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**GOVERNMENT CODE - GOV**

**TITLE 3. GOVERNMENT OF COUNTIES [23000 - 33205]** ( Title 3 added by Stats. 1947, Ch. 424. )

**DIVISION 4. EMPLOYEES [31000 - 33017]** ( Division 4 added by Stats. 1947, Ch. 424. )

**PART 1. GENERAL [31000 - 31011]** ( Part 1 added by Stats. 1947, Ch. 424. )

**31000.** The board of supervisors may contract for special services on behalf of the following public entities: the county, any county officer or department, or any district or court in the county. Such contracts shall be with persons specially trained, experienced, expert and competent to perform the special services. The special services shall consist of services, advice, education or training for such public entities or the employees thereof. The special services shall be in financial, economic, accounting (including the preparation and issuance of payroll checks or warrants), engineering, legal, medical, therapeutic, administrative, architectural, airport or building security matters, laundry services or linen services. They may include maintenance or custodial matters if the board finds that the site is remote from available county employee resources and that the county's economic interests are served by such a contract rather than by paying additional travel and subsistence expenses to existing county employees. The board may pay from any available funds such compensation as it deems proper for these special services. The board of supervisors may, by ordinance, direct the purchasing agent to enter into contracts authorized by this section within the monetary limit specified in Section 25502.5 of the Government Code.

(Amended by Stats. 1978, Ch. 564.)

**31000.1.** The board of supervisors may appoint commissions or committees of citizens to study problems of general or special interest to the board and to make reports and recommendations to the board. The members of such commissions need not be specially trained or experienced with respect to the matters to be studied. The board may pay from any available funds such actual and necessary expenses of travel, lodging, and meals for the members of such commissions while on official business as may be approved by the board.

(Added by Stats. 1965, Ch. 1496.)

**31000.11.** (a) Each county shall develop a program that gives a preference to qualified applicants who are members of a disadvantaged group for the hiring of internship and student positions. The county shall determine the criteria for county agencies to participate in the program in accordance with this section.

(b) Any application for an internship or student assistant position with a county agency participating in the hiring preference program shall allow the applicant to identify that the applicant is eligible for a preference under this section, but the application shall not require the applicant to identify the specific category that entitles him or her for eligibility.

(c) The preferred selection process shall include an assessment of the applicant's ability to perform the duties of the desired position.

(d) For the purpose of this section, the following terms apply:

(1) "Disadvantaged groups" includes, but is not limited to, foster youth, homeless youth, formerly homeless youth, and formerly incarcerated youth.

(2) "Foster youth" means any individual who meets, or has ever met, either of the following criteria:

(A) A child who was the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code and was removed from his or her home by the juvenile court pursuant to Section 319 or 361 of the Welfare and Institutions Code.

(B) A child who was the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code and was removed from his or her home by the juvenile court pursuant to Section 727 of the Welfare and Institutions Code.

(3) "Homeless youth" means an applicant up to 26 years of age who has been verified as a homeless child or youth, as defined in subsection (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), by a homeless services provider, as defined in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code.

(4) "Formerly homeless youth" means an individual up to 26 years of age who was previously a homeless youth.

(5) "Formerly incarcerated youth" means an individual who has been sentenced to be incarcerated in, or in the custody of, the Division of Adult Operations in the Department of Corrections and Rehabilitation, Division of Juvenile Justice in the Department of Corrections and Rehabilitation, or county jail and released from that incarceration or custody before the individual attained 21 years of age.

(6) "Preference" means priority over similarly qualified applicants for placement in the position.

(e) Nothing in this section creates a right to, or hiring preference for, a permanent civil service position.

(f) This section shall not apply to a charter county.

*(Added by Stats. 2018, Ch. 878, Sec. 1. (AB 2830) Effective January 1, 2019.)*

**31000.2.** Unless otherwise provided by law, the board of supervisors may provide for the payment of reasonable and necessary expenses of, and of special allowances such as per meeting stipends to, members of commissions, boards, or committees appointed by it, except that no such additional expenses or special allowances shall be paid to such a member who is also a member of the board of supervisors.

*(Amended by Stats. 1980, Ch. 385.)*

**31000.3.** Any contract for services entered into by a board of supervisors pursuant to Section 31000 may provide for deferred payment of compensation for services rendered if (a) the terms and conditions under which payment of deferred compensation is to be made are set forth in the contract; and (b) the deferred compensation is deposited with a corporation or association authorized to conduct the business of a trust company in this state; and (c) the deposit of deferred compensation is made pursuant to the terms of a written agreement between the board of supervisors and the depository under which it is agreed that the deferred compensation shall be invested only in such investments, securities, annuities and policies of life insurance as may be agreed upon; and (d) the agreement between the board of supervisors and the depository provides that the deferred compensation and any increment thereto shall be refunded to the board of supervisors if the contractor fails to comply with the terms and conditions specified in the contract of employment.

