RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Government Code section 24150 (copy attached) requires certain public officials to acquire an official bond to preserve the faithful performance of their duties. In a 1978 action by the Board of Supervisors (copy attached), the official bonds were set at $10,000 for elected county officers and department heads in accordance with the Government Code. For a number of years, a Master Bond has been acquired for those elected county officers and department heads, which is permitted by Government Code sections 1481 and 24154 (copies attached). However, the Board has not officially adopted the acquisition of a Master Bond. This action will ratify the annual purchase of a Master Bond for elected county officials and department heads and further authorize County Counsel to approve the acquisition of a Master Bond on an annual basis. The Master Bond for the 1998/1999 fiscal year is set at $500,000 per loss.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Resolution No. 78-100 set the official bonds at $10,000 for elected county officers and departments heads.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

A negative action would result in the necessity to purchase a separate bond for each County official and department head which could be costly.

COSTS: (X) Not Applicable

A. Budgeted current FY
B. Total anticipated costs
C. Required additional funding
D. Internal transfers

SOURCE: ( ) 4/5ths Vote Required

A. Unanticipated revenues
B. Reserve for contingencies
C. Source description:
Balance in Reserve for Contingencies, if approved: $

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Government Code section 24150.
Resolution No. 78-100.
Government Code sections 1481 and 24154.

CLERK'S USE ONLY:
Res. No.: 8-35	Ord. No.:
Vote - Ayes: 	Noes: 
Absent: 
Approved ( ) Denied 
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: 
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
( ) Recommended
( ) Not Recommended
( ) For Policy Determination
( ) Submitted with Comment
( ) Returned for Further Action
Comment:

A.O. Initials: __________

Action Form Revised 5/92
§ 24150

GOVERNMENT CODE

§ 24150. Prescribing official bonds

Prior to the primary election immediately preceding the election of county officers, the board of supervisors shall prescribe the amounts of the official bonds of the treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, public administrator, and coroner ** *.

(Amended by Stats.1996, c. 872 (A.B.3472), § 47.)

Historical and Statutory Notes

1996 Legislation

Subordination of legislation by Stats.1996, c. 872 (A.B. 3472), to other 1996 legislation, see Historical and Statutory Notes under Business and Professions Code § 8762.

Cross References

Direct primary, see Elections Code § 8000 et seq.
Primary elections generally, see Elections Code §§ 1201, 1202.

§ 24151. Amount of supervisor's bond

Cross References

Primary elections generally, see Elections Code §§ 1201, 1202.

§ 24153. Separate bonds of sheriffs

Notes of Decisions

2. Scope of bond

§ 24156. Self-insurance in lieu of bonds; resolution; county, district and court officers and employees; determination

Library References

California Practice Guide: Insurance Litigation, Crosskey, Kaufman et al., see Guide's Table of Statutes for chapter paragraph number references to paragraphs discussing this section.

Chapter 5

ELECTION

Section

24204. Charter counties; terms of appointive officers; election.

Cross References

General election defined, see Elections Code § 324.

§ 24204. Charter counties; terms of appointive officers; election

Whenever any county frames and adopts a charter for its government, which is approved by the Legislature, and the charter provides for the appointment of any officers of a county * * *, the officers first appointed under the charter are the successors of the like elective officers in office at the time of the approval of the charter. The elective officers shall continue to hold office for the term for which they were elected and until the appointment and qualification of their successors under the charter. No

Additions or changes indicated by underline; deletions by asterisks * * *

24
The Board of Supervisors of the County of Mariposa met in regular session this 30th day of May, 1978, at 10:00 a.m., with Supervisors Clark, Long, Owings, Weber, and Dalton present.

The minutes of May 23, 1978, were approved as mailed.


On motion of Dalton, seconded by Owings, travel approved for Assessor Steve Dunbar, mtg re Jarvis-Gann, Sacramento, 6/8-9/78.

