



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

VACANT
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

MONICA MONTGOMERY STEPPE
Fourth District

JIM DESMOND
Fifth District

DATE: January 14, 2025

01

TO: Board of Supervisors

SUBJECT

FILLING THE VACANCY OF THE FIRST DISTRICT COUNTY OF SAN DIEGO SUPERVISOR (DISTRICT: 1)

OVERVIEW

On December 20, 2024, the Board of Supervisors was notified that First District Supervisor Nora Vargas would not be assuming her next term, therefore the seat is vacant as of January 6, 2025, at 12 noon. The San Diego County Charter gives the Board of Supervisors the authority and responsibility to take action to fill the vacant position within thirty days either by appointment, by appointment until a special election, or by calling a special election. The selected Supervisor would serve the remainder of the unexpired term, with the term ending at 12 noon on Monday, January 8, 2029.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

It is recommended that the Board consider and select one of the following options:

Option 1: Fill the Vacancy of the First District Supervisor by Appointment

1. Determine that the process will be conducted in accordance with the San Diego County Charter, Section 401.4, and Board Policy A-39, "Process to Fill Vacancies on the Board of Supervisors," including the public hearing process, requirements of the applicant, the application form and the selection process.
2. Approve the application packet for the position (Attachment A).
3. Set the application period to commence at 8 a.m., Wednesday, January 15, 2025, and to close at 5 p.m., Monday, January 27, 2025.

Applications would be available from and must be returned to the Clerk of the Board of Supervisors, by the close of the filing period. In order to provide equitable access, it is recommended that the Board waive the requirement in Section 2 of Board Policy A-39 that requires applicants to personally appear to obtain the application forms and allow applicants to access the application forms online. However, applications must be submitted in person, fully completed with the required attachments, for acceptance by the Clerk of the Board of Supervisors.

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4. Set a Special Meeting on Wednesday, January 29, 2025, at 2 p.m., as the first hearing on all applicants and select up to five finalists.
5. Set a Special Meeting on Tuesday, February 4, 2025, at 2 p.m., as the second hearing to consider finalists and appoint a First District Supervisor. The appointed Supervisor would be sworn in on Wednesday, February 5, 2025.

Option 2: Fill the Vacancy of the First District Supervisor by Calling a Special Election

1. Adopt the resolution (Attachment B) that calls for a Special Election to be held on Tuesday, April 8, 2025. If no candidate receives a majority vote at that election, then a Special General Election would be held on Tuesday, July 1, 2025.
2. Determine the method to conduct the Special Election(s):
 - a. Conduct the special primary election or the special general election, or both, to be conducted wholly by mail, or
 - b. Utilize the existing method of conducting elections (i.e. Vote Center model).

Option 3: Fill the Vacancy of the First District Supervisor by Appointing a Supervisor Until the Qualification of a Successor Elected at a Special Election

1. Determine that the process will be conducted in accordance with the San Diego County Charter, Section 401.4, and Board Policy A-39, "Process to Fill Vacancies on the Board of Supervisors," including the public hearing process, requirements of the applicant, the application form and the selection process.
2. Approve the application packet for the position (Attachment A).
3. Set the application period to commence at 8 a.m. Wednesday, January 15, 2025, and to close at 5 p.m. on Monday, January 27, 2025. Applications are available from and must be returned to the Clerk of the Board of Supervisors, by the close of the filing period. In order to provide equitable access, it is recommended that the Board waive the requirement in Section 2 of Board Policy A-39 that requires applicants to personally appear to obtain the application forms and allow applicants to access the application forms online. Applications must be submitted in person, fully completed with the required attachments, for acceptance by the Clerk of the Board of Supervisors.
4. Set a Special Meeting on Wednesday, January 29, 2025, at 2 p.m., as the first hearing on all applicants and select up to five finalists.
5. Set a Special Meeting on Tuesday, February 4, 2025, at 2 p.m., as the second hearing to consider finalists and appoint a First District Supervisor. The appointed Supervisor would be sworn in on Wednesday, February 5, 2025 and serve until the qualification of a successor elected at the Special Election.
6. Adopt the resolution (Attachment B) that calls for a Special Election to be held on Tuesday, April 8, 2025. If no candidate receives a majority vote at that election, then a Special General Election would be held on Tuesday, July 1, 2025.
7. Determine the method to conduct the Special Election(s):
 - a. Conduct the special primary election or the special general election, or both, to be conducted wholly by mail, or
 - b. Utilize the existing method of conducting elections (i.e. Vote Center model).

