ORDINANCE NO. NS-300.918

AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
AMENDING SECTION OF CHAPTER VII OF DIVISION A25 OF THE
COUNTY OF SANTA CLARA ORDINANCE CODE RELATING TO
REPORTING OF IMPROPER GOVERNMENTAL ACTIVITY

Summary

This Ordinance amends Sections A25-750, A25-751, and
A25-752 to reflect changes to the County’s Whistleblower
Program relating to the investigation structure and to reaffirm
the County’s commitment to maintaining the confidentiality
of Whistleblower complaints and the importance of protecting
employees and members of the public from any retaliation as
a result of having filed a Whistleblower complaint.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:

SECTION 1. Section A25-750 of Division A25 of the Ordinance Code of the
County of Santa Clara relating to Purpose is hereby amended to read as follows:

Sec. A25-750. Purpose.

The County has a paramount interest in protecting the integrity of its governmental
institutions. To further this interest, individuals should be encouraged to report to the
County Counsel possible violations of laws, regulations, and rules governing the conduct
of County officers and employees.

This ordinance also protects all County officers and employees as well as
members of the public from retaliation for filing a complaint with, or providing
information about, improper government activity by County officers and employees.
SECTION 2. Section A25-751 of Division A25 of the Ordinance Code of the County of Santa Clara relating to Complaints of improper governmental activity is hereby amended to read as follows:


Any person who believes that a County employee or officer has engaged in improper governmental activity, as set forth below, should report such activity to the Office of the County Counsel. The Office of the County Counsel will provide the necessary complaint forms and, upon the filing of a complaint, will determine an appropriate course of action. If the allegations in the complaint concern activities within the Office of the County Counsel, the complainant should file and will be directed to file the complaint with the Office of the County Executive.

The complaint shall provide information that a County officer or employee has engaged in improper governmental activity in violation of state or federal law, County ordinance or administrative memoranda. Examples of such improper conduct include but are 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.

SECTION 3. Section A25-752 of Division A25 of the Ordinance Code of the County of Santa Clara relating to Investigation is hereby amended to read as follows:


Upon receipt of a complaint, the Office of the County Counsel shall promptly plan and ensure that an appropriate investigation takes place. Depending on the nature of the alleged violation, the investigation may involve the Office of the County Counsel, the Office of the County Executive, the Board’s Management Audit Division, or other investigative resources and/or appropriate law enforcement agencies.

(a) All involved parties will treat the complaint and related information, including but not limited to information gathered and prepared in the course of the investigation of the complaint, as confidential unless otherwise necessary to conduct the investigation or if disclosure is required by applicable law. It is the intent of the County to keep the identity of the complainant and other investigatory information confidential to the greatest extent permitted by law and to the extent possible in carrying out the investigation and subsequent corrective actions.
(b) In situations potentially warranting involvement from law enforcement and/or licensing agencies, the County Counsel shall determine what action or referral should be made.

(c) At the conclusion of the investigation, the Board of Supervisors, County Counsel and/or the Department will take the necessary steps to address the improper governmental activity, including any necessary systemic changes to minimize or prevent reoccurrence of any improper activity.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on DEC 12 2017 by the following vote:

AYES: CHAVEZ, CORTESE, SIMITIAN, WASSERMAN, YEAGER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

DAVE CORTESE, President
Board of Supervisors

ATTEST:

MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

STEVE MITRA
Assistant County Counsel

1665320