*(Added by Stats. 1969, Ch. 354.)*

**31000.4.** The board of supervisors may contract with temporary help firms for temporary help to assist county agencies, departments, or offices during any peak load, temporary absence, or emergency other than a labor dispute, provided the board determines that it is in the economic interest of the county to provide such temporary help by contract, rather than employing persons for such purpose. Use of temporary help under this section shall be limited to a period of not to exceed 90 days for any single peak load, temporary absence, or emergency situation.

*(Added by Stats. 1977, Ch. 917.)*

**31000.5.** The board of supervisors may employ technical assistants for the assessor to enable him to secure the necessary maps and plats for the performance of his work. The board may employ such technical assistants, either exclusively for the county or may enter into agreements for the employment of such persons with the board or boards of supervisors of one or more other counties.

The agreement may provide that contributions from the treasuries of the respective counties may be made for the purpose of paying the compensation and expenses of such technical assistants, and the amounts or percentages to be paid by each county. The agreement may be continued for a definite term or until rescinded and may provide for the method of rescission by any of the contracting counties.

*(Added by Stats. 1947, Ch. 1569.)*

**31000.6.** (a) Upon request of the assessor, auditor-controller, sheriff, or elected treasurer-tax collector of the county, the board of supervisors shall contract with and employ legal counsel to assist the assessor, auditor-controller, sheriff, or elected treasurer-tax collector in the performance of their duties in any case where the county counsel or the district attorney would have a conflict of interest in representing the assessor, auditor-controller, sheriff, or elected treasurer-tax collector.

(b) In the event that the board of supervisors does not concur with the assessor, auditor-controller, sheriff, or elected treasurer-tax collector that a conflict of interest exists, the assessor, auditor-controller, sheriff, or elected treasurer-tax collector, after giving notice to the county counsel or the district attorney, may initiate an ex parte proceeding before the presiding judge of the superior court. The

county counsel or district attorney may file an affidavit in the proceeding in opposition to, or in support of, the assessor's, auditor-controller's, sheriff's, or elected treasurer-tax collector's position.

(c) The presiding superior court judge that determines in any ex parte proceeding that a conflict actually exists, must, if requested by one of the parties, also rule whether representation by the county counsel or district attorney through the creation of an "ethical wall" is appropriate. The factors to be considered in this determination of whether an "ethical wall" should be created are: (1) equal representation, (2) level of support, (3) access to resources, (4) zealous representation, or (5) any other consideration that relates to proper representation.

(d) If a court determines that the action brought by the assessor, auditor-controller, sheriff, or elected treasurer-tax collector is frivolous and in bad faith, the assessor's office, auditor-controller's office, sheriff's office, or elected treasurer-tax collector's office shall pay their own legal costs and all costs incurred in the action by the opposing party. As used in this section, "bad faith" and "frivolous" have the meanings given in Section 128.5 of the Code of Civil Procedure.

(e) If the presiding judge determines that a conflict of interest does exist, and that representation by the county counsel or district attorney through the creation of an ethical wall is inappropriate, the board of supervisors shall immediately employ legal counsel selected by the presiding judge to assist the assessor, the auditor-controller, sheriff, or elected treasurer-tax collector. The assessor, the auditor-controller, sheriff, or elected treasurer-tax collector may recommend specific legal counsel for selection by the presiding judge. The board of supervisors may also separately recommend specific legal counsel for selection by the presiding judge. When selecting counsel pursuant to this section, the presiding judge shall consider the counsel compensation rates prevailing in the county for similar work.

(f) As used in this section, "conflict of interest" means a conflict of interest as defined in Rule 1.7 of the Rules of Professional Conduct of the State Bar of California, as construed for public attorneys.

(g) This section shall also apply to any matter brought after an assessor, auditor-controller, sheriff, or elected treasurer-tax collector leaves office if the matter giving rise to the need for independent legal counsel was within the scope of the duties of the assessor, auditor-controller, sheriff, or elected treasurer-tax collector while in office, and the assessor, auditor-controller, sheriff, or elected treasurer-tax collector would have been authorized under this section to request the appointment of independent legal counsel.

*(Amended by Stats. 2024, Ch. 80, Sec. 66. (SB 1525) Effective January 1, 2025.)*

**31000.7.** The same law firm shall not be employed to advise or represent both the assessor and the county board of equalization on any matters relating to hearings before the county board of equalization. This prohibition shall not apply to the county counsel's office. Individual representatives of that office may represent the assessor and the county board of equalization, as long as the same individual does not represent both parties.

