5. The notice shall describe the property proposed to be leased or licensed, the terms of the lease or license, the location where offers to lease or license the property will be accepted, the location where leases or licenses will be executed, and any county officer authorized to execute the lease or license, and shall set forth the address and time within which inquiries may be made to

the Purchasing Agent and such other matters as may be expressly required by law.

(c) If a lease or license is excluded from the bidding procedure pursuant to this Section, the actual monthly rent in the executed lease or license shall not exceed Ten Thousand and no/100ths Dollars (\$10,000.00), the term of the executed lease shall not exceed ten (10) years, and the lease shall not be renewable.

(d) The Purchasing Agent is authorized to execute leases pursuant to this Section for a term, including options, of five (5) years or less. The Board is authorized to execute leases pursuant to this section for a term, including options, exceeding five (5) years. (§ 1, Ord. 515, as amended by § 1, Ord. 1046, eff. December 12, 1986, § 1, Ord. 1177, eff. March 23, 1995, and § 3, Ord. 1326, eff. October 14, 2004)

Sec. 2-7.102. Lease of Property for County: Purchasing Agent.

(a) The Purchasing Agent is authorized to lease real property for use by the County for a term not to exceed three (3) years and for a rental not to exceed seven thousand five hundred dollars (\$7,500) per month; provided, however, that the Purchasing Agent shall post a notice of intention to consummate the lease in a public place for five (5) working days prior to consummation of the lease.

(b) The Purchasing Agent is authorized to amend real property leases for improvements or alterations, or both, with a total cost not to exceed seven thousand five hundred dollars (\$7,500), provided that the amendment does not extend the term of the lease and that no more than two amendments, not to exceed seven thousand five hundred dollars (\$7,500) each, are made within a 12-month period. (§ 2, Ord. 515; repealed by § 2, Ord. 1046, eff. December 12, 1986, as amended by § 3, Ord. 1326, eff. October 14, 2004)

Sec. 2-7.103. Execution.

(§ 3, Ord. 515; repealed by § 2, Ord. 1046, eff. December 12, 1986)

Article 2. Prisoner Labor on Public Property

Sec. 2-7.201. Supervision.

(a) It is hereby made the duty of the Sheriff-Coroner, whenever there are in the County Jail three (3) or more prisoners under judgment of conviction of misdemeanor, to appoint some responsible person for the working of such prisoners upon public grounds, roads, streets, alleys, highways, or buildings or in such other

places as may be deemed advisable for the benefit of the County.

(b) Such person appointed by the Sheriff-Coroner shall be under the supervision and control of the Sheriff-Coroner and shall work the prisoners upon the public grounds, roads, streets, alleys, highways, or buildings or in such other public places as the Sheriff-Coroner may direct and deem advisable for the benefit and best interests of the County.

(c) Such person, when appointed, shall keep such prisoners, when working, together as nearly as possible and practicable and shall keep close and careful supervision over them to prevent escape. (§§ 1, 2, and 3, Ord. 99, as amended by § 1, Ord. 692, eff. November 14, 1973)

Article 3. Unclaimed Property

Sec. 2-7.301. Purpose.

The purpose of this article shall be to provide for the care, restitution, sale, or destruction of unclaimed property in the possession of the Sheriff-Coroner. (§ 1, Ord. 561)

Sec. 2-7.302. Retention.

(a) *Bicycles.* Unclaimed bicycles shall be held by the Sheriff-Coroner for a period of at least three (3) months.

(b) *Other property.* Unclaimed property, except unclaimed bicycles, shall be held by the Sheriff-Coroner for a period of at least six (6) months. (§§ 2 and 3, Ord. 561)

Sec. 2-7.303. Sale at public auction: Proceeds: Non-sale: Disposition.

(a) Except as provided in subsection (b) of this section, at the end of the periods set forth in Section 2-7.302 of this article, such unclaimed property shall be sold at public auction to the highest bidder, and the proceeds therefrom shall be deposited in the General Fund.

(b) Pursuant to Section 217 of the Welfare and Institutions Code of the State, at the end of the periods set forth in Section 2-7.302 of this article, unclaimed bicycles and toys may be turned over to the Probation Officer or to the Department of Social Services at the request of either of such agencies for use in any program of activities designed to prevent juvenile delinquency. (§ 4, Ord. 561, as amended by § 1, Ord. 933, eff. June 24, 1982)

Sec. 2-7.304. Sale at public auction: Notices.