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EQUITY IMPACT STATEMENT

Today’s proposed action seeks to outline the process for filling the vacancy of the First District Supervisor. Depending on the process chosen by the Board, there will be several opportunities for community engagement via public comment beginning with today’s public meeting and during future public meetings or through a Special Election.

SUSTAINABILITY IMPACT STATEMENT

The information presented in this report contributes to the County’s efforts to engage the community in meaningful ways and promote an environment that provides equitable access to opportunities for public engagement and representation. These efforts will contribute to the County of San Diego Sustainability Goal No. 1 by “encourag[ing] people and diverse stakeholders to partner and participate in decisions that impact their lives and communities.”

FISCAL IMPACT

There is no fiscal impact associated with the Board’s choice to fill the First Supervisorial District vacancy by appointment. There would be no change in net General Fund cost and no additional staff years.

Funds for special election(s) to fill the vacancy are not included in the Fiscal Year 2024-25 Operational Plan in the Registrar of Voters. If the Board chooses to call a special election to fill the vacancy, anticipated costs could range from \$2.0 million to \$3.3 million per election, for a total cost range of \$4.0 million to \$6.6 million if both a primary and general special election are required. Total costs will depend upon whether the Board chooses a Vote Center model (ranging from \$2.9 million to \$3.3 million per election) or all vote-by-mail election (ranging from \$2.0 million to \$2.4 million per election).

Based on the action taken today, staff will return to the Board to establish appropriations in the Registrar of Voters. The appropriations may be funded by one-time General Purpose Revenue allocated for Appropriation for Contingency pursuant to Government Code §29084. Transfers and revisions to the appropriation for contingencies may be made by formal action of the Board of Supervisors, by a four-fifths vote (Government Code §29125).

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The County of San Diego is governed by a five-member Board of Supervisors elected to four-year terms in district, nonpartisan elections. Each Board member is limited to no more than two terms and must reside in the district from which they are elected. The Board of Supervisors sets priorities and approves the County’s two-year budget. The County may exercise its powers only through the Board of Supervisors or through agents and officers acting under authority of the Board or authority conferred by law. The Board of Supervisors appoints the following officers: the Chief

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Administrative Officer (CAO), the County Counsel, the Probation Officer, and the Clerk of the Board of Supervisors. All other non-elected officers are appointed by the CAO.

On December 20, 2024, the Board of Supervisors was notified that First District Supervisor Nora Vargas would not be assuming her next term, therefore the seat is vacant as of January 6, 2025 at 12 noon. The San Diego County Charter, Section 401.4, provides a procedure for filling the vacancy of the First District Supervisor which includes the options to appoint, appoint until a special election can be conducted, or conduct a special election. The County Charter requires the Board of Supervisors to act within 30 days of the vacancy. Board Policy A-39, "Process to Fill Vacancies on the Board of Supervisors," sets forth the procedure to be used for the appointment process.

The First Supervisorial District has a population of 636,367 residents, as of the 2020 Census. District 1 spans from the Pacific Ocean on the west, to the Otay and San Miguel mountains in the east, and from historic Barrio Logan in the north to the U.S./Mexico international border on the south. The First Supervisorial District includes the cities of Chula Vista, Imperial Beach, National City, and a tapestry of communities within the City of San Diego, such as Barrio Logan, Chollas View, East Village, Golden Hill, and more. Additionally, District 1 also includes the unincorporated areas of Bonita, East Otay Mesa, Lincoln Acres, Sunnyside, and Spring Valley/La Presa.

In accordance with the County Charter Section 401.4 and Board Policy A-39, the Board has three options to fill the vacancy in the First District Supervisor. The Charter requires that the vacancy be filled within 30 days (February 5, 2025), either by appointment, by appointment until a special election, or by calling a special election. Board Policy A-39 requires the Board to meet within seven business days (by January 15, 2025) of the vacancy to determine the method to fill the vacancy.

The Board may choose one of the following options:

- **Option 1: Fill the Vacancy of the First District Supervisor by Appointment**

The process to fill the vacancy by appointment is described in Board Policy A-39, "Process to Fill Vacancies on the Board of Supervisors." In general, the process would include an application period and two public hearings. With this option, the vacancy would be filled by February 5, 2025. There would be no fiscal impact with the appointment process.

If the Board chooses to fill the vacancy by appointment, then it is recommended that the Board determine that the process will be conducted in accordance with the San Diego County Charter, Section 401.4, and Board Policy A-39, establish the deadline for acceptance of applications and set, in accordance with the policy, January 29, 2025 and February 4, 2025, as the dates the Board of Supervisors will consider and vote on the applicants.

