




ADMINISTRATIVE MEMORANDUM COUNTY OF SAN MATEO

NUMBER: C-6

SUBJECT: Reporting of Improper Governmental Activity

RESPONSIBLE DEPARTMENT: County Attorney's Office

APPROVED: 
Michael Callagy, County Executive Officer

DATE: 3/30/23

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 of County officers and employees, 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.

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 Attorney.

The ordinance provides for the protection of those who report such activity. All reports may be made anonymously, and any retaliation by a County officer or employee against a complainant or informant is strictly prohibited.

Filing and Investigation of the Complaint

A complaint may be filed in one of three ways: (1) submitting a form online, at www.reportlineweb.com/smcbgov; (2) calling the County's toll-free whistleblower hotline, at 855-387-2497; (3) obtaining a complaint form from the County Attorney'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 Attorney's office. Any County department receiving such a complaint shall forward the complaint to the County Attorney immediately.

The County Attorney 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 Attorney 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 Attorney, 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 Attorney, who will determine the method of investigation, including, but not limited to whether outside licensing agencies should be informed.

Upon such determination by the District Attorney, or in matters not involving potential criminal conduct, the County Attorney will identify the person or department subject to the complaint, 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 Attorney may also direct complaints to County Human Resources for investigation and follow-up, as appropriate.

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 is 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 Attorney's Office at CCO-111 or mail to County Attorney's Office, 400 County Center, 6th Floor, 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.