Notice of such sales of unclaimed property at public auction shall be given by the Sheriff-Coroner by publication once in a newspaper of general circulation published in the County at least five (5) days before the time fixed for such sales. (§ 6, Ord. 561)

Sec. 2-7.305. Sale at public auction: Receipts.

The receipt for the sale price signed by the Sheriff-Coroner shall be a valid title to the purchaser of unclaimed property sold at public auction. (§ 7, Ord. 561)

Sec. 2-7.306. Restoration to owners.

Upon demand, prior to the sale of property at public auction, accompanied by such proof of ownership as the Sheriff-Coroner may require, the Sheriff-Coroner shall restore such property to the owner. (§ 5, Ord. 561)

Sec. 2-7.307. Destruction and other disposition.

Unclaimed property in the possession of the Sheriff-Coroner remaining unsold after being offered at public auction may be destroyed or otherwise disposed of by the Sheriff-Coroner. (§ 8, Ord. 561)

Chapter 8

USE OF VEHICLES ON COUNTY BUSINESS

Sections:

- Article 1. General**
- 2-8.101 Policy and purpose.**
- 2-8.102 Application.**

- Article 2. General Rules and Regulations**
- 2-8.201 Limitations.**
- 2-8.202 Vehicle operation.**
- 2-8.203 Accessory equipment.**
- 2-8.204 Credit cards.**

- Article 3. Use of Private Vehicles on County Business**
- 2-8.301 Special vehicle allowances.**
- 2-8.302 Mileage rates.**

- Article 4. Use of County Vehicles on County Business**
- 2-8.401 General.**
- 2-8.402 Assignments.**
- 2-8.403 Parking.**

- Article 5. Overnight Retention**
- 2-8.501 General.**
- 2-8.502 Exemption criteria.**
- 2-8.503 Procedure.**

- Article 6. Enforcement**
- 2-8.601 Enforcement.**

Article 1. General

Sec. 2-8.101. Policy and purpose.

The Board hereby expresses its policy and purpose in the enactment of this chapter to be as follows:

- (a) To provide uniform rules and regulations governing the use and operation of vehicles used on County business;
- (b) To establish a uniform policy on transportation for officials and employees in the conduct of official County business; and
- (c) To authorize by resolution of the Board detailed rules governing specific aspects of certain matters referred to in this chapter. (§ 1, Ord. 910, eff. June 25, 1981)

Sec. 2-8.102. Application.

The rules and regulations set forth in this chapter shall be applicable to the use of County-owned and County-leased passenger vehicles, patrol cars, and trucks by all County officers, employees, and volunteers, including elected and appointed department heads. Such rules and regulations shall also apply to all vehicles used, owned, or operated by special districts (excluding fire districts) governed by the Board.

Under the regulations set forth in this chapter, elected and appointed department heads have the basic responsibility for the proper use of vehicles assigned to their departments.

In setting forth such rules and regulations, the Board directly and specifically charges each agency or department head with the responsibility of insuring that all officials, officers, and employees of their agency or department who operate vehicles on County business are thoroughly aware of the contents of this chapter and that they comply with such rules and regulations at all times. (§ 1, Ord. 910, eff. June 25, 1981)

Article 2. General Rules and Regulations

Sec. 2-8.201. Limitations.

(a) The use of a County vehicle for any purpose other than County business shall be prohibited.

(b) The transportation of members of any employee's family or of any other person not connected with County business shall be prohibited, except for members of families accompanying employees on officially authorized trips at no expense to the County.

(c) The use of a County vehicle other than during an employee's regular working day and/or officially assigned duties shall be prohibited, except as permitted under Article 5 of this chapter.

(d) The use of a County vehicle to travel to and from an employee's home shall be prohibited, except as permitted under Article 5 of this chapter.

(e) The use of a County vehicle for transportation to a home or restaurant for meals shall be prohibited, unless enroute while on field duty or attending a meeting on official County business. (§ 1, Ord. 910, eff. June 25, 1981)

Sec. 2-8.202. Vehicle operation.

(a) County officers, including elected officials and department heads, shall be responsible for the proper use of vehicles by departmental personnel in accordance with the rules set forth in this chapter.

(b) Employees shall be prohibited from carrying passengers in County vehicles who are not a party to County business. An employee with an assigned vehicle which has been exempted in accordance with Article 5 of this chapter may transport other County employees to and from work provided the passenger's work location is at or near the normal route to work.