*(Added by Stats. 1971, Ch. 1104.)*

**31000.8.** Notwithstanding any other law to the contrary, the board of supervisors of a county which is wholly or partially self-insured under the workers' compensation laws, which is wholly or partially self-insured against public liability, or which is wholly or partially self-insured for employee health and welfare benefits, may contract with a qualified firm for the purpose of having such firm render investigative, administrative, and claims adjustment services relating to workers' compensation and public liability and employee health and welfare benefit claims against the county. The contract may provide that the contracting firm may reject, settle, compromise and approve workers' compensation, and public liability and employee health and welfare benefit claims against the county, its officers or employees, within such limits and for such amounts as the board of supervisors may specify, and may provide that the contracting firm may execute and issue checks in payment of such claims, which checks shall be payable only from a trust fund which may be established by the board of supervisors. Funds in the trust fund established by the board pursuant to the provisions of this section shall not exceed a sum sufficient to provide for the settlement of claims for a 30-day period as determined by the board of supervisors or the sum of twenty thousand dollars (\$20,000), whichever is larger, at any one time. The rejection or settlement and approval of a claim by the contracting firm in accordance with the terms of the contract shall have the same effect as would the rejection or settlement and approval of such a claim by the board of supervisors and the county auditor. The contract may also provide that the contracting firm may employ legal counsel, subject to such terms and limitations as the board may prescribe, to advise such contracting firm concerning the legality and advisability of rejecting, settling, compromising and paying claims referred to said contracting firm by the county for investigation and adjustment, or to represent the county in litigation concerning such claims. The compensation and expenses of such attorney for services rendered to the county shall be county charges.

The contract provided for in this section may contain such other terms and conditions as the board of supervisors may consider necessary or desirable to effectuate the county's self-insured programs.

In lieu of, or in addition to, contracting for the services described in this section, the board of supervisors may authorize a county employee to perform any or all of the services and functions which the board may contract for under the provisions of this section.

As used in this section:

(a) "Firm" includes a person, corporation, or other legal entity.

(b) "Board of supervisors" includes governing boards of districts and other public agencies for which the board of supervisors acts as the governing board.

(c) "County" includes such districts and other public agencies for which the board of supervisors acts as the governing board.

*(Amended by Stats. 1981, Ch. 317, Sec. 2.)*

**31000.9.** (a) In counties containing a population of 6,000,000 or over, the board of supervisors may, by ordinance, authorize county officers having responsibility for the design and construction of county projects to enter into contracts for architectural, engineering, and related services where the amount of the contract does not exceed three hundred thirty thousand dollars (\$330,000), and to enter into amendments to those contracts entered into by the board where the amount of any amendment does not exceed 10 percent of the amount of the original contract or three hundred thirty thousand dollars (\$330,000), whichever is less. The aggregate total amount of the amendments to an original contract may not exceed 25 percent of the amount of the original contract. Any authorization shall include detailed procedures governing the county officer in the exercise of that authority.

(b) Nothing in this section shall be construed to remove the county's requirement to follow the applicable provisions of the Public Contract Code as it relates to the advertising of public works projects and award of public works contracts.

*(Amended by Stats. 2019, Ch. 329, Sec. 12. (SB 780) Effective January 1, 2020.)*

**31001.** The board of supervisors of any county not having a charter which creates the office of county counsel may employ and contract with counsel to assist the district attorney in representing and advising it and all district officers in all matters and questions of law pertaining to their duties and to civil legal questions affecting the county or districts.

*(Amended by Stats. 1951, Ch. 1553.)*

**31002.** The board of supervisors may employ copyists to reproduce any county records and indices that are lost or destroyed by conflagration, public calamity, or otherwise or that are in danger of destruction by age, obliteration, or constant use in any of the county offices.

*(Added by Stats. 1947, Ch. 424.)*

**31003.** The board of supervisors may adopt a system of insurance for the benefit of physicians, nurses, and any or all other persons employed in county institutions or county health departments. It may procure life and disability insurance for the benefit of such employees from any admitted insurer and pay the whole or any part of the premiums upon such insurance from the general fund or the salary fund, as part of the compensation of the employees. The board may deduct from the compensation of such employees and apply to the payment of the premiums that part thereof determined by it to be payable by the employees.

