

ORDINANCE NO. .

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

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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 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, AND REQUESTING THAT THE ELECTION BE CONSOLIDATED WITH ANY AND ALL OTHER ELECTIONS TO BE HELD ON MARCH 4, 2025

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

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 the law, a Charter amendment may be proposed by the Board for approval by the 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 qualified voters of San Mateo County the question of a proposed amendment to the Charter which, if approved, would grant 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.

SECTION 1. CALL OF ELECTION AND PURPOSE.

A special election on the Measure is hereby called, proclaimed, and ordered to be held on March 4, 2025 for the purpose of voting upon a proposed amendment to the Charter.

SECTION 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:

COUNTY CHARTER AMENDMENT

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?

YES _____

NO _____

SECTION 3. THE MEASURE.

A. The Measure, if approved by voters, would add Section 412.5 to Article IV of the Charter, to read as follows:

412.5. Removal of Elected Sheriff for Cause

- a. The Board of Supervisors may remove a Sheriff from office for cause, by a four-fifths vote, after a Sheriff has been:
 - (1) Served with a written statement of alleged grounds for removal; and
 - (2) Provided a reasonable opportunity to be heard regarding any explanation or defense.

- b. For the purposes of this Section 412.5, "cause" shall mean any of the following:
 - (1) Violation of any law related to the performance of a Sheriff's duties; or

- (2) Flagrant or repeated neglect of a Sheriff's duties as defined by law; or
 - (3) Misappropriation of public funds or property as defined in California law; or
 - (4) Willful falsification of a relevant official statement or document; or
 - (5) Obstruction, as defined in federal, State, or local law applicable to a Sheriff, of any investigation into the conduct of a Sheriff and/or the San Mateo County Sheriff's Department by any government agency (including the County of San Mateo), office, or commission with jurisdiction to conduct such investigation.
- c. The Board of Supervisors may provide for procedures by which a removal proceeding pursuant to this Section 412.5 shall be conducted.
 - d. This Section 412.5 shall not be applied to interfere with the independent and constitutionally and statutorily designated investigative function of a Sheriff.
 - e. This Section 412.5 shall sunset and be of no further force and effect as of December 31, 2028 unless extended by voters of San Mateo County.

B. The Measure will become effective only if submitted to the voters at the Countywide special election on March 4, 2025, and only after approval by a majority (i.e., 50% + 1) of the qualified voters voting in the special election on the Measure.

C. If the Measure passes, the Charter amendment proposed by the Measure will take effect as provided for in Government Code Sections 23713 and 23714.

SECTION 4. LEGAL EFFECT OF INOPERATIVE PROVISIONS.

In the event that the amendment to the Charter contained in the Measure is rendered inoperative because of the actions of any court, legislative, or other body, or

for any other reason, the provisions of the Charter in effect on March 4, 2025 will remain in full force and effect.

SECTION 5. LEGAL EFFECT OF INVALID PROVISIONS.

If any section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of the Measure is for any reason held to be invalid or unenforceable, such invalidity or unenforceability will not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases, or words of Section 412.5 of Article IV of the Charter. The voters of San Mateo County declare that they would have independently adopted each and every section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of the Measure not declared invalid or unenforceable, without regard to whether any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases, or words of Section 412.5 of Article IV of the Charter is declared invalid or unenforceable.

SECTION 6. 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 herein by the Measure.

SECTION 7. CONSOLIDATION AND ELECTION PROCEDURES.

A. The special election on the Measure will be consolidated with any and all other elections to be held on March 4, 2025.

B. All qualified voters in San Mateo County shall be permitted to vote in the special election on the Measure.

C. (1) 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.

(2) 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.

(3) 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, which text shall include the recitals (i.e., "WHEREAS" clauses) and Sections 1 through 5, above.

D. The 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.

E. 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.

F. The Clerk of the Board is hereby authorized and directed to deliver a copy of this 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.

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 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.

SECTION 8. EFFECTIVE DATE OF ORDINANCE.

Pursuant to Elections Code Section 9141 and Government Code Section 25123, this Ordinance will take effect immediately upon the adoption thereof.

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