To provide equitable access, it is recommended that the Board waive the requirement in Section 2 of Board Policy A-39 that requires applicants to personally appear to obtain the application forms and allow applicants to access the application form online. However, applicants will still be required to file their completed application form in person in order

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for the Clerk of the Board of Supervisors to verify completeness. All applicants shall be required to provide to the Board by the filing deadline:

- (a) A statement of qualifications.
- (b) Affidavit of applicants for appointment certifying, under the penalty of perjury, that the applicant is a California citizen, over the age of 18, is not disqualified from holding office because of conviction of crimes, and fulfills the residency and elector requirements established by the County Charter for a resident of Supervisorial District 1.

In accordance with Board Policy A-39, the application form (Attachment A) includes the following that are allowable by law:

- (a) Full name, residence address for the past five (5) years.
- (b) Employer and occupation for the previous five (5) years.
- (c) A written statement outlining the qualifications of the applicant for office (500 word maximum).
- (d) A written statement explaining the applicant's reasons for wishing to be a Supervisor (500 word maximum).
- (e) A Statement of Economic Interests form of the type required to be filed by County Supervisors.

In order to be eligible for the position, any applicant must be a U.S. citizen and a registered voter of the County of San Diego in Supervisorial District 1 for not less than 30 days preceding the application.

The Clerk of the Board will provide to each applicant copies of any pertinent State law, County Ordinance or policy relating to the vacancy.

Applicants may be requested to provide the Board with additional information, including answers to questions submitted by members of the Board of Supervisors.

The Clerk of the Board of Supervisors will make copies of all submitted applications upon receipt during the filing period and distribute one copy to the office of each Supervisor for their review. Completed applications, with appropriate private and confidential information redacted, will also be made available to the public upon delivery to the Board offices. All received applications will be posted online after the filing deadline.

At the Board's first hearing at a Special Meeting on January 29, 2025 at 2 p.m., each applicant shall be given three (3) minutes to make an oral presentation. After all applicants have made their presentation to the Board, the Chair shall allow each Supervisor to ask questions of any applicant. Members of the public will also be provided an opportunity to speak at the hearing, in accordance with the Board's Rules of Procedure.

After the presentation and question period has been concluded, the Board shall, on written ballots provided by the Clerk of the Board, and which ballots shall be public documents once turned in to the Clerk of the Board, select no more than five (5) finalists from among those who have applied. Each Supervisor may vote for up to five (5) applicants. An

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applicant must receive at least three (3) votes to qualify as a finalist. The five (5) applicants receiving the largest number of votes will be chosen as finalists. Any ties will be broken by subsequent vote among only the applicants tied for a remaining finalist(s) position(s). Each Supervisor may vote for one (1) applicant in any tie vote. The Clerk will announce the results, publicly recording each Supervisor's vote(s) after each round of balloting.

The Board, in its discretion, may by motion appoint one of the qualifying applicants to fill the vacant office and forego the selection of finalists and the second hearing process set forth below.

The Board of Supervisors also may require the following with respect to the application process:

- (a) Provide written responses to any questions the Board may ask the finalists,
- (b) Grant the County permission to conduct a credit check and criminal background investigation, and
- (c) Require each finalist to provide the Board with a medical certification.

If a second hearing is necessary to make an appointment from a pool of finalists, the second hearing will be held at a Special meeting on Tuesday, February 4, 2025 at 2 p.m. Each finalist shall make an oral presentation of no more than ten (10) minutes.

After finalist presentations, the Chair shall allow each Board member to ask questions of the finalists. At the conclusion of the question period, each Board member shall, on written ballots provided by the Clerk of the Board, vote for one of the finalists to fill the unexpired term. Balloting shall continue at this or subsequent meetings until an appointment is made. The Clerk will announce the vote of each Board member after each round of balloting.

Whenever any finalist receives three (3) or more votes, the Chair shall declare that at least three (3) members of the Board have concurred in the selection of such applicant and that such applicant shall be declared by the Chair to be appointed to the Office of Supervisor. The person so appointed shall be prepared to formally assume the office not later than three (3) business days following the selection by the Board of Supervisors.

It is anticipated that the appointed Supervisor would be sworn in on Wednesday, February 5, 2025.

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The following is a summary of the dates for Option 1. Board Policy A-39 provides certain flexibility with the timeline. In order to fill the vacancy within the 30-day timeframe required by the Charter, staff is presenting the dates that comply with Board Policy A-39 and fill the vacancy by February 5, 2025.