(c) Employees shall be required to observe all traffic laws at all times. Fines and penalties imposed by a court for a violation while on County business shall be the personal responsibility of the driver.

(d) Parking citations issued to a County vehicle shall be the responsibility of the employee who parked the vehicle.

(e) Employees shall operate County vehicles in an ordinary, reasonable manner consistent with the intended use of the vehicle. Except for vehicles engaged in law enforcement work, they shall not be used in activities which may damage the vehicle.

(f) All County-owned vehicles shall be maintained under a preventative maintenance program to insure safe vehicle operation and to reduce unscheduled downtime.

Vehicles are therefore scheduled for service at regular intervals as indicated on the dash of each vehicle. It shall be the responsibility of the using department to arrange for the maintenance of the vehicle at the time so indicated.

(g) The use of seat belts shall be mandatory.

(h) It shall be the driver's responsibility to report all mechanical defects to County garage personnel.

(i) In case of an accident, the driver of a County vehicle shall immediately complete an accident report on the forms provided in the vehicle. The completed forms shall be submitted to the employee's immediate supervisor for further processing.

If the driver is injured and unable to complete the report, it should be completed by the driver's immediate supervisor.

(j) The driver may not admit fault nor discuss the accident with anyone except the police, the driver's supervisor, the County's Risk Manager, or others authorized by the Risk Manager.

(k) The costs of repairing damages to County vehicles resulting from negligence, abuse, or willful misconduct by the employee having the custody of the vehicle shall be recoverable from the employee. (§ 1, Ord. 910, eff. June 25, 1981)

Sec. 2-8.203. Accessory equipment.

No County employee shall install or cause to be installed in or on a County vehicle any article of personal property without the prior approval of the department head. (§ 1, Ord. 910, eff. June 25, 1981)

Sec. 2-8.204. Credit cards.

(a) Credit cards may be issued by the department head upon the approval of the Director of General Services. It is intended that such credit cards be used by employees who do not routinely report to County facilities with fuel pumps or who work irregular hours. Employees shall use credit cards only when it is impractical to utilize County pumping stations. Credit cards may also be issued for authorized out-of-County trips. The employee shall return the receipt for any credit card purchase to the department fiscal officer.

(b) Except for use in purchasing other items which may be needed on an emergency basis, credit cards shall only be used for required purchases of gasoline and oil.

(c) The cost of items purchased which are not in compliance with this section shall be recoverable from the employee. (§ 1, Ord. 910, eff. June 25, 1981)

Article 3. Use of Private Vehicles on County Business

Sec. 2-8.301. Special vehicle allowances.

The Board, by resolution, may designate an automobile allowance of a specified sum to certain County officials and employees in lieu of the payment of designated mileage and in lieu of a County provided vehicle. An allowance so authorized shall be permissive and not mandatory upon those to whom it applies. (§ 1, Ord. 910, eff. June 25, 1981)

Sec. 2-8.302. Mileage rates.

Mileage rates shall be paid monthly, based on amounts established from time to time by the Board. (§ 1, Ord. 910, eff. June 25, 1981)

Article 4. Use of County Vehicles on County Business

Sec. 2-8.401. General.

All County vehicles are assigned to specific departments. It shall be the responsibility of the department head to effectively utilize vehicles assigned. Vehicles assigned to departments shall be considered "pool" vehicles and may be used by any authorized employee. (§ 1, Ord. 910, eff. June 25, 1981)

Sec. 2-8.402. Assignments.

A department head may make specific assignments to individual employees, subject to any of the following conditions:

(a) The employee is regularly required, as documented by daily trip sheets or other appropriate records, to drive in excess of an average of 800 miles per month on County business;

(b) The employee's duties require, as documented by daily trip sheets or other appropriate records, that the employee be away from a permanent work station a minimum of fifty (50%) percent of the normal workday at least three (3) days a week;

(c) The position requires the continuous availability of a specific equipped vehicle;

(d) The vehicle may be subjected to unusual abuse or wear and tear; and

(e) A vehicle not being used by the employee to whom it has been assigned shall be available to others within the department. (§ 1, Ord. 910, eff. June 25, 1981)

Sec. 2-8.403. Parking.

When not in use on County business, County vehicles shall at all times be kept at designated locations on County property, including leased or rented property. Exemptions from such parking requirement shall be in accordance with Article 5 of this chapter. (§ 1, Ord. 910, eff. June 25, 1981)

Article 5. Overnight Retention

Sec. 2-8.501. General.

