This brief is being provided to inform the board, staff, and public of the details of an agenda item that requires no action from the board. The President of the Board will provide board members, staff, and the public the opportunity to ask questions about this topic when this agenda item is announced.

**Date:** 21 January 2022

**Originator:** General Manager

**Purpose of Brief:** Informational Briefing – District Procedural Change

**Supporting Documents Included:**

Att. A.California Oath/Affirmations

Att. B. Disaster Service Worker Brochure

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1. **Background:**

The CSD has always operated on the understanding that California law only requires administering the California Oath to elected members of the Board of Directors. We have learned through the CSDA Forums that the California State Constitution requires that all employees of any state government agency must also subscribe to the oath of office.

1. **Requirements:**

CALIFORNIA CONSTITUTION, ARTICLE XX, MISCELLANEOUS SUBJECTS, SEC 3, provides the required Oath.

“Members of the Legislature, and all public officers and employees, executive, legislative, and judicial, except such inferior officers and employees as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation.” (Attached)

Notes:

* Code requires the oath to be signed, but NOT notarized. The District Secretary maintains the signed oath on file in the District Office.
* The oath is apparently a one time requirement as long as the officer serves in that capacity, or as long as an employee retains their employment.

CALIFORNA GOVERNMENT CODE details the specific requirements.

TITLE 1. GENERAL, DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES

**For Officers and Elected Officials...**

CHAPTER 2, ARTICLE 4. OATH OF OFFICE:

Sec. 1360 “before any officer enters on the duties of his or her office, he or she shall take and subscribe the oath or affirmation”

Sec. 1363 certified by “for any independent special district, as defined in Section 56044, the office of the clerk or secretary of that district.”

**For Employees…**

CHAPTER 8. OATH OF OFFICE

Sec. 3110 “all public employees are hereby declared to be disaster service workers”

Sec. 3101 “The term “public employees” includes all persons employed by the state or any county, city, city and county, state agency, or public district”

Sec. 3102 “All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation”

Sec. 3104 “The oath or affirmation may be taken before any officer authorized to administer oaths.”

1. **GMCSD Plan of Action**
   * Board of Directors – no action required. The District Secretary has administered the Oath of office to all board members as long as they serve in that capacity.
   * District Secretary - administer the oath to each employee and maintain a copy of the oath on file in the District Office
   * Board President – administer the Oath to the District Secretary
   * Administrative Manager –add administrating the Oath to the new hire procedures going forward.
   * General Manager – task the Fire/Safety Coordinator to develop a briefing and conduct training for all employees on being a Disaster Service Worker.