Steps	Dates	Board Policy A-39 Timeline Requirement
Application released	Wednesday, January 15, 2025 at 8 a.m.	Within seven business days of the vacancy
Applications due	Monday, January 27, 2025 at 5 p.m.	7-10 business days after application released
First hearing on all applicants and selection of five finalists	Wednesday, January 29, 2025 at 2 p.m. (Special Meeting)	1-7 days after filing deadline
Consider finalists and appoint a Supervisor	Tuesday, February 4, 2025 at 2 p.m. (Special Meeting)	Not less than 3 days after first hearing
Appointed Supervisor Sworn-In	Wednesday, February 5, 2025	Not more than 3 days after selection

If the Board does not appoint a Supervisor on or before February 5, 2025, then the Board would be required by the Charter to take action on or before February 6, 2025, to call a Special Election since the Charter requires that the vacancy be filled within 30 days, either by appointment, by appointment until a special election, or by calling a special election.

Within the timelines described above, if an appointment is not made by the Board, below are the estimated timelines for a Special Election:

	Earliest Dates
If no appointment is made at the final hearing, the Board would call the Special Election on:	Tuesday, February 4, 2025
Special Primary Election:	Tuesday, April 29, 2025
Special General Election, if no candidate receives a majority at the primary:	Tuesday, July 22, 2025

- **Option 2: Fill the Vacancy of the First District Supervisor by Calling a Special Election**

The Board may call a special election to fill the vacancy. If the Board chooses to hold a special election, the Board must adopt a resolution (Attachment B) to call the election.

In accordance with the Charter, the special primary election must be held no earlier than 76 days and not more than 90 days following the adoption of the resolution calling the special election. A special primary election would be held on Tuesday, April 8, 2025. If no candidate receives a majority at that election, then a special general election shall be held on the twelfth Tuesday after the special primary election (anticipated to be Tuesday, July 1, 2025). The two candidates who received the highest number of votes in the special primary election would be the candidates in the special general election.

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The Board may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail.

If the Board calls for the special election to be administered under the California Voter's Choice Act vote center model and based on current voter registration in the First District (372,036 voters) the following would be required for a special election under the vote center model:

- 13 One-Day Vote Centers open on Election Day
- 7 of the 13 Vote Centers open for the 10 days leading up to and on Election Day
- 25 Ballot Drop Boxes around the district
- All active registered voters in District 1 are mailed a ballot
- Two VCA Mailers in addition to the Voter Information Pamphlet and Mail Ballot Packet mailings.
- Vote Center Model Projection: \$2.9 million – \$3.3 million, per election

If ALL vote by mail is selected by the Board, the projection would be slightly lower because it eliminates the costs associated with the vote center model.

- Voter Information Pamphlet and Mail Ballot Packet mailings
- 25 Ballot Drop Boxes around the district
- All Vote by Mail Projection: \$2.0 million - \$2.4 million, per election

If the Board calls a special election, it is anticipated that the candidate nomination period would be from January 21 to January 28, 2025. Voter Information Pamphlets and sample ballots would be mailed starting on February 27, 2025. The election would be held on April 8, 2025, with the results certified by May 8, 2025. If no candidate receives a majority at that election, then a special general election shall be held on the twelfth Tuesday after the special primary election (anticipated to be Tuesday, July 1, 2025).

Lastly, the Charter provides that a primary election may be consolidated with a statewide general election if it is within 180 days of calling the election. The next statewide primary election is in June 2026, therefore the ability to consolidate the primary election with a statewide general election is not allowable.

- **Option 3: Fill the Vacancy of the First District Supervisor by Appointing a Supervisor Until the Qualification of a Successor Elected at a Special Election**

The Board may consider a combination of Options 1 and 2 to fill the vacancy. The Board may appoint a Supervisor to serve until a special election is held. With this option, the processes described under both options 1 and 2 above would be followed concurrently. The appointed Supervisor would serve until the special election, at which point the elected Supervisor would take office to serve the remainder of the unexpired term.

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Lastly, the Board could consider a hybrid option that provides the ability to make a permanent appointment (Option 1), and if a permanent appointment is not made, then the Board could immediately consider applicants for an interim appointment and call a Special Election (Option 3).

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the Community Initiative of the County of San Diego's 2025-2030 Strategic Plan by inspiring civic engagement by providing information, programs, public forums or other avenues that increase access for individuals or communities to use their voice, their vote, and their experience to impact change.

Respectfully submitted,



EBONY SHELTON
Chief Administrative Officer

ATTACHMENT(S)

Attachment A – Proposed Application Packet (if the Board chooses to fill the vacancy by appointment)

Attachment B – Resolution Calling a Special Election