



ADMINISTRATIVE MEMORANDUM COUNTY OF SAN MATEO

NUMBER: C-6

SUBJECT: Reporting of Improper Governmental Activity

RESPONSIBLE DEPARTMENT: County Counsel

APPROVED: John L. Maltbie **DATE:** January 26, 2005
John L. Maltbie, County Manager

Purpose

The purpose of this memo is to establish the administrative policies and procedures to implement the County's whistleblower ordinance. (Chapter 2.206 of the San Mateo County Ordinance Code.)

The ordinance seeks to protect the integrity of the County's governmental institutions by providing a mechanism for reporting of improper governmental activity, including but not limited to violating local campaign finance laws, conflict of interest laws, or governmental ethics; misusing County resources; or using a County position to advance a private interest.

As well, the ordinance provides for the protection of those who report such activity.

The ordinance provides that reports of improper governmental activity regarding improper financial activity, as well as retaliation and complaints of retaliation for such reporting, should be filed with the Board of Supervisors and reports of other types of improper activity should be filed with the District Attorney or the County Counsel.

Filing and Investigation of the Complaint

Complaint forms shall be available in the County Counsel's office. A sample of the form is attached. Complaints shall be submitted within 45 days of learning of the improper activity, retaliation, or the threat of retaliation for reporting the activity.

The complaints shall be received, logged and processed by the County Counsel's office. Any County department receiving such a complaint shall forward the complaint to the County Counsel immediately.

The County Counsel will in the first instance determine whether there is a possibility that criminal action has taken place and will confer with the District Attorney prior to the initiation of any investigation in which criminal activity reasonably appears to be a possible outcome. Once the County Counsel has reported the complaint to the District Attorney, the District Attorney will determine whether the investigation shall be conducted by that office. If so, the District Attorney will so advise the County Counsel, whose investigation will be suspended during the pendency of the criminal investigation.

If the District Attorney determines that a criminal investigation will *not* be conducted, the District Attorney shall so inform the County Counsel, who will determine the method of investigation, including, but not limited to whether outside licensing agencies should be informed.

The County Counsel will identify the person or department and work with the person or department in which the complaint originated to take those steps necessary to address the improper governmental activity. The County Counsel shall receive a report of the action taken, and shall make a report to the Board of Supervisors. The report to the Board of Supervisors shall be made within ninety days of the County Counsel's receipt of the complaint. If the investigation is not completed by the end of ninety days, the County Counsel shall make an interim report.

Confidentiality

Both the filing of the complaint and its investigation shall be confidential. All involved parties, including the complainant, investigators and witnesses shall treat the complaint as well as all information gathered and prepared in the course of the investigation as confidential unless disclosure is necessary to conduct the investigation or required by state law. If any disclosure is necessary, it shall be provided only on a need to know basis.

**COMPLAINT FORM
REPORT OF IMPROPER GOVERNMENTAL ACTIVITY**

Please fill out the information below and place in the unmarked envelope provided.

Pony to the County Counsel's office at CCO-111 or mail to County Counsel's Office, 400 County Center, Redwood City, CA 94063

Describe the information indicating improper governmental activity. Please use additional sheets if necessary.

List the names with the position, if available, of the persons you believe are conducting improper governmental activity.

Name_____ Position_____

Name_____ Position_____

List of the names, positions and/or means of contacting other persons you believe have information concerning the activity you are reporting.

Name/Position_____ Contact number/location_____

Name/Position_____ Contact number/location_____

List of any documents you believe indicate improper activity.