Peter Artero, Road Commissioner, spoke regarding Road Department matters

On motion of Dalton, seconded by Owings, Road Commissioner authorized to trade-in Road Department's D-7 cat and negotiate for new D-8 cat.

On motion of Long, seconded by Weber, second reading of emergency Ord. 482, as amended, prohibiting parking in turn-out areas on Incline Road and authorizing Road Commissioner to post specified signs, was waived. On motion of Owings, seconded by Long, Ord. 482 was passed and adopted.

On motion of Long, seconded by Owings, Res. 78-100 was passed and adopted, setting official bonds at $10,000 for elected county officers and department heads, and $50,000 for Treasurer-Tax Collector, pursuant to Government Code Section 24150.

Discussion ensued regarding ATAAP Advisory Council member Myron Jaenecke's temporary leave of absence. Supervisor Dalton to suggest a temporary replacement for Myron Jaenecke at Board's meeting of 6/13/78. Due to Francis Judkins' possible prolonged absence on the ATAAP Advisory Council due to illness, Clerk to write Mr. Judkins asking if he wishes his name withdrawn from the ATAAP Advisory Council.

Planner/Grantsman Bob Borchard spoke regarding Planning Office matters.


On motion of Long, seconded by Owings, Res. 78-101 was passed and adopted transferring $650 from Building Dept.'s contingency fund to travel fund, line item $25; transfer of $1,098 from Welfare Dept's CCS Surplus to Welfare & Security, and Programs.

On motion of Dalton, seconded by Weber, Clerk directed to write letter to Governor Brown protesting proposed revision and asking for withdraw of State Dept. of Benefit Payments Regulation Section 19-002; also, protesting scheduling by DBP of weekly Public Hearings, on recommendation of the Welfare Director.

Acting as Coulterville County Service Area No. 1 Board of Directors, on motion of Dalton, seconded by Long, Res. 78-102 was passed and adopted, setting Coulterville Service Area tax rate for fiscal year 1978-79 at one dollar per one-hundred dollars assessed valuation for all properties within the service boundaries.

On motion of Long, seconded by Weber, Res. 78-99 was passed and adopted, setting public hearing on 6/13/78, 2:30 p.m. to consider question of abandonment of portion of Jenny Lind Road; Clerk to publish notice.

On motion of Owings, seconded by Weber, Board to present plaque to first local resident to cross the finish line in the "Fifty Miler" endurance race to be held June 10, 1978.
Clerk directed to advise department heads that any changes in personnel status including reclassifications, salary increases, new positions, or filling a vacant position must be approved by the Personnel Committee. County Counsel to prepare resolution for Board's approval at 6/13/78 meeting. Department Heads to contact County Counsel's office prior to 6/13/78 with comments and/or recommendations.

On motion of Weber, seconded by Long, Res. 78-103 was passed and adopted setting public hearing for 6/20/78, 2:00 p.m. for purpose of hearing and considering proposal to adopt name for unnamed road beginning and ending on Highway 49, running parallel to Highway 49 for approximately three-quarters of a mile, shown on Page 33 of Assessor's Map Book 11; Clerk to publish notice and County Road Commissioner to post at three public places along unnamed road.

Building Inspector Larry James spoke regarding Dr. H. Graber's letter sent to Hal Weber referencing County's Mobile Home Ordinance.

Will Wyre and Rich Begley spoke regarding Bob McCabe's letter recommending Courthouse renovations. County Buildings Committee and Historic Sites Committee to meet 6/7/78, 2:00 p.m. to discuss Rich Begley's draft of renovation program. Committees to make recommendations back to the Board.

On motion of Dalton, seconded by Owings, Board adjourned to meet in executive session regarding a legal and a personnel matter, and reconvened in regular session. Road Commissioner Peter Artero and Building Inspector Larry James present during portions of Executive Session.

The Board adjourned for lunch at 12:10 p.m., and reconvened in regular session at 2:00 p.m.

