

ORDINANCE NO. 04538  
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,  
STATE OF CALIFORNIA

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**AN ORDINANCE ADDING SECTIONS 2.71.220 AND 2.71.230 TO TITLE 2,  
CHAPTER 2.71 OF THE SAN MATEO COUNTY ORDINANCE CODE AUTHORIZING  
THE WAIVER OF SALARY AND OTHER COMPENSATION BY MEMBERS OF THE  
BOARD OF SUPERVISORS WHO ARE RECEIVING RETIREMENT PENSION  
BENEFIT PAYMENTS FROM THE SAN MATEO COUNTY EMPLOYEES'  
RETIREMENT ASSOCIATION**

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

**SECTION 1.** Sections 2.71.220 and 2.71.230 are hereby added to Title 2, Chapter 2.71  
of the San Mateo County Ordinance Code and shall read as follows:

**2.71.220 Waiver of salary and employment benefits by members of the Board  
of Supervisors who are receiving retirement pension benefit payments**

Any member of the Board of Supervisors who is receiving monthly retirement  
pension benefit payments from the San Mateo County Employees' Retirement  
Association ("SamCERA") may waive all or any portion of his or her salary and all  
or any portion of the employment benefits at any time during his or her term of  
office under the conditions set forth in section 2.71.230.

**2.71.230 Conditions of waiver**

- (a) Any waiver of salary or employment benefits by a member of the Board of  
Supervisors must be submitted on a form supplied by the Controller or his or  
her designee, which form shall indicate that the waiver:
- (1) is voluntary;
  - (2) is irrevocable for the period of the waiver, which period shall be for a  
minimum of three (3) months, and a maximum of one (1) year;

- (3) is permanent as to any right to receive the waived salary amounts or employment benefits any time in the future, even after the time period covered by the waiver.
- (b) The completed waiver form shall be received by the Controller at least five (5) days prior to the commencement of the pay period in which the salary or benefits that are to be waived are earned. The waiver form shall be executed by the member of the Board. Such waivers may not place conditions upon the County's use of the waived salary or benefit. Any such amounts waived shall remain in the County's General Fund and may be used for any General Fund purpose.
- (c) The Controller is authorized to honor the signed and completed waivers from such Board members and adjust the salary reflected in the payroll accordingly.
- (d) Nothing in Section 2.71.220 or 2.71.230 is intended to establish any claim by any Board member to the waived salary amounts or employment benefits in the future or to establish any legally binding right to the waived amounts or benefits in any future taxable year in the form of compensation or any other benefit.

**SECTION 2.** This Ordinance shall be effective thirty (30) days from the passage date thereof.

\* \* \* \* \*

Regularly passed and adopted this 8<sup>th</sup> day of February, 2011.

AYES and in favor of said ordinance:

Supervisors:

CAROLE GROOM

DON HORSLEY

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

carole groom

President, Board of Supervisors  
County of San Mateo  
State of California

Certificate of Delivery

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Marie L. Peterson

Marie L. Peterson, Deputy  
Clerk of the Board of Supervisors

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