



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

Board of Supervisors

**DATE:** June 9, 2004

**BOARD MEETING DATE:** July 6, 2004

**TO:** Honorable Board of Supervisors

**FROM:** Supervisor Jerry Hill *JH*  
Supervisor Mark Church

**SUBJECT:** Adoption of a Revised Whistleblower Ordinance

**Recommendation**

Reintroduce a whistleblower ordinance as Chapter 2.206 of the Ordinance Code.

**Background**

The San Mateo County Civil Grand Jury 2002-03 Final Report recommended that this Board enact a "whistleblower" process under which persons could report improper governmental activity and be protected from retaliation for such reporting. This Board introduced such an ordinance at its April 6, 2004 meeting under which a process would be established whereby any person could report improper activity. The proposed ordinance would provide a process by which any person can report improper financial activity to the Board of Supervisors and any other improper activity to the District Attorney or County Counsel. Persons can also file complaints regarding retaliation for making reports under the ordinance.

Following that action, the 2003-04 Grand Jury issued a report recommending changes to the introduced ordinance. The Grand Jury recommended that the coverage of the ordinance be broader to include the public and vendors; that information about Labor Code Section 1102 be included; and that the title be changed. The Grand Jury also recommended that the Board direct the County Manager to issue an array of administrative policies and procedures. Finally, the Grand Jury urged there be a single contact point for all complaints.

4  
3  
2  
1

**Discussion**

The subcommittee of the Board has reviewed the ordinance in light of the Grand Jury report and proposes reintroduction of this ordinance with changes to reflect this further consideration. In response to the Grand Jury's recommendation that public vendors and others be able to make reports, the ordinance already permits any person to report improper activity. We are recommending the inclusion of a reference to Labor Code section 1102 which will address the Grand Jury's proposal that information on the statute be included. This ordinance also directs the County Manager to develop policies and procedures implementing the ordinance, including dissemination to employees of the policies and procedures on reporting improper activities. We further recommend that the County Counsel be the central contact point for any complaints.

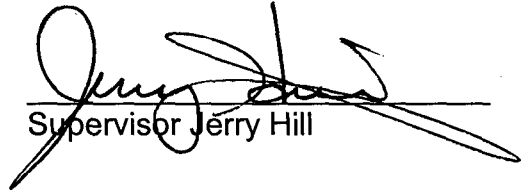
**Vision Alignment**

The proposed ordinance promotes responsive, effective and collaborative government and vision statement 21: County employees understand, support and integrate the County vision and goals into their delivery of services.

**Fiscal Impact**

There will be some fiscal impact, which would be most significant if the volume of complaints requires additional staff.

  
Supervisor Mark Church

  
Supervisor Jerry Hill

cc: John Maltbie, County Manager  
Thomas F. Casey III, County Counsel  
James P. Fox, District Attorney