Discussion ensued regarding interim emergency zoning ordinance 481, extending Ord. 476, requiring a minimum lot size of forty acres in Hunter's Valley. Citizen concerns were called for. On motion of Long, seconded by Weber, second reading of Interim Emergency Zoning Ord. 481 was waived. On motion of Long, seconded by Weber, Ord. 481 was passed and adopted.

Fred DeRuvo spoke regarding the grade of the slope on Broncho Hollow Road. County Counsel to review original developer's maps regarding this grade of slope and further discussion to ensue at 6/13/78 meeting at 3:00 p.m.

On motion of Long, seconded by Weber, Auditor directed to draw a warrant in the amount of $197.45 to replenish County Clerk's revolving fund.

Auditor-Recorder Barbara Saye and Chief Deputy Evelyn Jones reviewed budget tabulations with Board.

On motion of Dalton, seconded by Owings, Board Adjourned to meet in Executive Session regarding a personnel and a legal matter, and reconvened in regular session. Road Commissioner Peter Artero and Building Inspector Larry James present during portions of Executive Session.

There being no further business, the Board adjourned at 5:30 p.m. to meet in regular session Tuesday, June 13, 1978, 10:00 a.m.

Carroll N. Clark, Chairman
Board of Directors

Attest:

Ellen Bronson, County Clerk &
Ex Officio Clerk of the Board
service, or hospital care, or legal services, or, any of them, approved by or adopted and carried into effect by the governing body.

(b) The board of supervisors may, by resolution, permit officers and employees of a county to authorize deductions from their salaries or wages for the premiums on long-term care insurance established pursuant to Article 8.5 (commencing with Section 31694.1) of Chapter 3 of Part 3 of Division 4 of Title 3 or pursuant to Chapter 18 (commencing with Section 21650) of Part 3 of Division 5 of Title 2 and approved by, or adopted and carried into effect by, the retirement association. Materials offering that long-term care insurance shall specify that the long-term care insurance is approved by, or adopted and carried into effect by, the retirement association and not by the county.

(Amended by Stats.1997, c. 491 (S.B.1030), § 1.)

Chapter 3

OFFICIAL BONDS

Article 1

GENERAL

Section

1458. Bonds of supervisors and certain others.

§ 1450. Filing time

Library References

California Practice Guide: Insurance Litigation, Crosby, Kaufman et al., see Guide's Table of Statutes for chapter paragraph number references to paragraphs discussing this section.

§ 1458. Bonds of supervisors and certain others

The bonds of supervisors, treasurers, county clerks, auditors, sheriffs, tax collectors, district attorneys, recorders, assessors, surveyors, superintendents of schools, public administrators, and coroners shall be approved by the presiding judge of the superior court before the bonds can be recorded and filed.

(Amended by Stats.1996, c. 872 (A.B.3472), § 34.)

Historical and Statutory Notes

1996 Legislation

Short title, legislative findings, and intent of Stats.1996, c. 872 (A.B.3472), see Historical and Statutory Notes under Business and Professions Code § 8762.

Subordination of legislation by Stats.1996, c. 872 (A.B.3472), to other 1996 legislation, see Historical and Statutory Notes under Business and Professions Code § 8762.

Article 2

BONDS NOT REQUIRED BY STATUTE

Section

1481. Master bonds.

§ 1481. Master bonds

(a) When deemed expedient by the appointing power, a master official bond, or other form of master bond may be used which shall provide coverage on more than one officer, employee or agent who is required by the appointing power or the board of supervisors of a chartered or general law county to give bond.

(b) Notwithstanding any other provision of law, when deemed expedient by the legislative body of a local public agency, a master official bond, or other form of master bond, may be used which shall provide coverage on more than one officer, employee, or agent of the local public agency, whether elected or appointed, who is required by statute, regulation, the appointing power, the governing board of a local public agency, or the board of supervisors of a chartered or general law county to give bond.