When not in use on County business, County vehicles shall at all times be kept on County property, including leased or rented property. Upon the recommendation of the County Administrative Officer, and approval by the Board, any vehicle may be granted an exemption from this requirement. (§ 1, Ord. 910, eff. June 25, 1981)

Sec. 2-8.502. Exemption criteria.

Justification for overnight retention shall be based on the following criteria:

(a) A vehicle is assigned to a County officer or department head who is required to participate regularly in official County business after normal business hours;

(b) The employee must respond to emergencies which require immediate attention during off-duty hours for the protection of persons or property specifically requiring the presence of the employee in a supervisory or technical capacity to reduce the emergency.

Such emergencies shall require immediate travel to the emergency scene. A six (6) month average of at least three (3) emergency calls per month requiring travel shall be documented by payroll or other acceptable records;

(c) The employee's working hours are typically irregular and require the continuous availability and use of a vehicle during hours other than normal business hours;

(d) The employee's duties are such that the checkout of a County vehicle from a County facility at the start of a normal workday would be both impractical and uneconomical due to lost time and increased County transportation costs. This includes those who frequently travel directly from home to the field or directly from the field to home without reporting directly to the main office. In such cases, it shall be determined that the employee's productive working hours would be reduced by travel time if the vehicle were not parked at the residence;

(e) The employee's assigned County storage facility for the County vehicle is not adequate due to a lack of security or space, and there is no other County storage facility available. Overnight retention under such circumstances shall be limited until such time as secure storage can be provided by the County;

(f) The availability of off-street parking is a criterion;

(g) Temporary overnight retention shall be permitted:

(1) When an employee is returning from an officially authorized trip after regular working hours or leaving before working hours;

(2) When an employee is scheduled for standby duty outside of normal working hours;

(3) When an employee is working on a special assignment, such as a criminal or civil investigation, requiring the continuous availability of a County vehicle. Such authorization shall only extend over the span of the special assignment; and

(4) When an employee requires the use of a County vehicle to attend a meeting and/or a training session in or out of the County, and such an assignment is to the benefit of the County; and

(h) When the need for after hours' availability no longer exists, the employee shall arrange for the vehicle to be parked at a location designated by the County. Such requirement shall apply to, but not be limited to, the following periods:

(1) When the employee is on vacation, sick leave, or otherwise off duty for more than three (3) days; and

(2) When the required conditions which justified overnight retention are interrupted for more than three (3) days. (§ 1, Ord. 910, eff. June 25, 1981)

Sec. 2-8.503. Procedure.

(a) *Permanent overnight storage.* Requests for the approval of the permanent home storage of County vehicles shall be submitted to the County Administrative Officer by the department head once each year with his budget requests. Such requests shall be on a form prepared by the County Administrative Officer and shall include a letter of justification for each vehicle for which home storage is requested.

The County Administrative Officer shall then transmit the requests, along with his recommendations, to the Board for approval.

Unless otherwise stated on the approval request, or terminated earlier for any reason, all approved home storage requests shall automatically terminate on the succeeding September first.

In cases where the submission of an individual name is not possible on the stated date, department heads shall submit individual requests to the County Administrative Officer. The County Administrative Officer shall be authorized to approve or disapprove such requests for a period not to go beyond September 1. The County Administrative Officer shall make a written report to the Board of all authorization requests which are granted.

(b) *Temporary overnight storage.* Department heads shall be authorized to grant the temporary overnight retention of vehicles to individuals. Such permission shall not exceed a total of seven (7) consecutive nights or ten (10) nights in any one month. Where it is necessary to grant an extended time caused by duty assignments, a request shall be submitted by the department head to the County Administrative Officer for approval on forms provided for such purpose. (§ 1, Ord. 910, eff. June 25, 1981)

Article 6. Enforcement

Sec. 2-8.601. Enforcement.

A violation of any provision of this chapter shall be deemed a cause for disciplinary action under the Personnel Merit System of the County; however, such violation shall not be a criminal offense under this Code. (§ 1, Ord. 910, eff. June 25, 1981)

Chapter 9

INFORMAL BIDDING PROCEDURES FOR PUBLIC PROJECTS

Sections:

- 2-9.01 Informal Bidding Procedures: Purpose, Authority**
- 2-9.02 Informal Bidding Procedures: Contractor List**
- 2-9.03 Informal Bidding Procedures: Notice Inviting Informal Bids**
- 2-9.04 Informal Bidding Procedures: Contract Award; Changes**
- 2-9.05 Informal Bidding Procedures: Compliance with Laws**

Sec. 2-9.01. Informal Bidding Procedures: Purpose, Authority.

