

RESOLUTION NO. .

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

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RESOLUTION CALLING AND PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON MARCH 4, 2025 THROUGHOUT THE COUNTY OF SAN MATEO FOR THE PURPOSE OF VOTING UPON AN AMENDMENT TO THE SAN MATEO COUNTY CHARTER GRANTING THE BOARD OF SUPERVISORS THE AUTHORITY UNTIL DECEMBER 31, 2028 TO REMOVE AN ELECTED SHERIFF FOR CAUSE, BY A FOUR-FIFTHS VOTE OF THE BOARD OF SUPERVISORS, AFTER WRITTEN NOTICE AND AN OPPORTUNITY TO BE HEARD, PROCLAIMING SAID SPECIAL LOCAL COUNTYWIDE ELECTION PURSUANT TO ELECTIONS CODE SECTION 12001, REQUESTING THAT THE ELECTION BE CONSOLIDATED WITH ANY AND ALL OTHER ELECTIONS TO BE HELD ON MARCH 4, 2025, AND REQUESTING SERVICES OF THE COUNTY’S CHIEF ELECTIONS OFFICER

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that:

WHEREAS, the County of San Mateo is one of 14 charter counties in California and has adopted the San Mateo County Charter (“Charter”), which was originally ratified by San Mateo County voters in 1932; and

WHEREAS, under the Charter, the Board of Supervisors (“Board”) is the governing body of the County and, in that capacity, has all the powers and duties vested in it by the California Constitution, California general law, and the Charter, including, without limitation, the responsibility to supervise the official conduct of all County officers and employees to ensure they faithfully discharge their duties; and

WHEREAS, the Board does not currently have the authority to remove an elected Sheriff, even in cases where the Sheriff engages in such wrongdoing as the violation of laws relating to their duties, flagrant or repeated neglect of their duties, misappropriation of County funds or property, willful falsification of official statements or

documents, and/or obstruction of an official investigation into the conduct of the Sheriff and/or the San Mateo County Sheriff's Office; and

WHEREAS, under California law, a Charter amendment may be proposed by the Board for approval by the qualified voters of San Mateo County at a special election to occur on the next established election date (Cal. Const. Art. 11, § 3; Gov. Code, §§ 23720, 23722; Elec. Code, § 1000); and

WHEREAS, the Board deems it necessary and essential to submit to the voters of San Mateo County the question of a proposed amendment to the Charter which, if approved, would grant to the Board authority to remove an elected Sheriff from office, for cause, with a four-fifths vote, after written notice and an opportunity to be heard ("Measure"), at a special election to be held on March 4, 2025, the next established election date under the law; and

WHEREAS, pursuant to Government Code Section 23730, the special election on the Measure must be called by ordinance, and thus the Board, at its regular meeting on November 19, 2024, introduced an *Ordinance Calling for a Special Election to Be Held on March 4, 2025 Throughout the County of San Mateo for the Purpose of Voting Upon an Amendment to the San Mateo County Charter Granting the Board of Supervisors the Authority to Remove an Elected Sheriff for Cause, by a Four-Fifths Vote of the Board of Supervisors, After Written Notice and an Opportunity to Be Heard, Proclaiming Said Special Local Countywide Election Pursuant to Elections Code Section 12001, and Requesting that the Election be Consolidated With Any and All Other Elections to Be Held on March 4, 2025* ("Ordinance"), which will be adopted by the Board at a regular meeting with this Resolution.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. Call of the Election and Purpose. An election shall be and is hereby called and ordered to be held on March 4, 2025 throughout San Mateo County for the purpose of voting upon a proposed amendment to the Charter as provided in the Ordinance, a copy of which is attached hereto as **Attachment A** and incorporated in full by this reference.