Additions or changes indicated by underline; deletions by asterisks **
§ 1481

(c) A master bond under this section shall be in the form and for the term which is approved by the appointing power or the """"legislative body of a """"local public agency, and shall inure to the benefit of the appointing power, state, """"or local public agency by whom the officer, employee, or agent is employed as well as the officer or officers under whom the employee or agent serves. """

(d) ""Local public agency"" means any city or county, whether general law or chartered, city and county, special district, school district, municipal corporation, political subdivision, joint powers authority or agency created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1, or any board, commission, or agency thereof, or other local public agency, but shall not mean the state or any agency or department of the state.

(e) ""Legislative body"" means the board of supervisors of a county or city, or the governing board, by whatever name called, of a local public agency.

(f) In the case of the State of California the form and content of the bond shall be subject to the approval of the Director of General Services.

(Amended by Stats.1996, c. 872 (A.B.3472), § 35.)

Historical and Statutory Notes

1996 Legislation
Short title, legislative findings, and intent of Stats.1996, c. 872 (A.B.3472), see Historical and Statutory Notes under Business and Professions Code § 8762.

Subordination of legislation by Stats.1996, c. 872 (A.B.3472), to other 1996 legislation, see Historical and Statutory Notes under Business and Professions Code § 8762.

§ 1482. Cancellation provisions

Library References
California Practice Guide: Insurance Litigation, Crosby, Kaufman et al., see Guide's Table of Statutes for chapter paragraph number references to paragraphs discussing this section.

Article 3
FORM AND CONDITIONS

§ 1501. Condition of official bond; performance of duties

Library References
California Practice Guide: Insurance Litigation, Crosby, Kaufman et al., see Guide's Table of Statutes for chapter paragraph number references to paragraphs discussing this section.

Article 8
PAYMENT OF PREMIUMS

§ 1650. Notaries public

Library References
California Practice Guide: Insurance Litigation, Crosby, Kaufman et al., see Guide's Table of Statutes for chapter paragraph number references to paragraphs discussing this section.

§ 1653. Deputies, clerks, assistants or subordinates of county officers

Library References
California Practice Guide: Insurance Litigation, Crosby, Kaufman et al., see Guide's Table of Statutes for chapter paragraph number references to paragraphs discussing this section.

Additions or changes indicated by underline; deletions by asterisks * * *
§ 24153
Note 3
board of supervisors on ninth, supervisors were in default in failing to act upon bond under Consolidation Act and had no authority to declare office vacant. Doane v. Scannell (1857) 7 C. 393.

§ 24154. Master bond
As an alternative or supplementary to the bonds required by this chapter, the board of supervisors may include the county officers listed in this chapter as covered employees in any master bond used in their county in accordance with Section 1481 of this code.

Library References
Counties ≡ 64.
C.J.S. Counties § 102 et seq.

Notes of Decisions
Approval 2
Construction and application 1
to furnish bond in accordance with § 1502 (repealed). 11 Ops. Atty. Gen. 159.

2. Approval
A master bond acquired by a county to cover its officers pursuant to § 24514 is subject to the requirement of approval by judges of the superior court under §§ 1457, 1458. 65 Ops. Atty. Gen. 200, 3-19-82.

§ 24155. Duties of officers consolidated; official bond
When the duties of officers are consolidated pursuant to Chapter 7 (commencing with Section 24300) of this part, the board of supervisors may elect to provide one official bond for the officer performing the duties of offices which are consolidated, and may prescribe the amount of such official bond.
(Added by Stats.1967, c. 1011, p. 2606, § 1.)

Library References
Counties ≡ 64.
C.J.S. Counties § 102 et seq.

§ 24156. Self-insurance in lieu of bonds; resolution; county, district and court officers and employees; determination
The board of supervisors of any county may, by resolution, adopt a program of self-insurance in lieu of bonds for any officer or employee employed by such county, or for the officers or employees of any district, the governing board of which is the board of supervisors of the county adopting the resolution, or for any officer or attaché of any court supported in whole...