The purpose of this Article is to establish informal bidding procedures governing the selection of contractors and the award of contracts for public works projects pursuant to Public Contract Code Sections 22032(b) and 22034, as authorized and directed by Public Contract Code Section 22034. (§1, Ord. 1289, eff. October 3, 2002).

Sec. 2-9.02. Informal Bidding Procedures: Contractor List.

(a) The County General Services Director, Public Works Director, and Parks and Resources Director shall each develop and maintain a list of contractors in accordance with the provisions of Public Contract Code Section 22034 and criteria promulgated by the California Uniform Construction Cost Accounting Commission. (§1, Ord. 1374, eff. July 24, 2008)

(b) Any licensed contractor requesting to have his name placed on this list shall be included. The list may be revised from time to time to remove inactive names. A name may be considered inactive if:

- (1) A letter addressed to the contractor is returned without a forwarding address; or
- (2) The contractor has not taken out plans for, or bid on a County project within the past two(b) years; or
- (3) A notice of disbarment of the contractor is received by the County; or
- (4) The contractor is no longer licensed; or
- (5) The contractor withdraws his name; or
- (6) Other good cause as determined by the General Services Director, Public Works Director, or Parks and Resources Director, respectively. (§1, Ord. 1289, eff. October 3, 2002, as amended by §1, Ord. 1374, eff. July 24, 2008).

Sec. 2-9.03. Informal Bidding Procedures: Notice Inviting Informal Bids.

(a) (1) If a public project subject to the provisions of this Article is to be performed, a notice inviting formal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 2-9.02 and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission ("Commission") in accordance with Public Contract Code Section 22036. Additional contractors and/or construction trade journals may be notified at the discretion of the department soliciting bids.

(2) The foregoing notwithstanding,

(i) If there is no list of qualified contractors maintained by the County for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

(ii) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

(b) All mailing of notices to contractors and construction trade journals pursuant to subsection (a) shall be completed not less than 10 calendar days before bids are due.

(c) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids. (§1, Ord. 1289, eff. October 3, 2002).

Sec. 2-9.04. Informal Bidding Procedures: Contract Award; Changes.

(a) Public works projects within the limits set forth in Public Contracts Code Section 22032(a) may be performed by County employees by force account, or by negotiated contract or purchase order approved and signed by the County General Services Director, Public Works Director, or Parks and Resources Director, respectively. (§2, Ord. 1374, eff. July 24, 2008)

(b) The County General Services Director, Public Works Director, and Parks and Resources Director are each authorized to award informal contracts within the limits set forth in Public Contracts Code Section 22032(b); provided, however, that either the General Services Director, Public Works Director or, Parks and Resources Director may submit any such contract to the Board of Supervisors for its consideration as deemed necessary or appropriate. (§2, Ord. 1374, eff. July 24, 2008)

(c) If all bids received are in excess of the limits set forth in Public Contracts Code Section 22032(b), the Board of Supervisors may, by adoption of a resolution by a four-fifths vote,

award the contract, within the limits set forth in Public Contract Code Section 22034(f), to the lowest responsible bidder, if the Board determines the County's cost estimate was reasonable.

(d) Subject to the requirements and limitations of Public Contract Code Section 20142, the awarding authority and the awarding authority's designee for such purposes may approve changes or additions in the work being performed. Subject to the requirements and limitations of Public Contract Code Section 20143, the awarding authority may include in any contract or contract specifications a provision for the performance of such extra work and the furnishing of materials therefor by the contractor as the awarding authority or the awarding authority's designee requires for the proper completion or construction of the whole work contemplated. (§1, Ord. 1289, eff. October 3, 2002; §2, Ord. 1374, eff. July 24, 2008).

Sec. 2-9.05. Informal Bidding Procedures: Compliance with Laws.

In seeking, awarding and administering contracts pursuant to this Article, the awarding authority shall comply with all other applicable requirements of law and County general conditions and procedures, including but not limited to those pertaining to bonds, prevailing wages, subcontractors, notices to proceed and notice of completion, and insurance. (§1, Ord. 1289, eff. October 3, 2002) (§1, Ord. 1289, eff. October 3, 2002).