2. Form of Ballot Question. The form of the ballot question for the Measure as it is to appear on the ballot is as follows:

<p style="text-align: center;">COUNTY CHARTER AMENDMENT</p> <p>Shall the measure amending the San Mateo County Charter to grant the Board of Supervisors authority until December 31, 2028 to remove an elected Sheriff from office for cause, including for violation of law related to a Sheriff's duties, flagrant or repeated neglect of duties, misappropriation of public funds, willful falsification of documents, or obstructing an investigation, by a four-fifths vote of the Board of Supervisors, after written notice and an opportunity to be heard, be adopted?</p> <p style="text-align: center;">YES _____ NO _____</p>
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- 3. The Measure.**
- (a) The text of the Measure is set forth in the Ordinance.
 - (b) All qualified voters in San Mateo County shall be permitted to vote in the special election on the Measure.
 - (c) The Measure passes if it receives approval from a majority (i.e., 50% + 1) of qualified voters in San Mateo County voting on the Measure.

4. **Proclamation.** Pursuant to Elections Code Section 12001, the Board of Supervisors hereby proclaims that a special Countywide election will be held on Tuesday, March 4, 2025, to vote upon the Charter amendment described in the Ordinance.

5. **Consolidation.** The special election on the Measure shall be consolidated with any and all other elections to be held on March 4, 2025.

6. **Election Services and Procedures.**

(a) The County's Chief Elections Officer shall publish a notice of the special election on the Measure in accordance with the Elections Code and give any other notices required for the special election.

(b) Pursuant to Government Code Section 23731, the special election on the Measure shall be held and conducted, the returns canvassed, and the result declared in the same manner as provided by law for general elections.

(c) The special election on the Measure will be held on March 4, 2025, from the hour of 7:00 a.m. to the hour of 8:00 p.m., during which period of time the polls will remain continuously open. At 8:00 p.m., the polls will be closed except as provided in Elections Code Section 14401.

(d) Pursuant to Government Code Section 23731, the County's Chief Elections Officer shall prepare and mail to each eligible voter in San Mateo County a sample ballot and a voter's pamphlet containing the complete text of the Measure as set forth in the Ordinance.

(e) Pursuant to Elections Code Section 10002, this Board of Supervisors hereby permits the County's Chief Elections Officer to render all services specified by Elections Code Section 10418 relating to the special election on the

Measure, to include the publication of notices of election and the mailing of the sample ballot. The County will pay for all such services performed by the County's Chief Elections Officer related to the special election on the Measure.

(f) The Board of Supervisors hereby requests that the County's Chief Elections Officer, and/or designee(s), take all actions which are necessary or appropriate in connection with the special election on the Measure, including, but not limited to, printing and mailing sample ballots, arguments, and applications for absentee ballots, canvassing election returns, and certifying the results of the election to the Board of Supervisors. The County Attorney's Office shall prepare the impartial analysis of the Measure.

(g) The County's Chief Elections Officer shall designate the polling places and provide election officers at the special election on the Measure in accordance with applicable election laws of the State of California.

(h) The Clerk of the Board is hereby authorized and directed to deliver a copy of this Resolution and the Ordinance to the County's Chief Elections Officer, or other appropriate elections officials of San Mateo County, no later than 88 days prior to the special election on the Measure, and to give notice of the special election on the Measure by causing the County's Registration & Elections Division to publish the text of the Measure and other items, not later than 15 days before the date of the special election.

(i) The members of the Board of Supervisors are hereby authorized, but not directed, to prepare and file with the County's Registration & Elections Division, a ballot argument in favor of the Measure within the time established by County's Registration & Elections Division.

7. Severability Clause. If any section, subsection, paragraph, sentence, phrase, clause, or word of this Resolution is for any reason found to be invalid or unenforceable, such section, subsection, paragraph, sentence, phrase, clause, or word shall be severed from, and shall not affect the validity of, all remaining portions of this Resolution which can be given effect without the severed portion.

8. Delegated Authority to County Executive. The County Executive, or designee(s), is hereby directed to take such other actions and to execute such other documents as are necessary to carry out the purposes of this Resolution.

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