*(Added by Stats. 1947, Ch. 424.)*

**31004.** In any county having a charter providing for a civil service system for county employees, the board of supervisors may require any person included within the civil service system to give an official bond in an amount to be prescribed by the board. He may be included with other persons in a schedule bond executed by a qualified corporate surety and inuring to the benefit of the county and of the officer under whom he holds office or employment. The liability of the surety on the schedule bond is not affected by any change of the person holding any principal office or in the membership of any board or commission, but continues as long as any person named in the schedule bond is included therein and continues to exercise the duties of his office or employment.

*(Added by Stats. 1947, Ch. 424.)*

**31005.** The board of supervisors of any county, chartered or otherwise, shall not by ordinance establish any minimum or maximum age limits for any county employment, whether as officer, deputy, or assistant, and age shall not be a minimum qualification for any county employment.

*(Added by Stats. 1947, Ch. 424.)*

**31006.** Any person possessing all the minimum qualifications for any county employment is eligible for appointment to that employment, and neither the board of supervisors nor any other county officer or employee possessing the power of appointment shall adopt any rule, either written or unwritten, prohibiting the employment of any person in any county position, who is otherwise qualified therefor, solely because of his age.

*(Added by Stats. 1947, Ch. 424.)*

**31007.** This part does not require or authorize the employment of any person in a particular county employment who has reached the compulsory retirement age prescribed by a county employees' retirement system for that particular employment whether such person is a member of such county employees' retirement system or not.

*(Amended by Stats. 1961, Ch. 84.)*

**31008.** This part does not prevent the board of supervisors from fixing minimum or maximum age limits for the employment of deputy sheriffs and county peace officers or county firemen, nor, while acting directly as the governing body or ex officio governing body of any fire district or fire protection district, from fixing minimum or maximum age limits for the employment of firemen for any such district.

*(Amended by Stats. 1961, Ch. 84.)*

**31009.** Prior to January 1, 1981, an applicant for employment who does not meet the physical standards established for his employment because of a physical impairment existing on the date of his employment may be required by the county as a condition to such employment to execute a waiver of any and all rights to a disability retirement under the County Employees Retirement Law of 1937 arising as a result of such impairment or any aggravation thereof while in county service. The county shall provide the applicant with written notice of the rights and benefits which such applicant is being required to waive. The applicant shall give written acknowledgement of the receipt of such notice.

No earlier than two years after employment an employee who has waived rights pursuant to this section may apply to the retirement board to review such waiver to determine if it shall remain in force. The employee shall submit a physician's report concerning the condition for which such a waiver was required with such request for review. The retirement board may require, at county expense, an examination of such employee by a physician of such board's choosing. The retirement board, following a hearing, may release such employee from all or part of a waiver given pursuant to this section. An employee may not require such a review more often than every two years, although such board in its sole discretion may allow a review at more frequent intervals.

*(Amended by Stats. 1980, Ch. 1343.)*

**31010.** The board of supervisors of any county may by resolution establish and provide funds for the operation of a municipal advisory council for any unincorporated area in the county to advise the board on such matters which relate to that area as may be designated by the board concerning services which are or may be provided to the area by the county or other local governmental agencies, including but not limited to advice on matters of public health, safety, welfare, public works, and planning. Unless the board of supervisors specifically provides to the contrary, a municipal advisory council may represent the community to any state, county, city, special district or school district, agency or commission, or any other organization on any matter concerning the community. The board may pay from available funds such actual and necessary expenses of travel, lodging, and meals for the members of the council while on such official business as may be approved by the board.

The resolution establishing any such municipal advisory council shall provide for the following:

- (a) The name of the municipal advisory council.
- (b) The qualifications, number, and method of selection of its members, whether by election or appointment.
- (c) Its designated powers and duties.
- (d) The unincorporated area or areas for which the municipal advisory council is established.
- (e) Whether the establishment of the council should be submitted to the voters and the method for such submission; provided that if an election is required pursuant to subdivision (b), such election shall be held at the same time as an election held pursuant to this subdivision.
- (f) Such other rules, regulations and procedures as may be necessary in connection with the establishment and operation of the municipal advisory council.

*(Amended by Stats. 1978, Ch. 41.)*

**31010.5.** (a) Service as a member of a governing board of a special district named in subdivision (b) shall not be considered an incompatible office with service on a municipal advisory council established pursuant to Section 31010.

(b) (1) A community services district established pursuant to the Community Services District Law (Division 3 (commencing with Section 61000) of Title 6).

(2) A recreation and park district established pursuant to the Recreation and Park District Law (Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code).

*(Amended by Stats. 2010, Ch. 699, Sec. 5. (SB 894) Effective January 1, 2011.)*

**31011.** Every employee has the right to inspect personnel records pursuant to Section 1198.5 of the Labor Code.

*(Repealed and added by Stats. 2000, Ch. 886, Sec. 7. Effective January 1, 2001.)*

