



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: March 15, 2022 and March 22, 2022

TO: Board of Supervisors

COSD CLERK OF THE BOARD
2022 MAR 7 AM 8:16

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SUBJECT

FILLING THE VACANCY OF THE SAN DIEGO COUNTY ELECTIVE OFFICE OF SHERIFF – APPLICANT INTERVIEWS (DISTRICTS: ALL)

OVERVIEW

On January 19, 2022, the Board of Supervisors was notified that County Sheriff William D. Gore would be resigning from his office effective February 3, 2022. Mr. Gore has dedicated over 50 years of his life to public service in the area of public safety, including as the head of San Diego's County Sheriff's Department since 2009. County government and the people we serve are losing a loyal public official who dedicated himself to public safety and the sound management of the Sheriff's Department.

The San Diego County Charter states that the Board of Supervisors has the power to fill, by appointment, any vacancy that occurs in an elective County office other than a member of the Board of Supervisors and that the appointee shall hold office until the election of a successor. Board Policy A-105, "Process to Fill Vacancies of Elected Offices other than Board of Supervisors," details the process to fill vacancies of elected offices other than the Board of Supervisors, and in accordance with A-105, applications will be accepted to fill the position of Sheriff. The Board will conduct up to two public hearings and will appoint an individual to complete the current term of office which ends in January 2023.

On February 8, 2022 (10), the Board approved the form of notice, the application, and set the deadline for acceptance of applications. Today, March 15, 2022, the Board will conduct the first public hearing during which the Board will select no more than five (5) finalists from among those who have applied. If necessary, on March 22, 2022, a second public hearing will take place during which the Board will make a final selection from among the finalists.

Board Policy A-105 states that the person so appointed shall be prepared to formally assume the office not later than twenty (20) business days following the selection by the Board of Supervisors.

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**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

On March 15, 2022

1. Conduct a public hearing and hear from each of the applicants.
2. Select no more than five (5) finalists from among those who have applied.

If necessary,

On March 22, 2022

1. Conduct a public hearing and hear from each of the finalists.
2. Select and appoint one of the finalists to serve as and complete the current term of the County office of the Sheriff, contingent upon passing the County's standard medical exam.

EQUITY IMPACT STATEMENT

Today's proposed action seeks continue the process for filling the vacancy of the elected office of the County of San Diego Sheriff. The Sheriff's Department provides law enforcement services that aim to protect everyone's right to life and security of person. This includes approximately one million diverse county residents spanning the nearly 4,500 square miles of service area, nine contract cities, the Grossmont/Cuyamaca Community College District, seven court facilities throughout the county, and 18 Indian reservations, in addition to the approximately 5,000 individuals that are in custody per day. Ensuring public safety requires positive engagement, proactive involvement, and genuine connection with the diverse communities and residents being served. Therefore, the selection process for the filling of the vacancy of the San Diego County elected office of Sheriff will ensure the department is led by an individual that will guide the department as it strives for equitable outcomes in our county and guarantees that law enforcement services work in tandem with all communities and across County departments, toward reducing crime, repairing harm, safely diverting individuals in crisis or with other care needs to the appropriate systems of care, and improving the quality of life throughout the entire jurisdiction. There will be several opportunities for community engagement via public comment during the public meetings that are scheduled for March 15 and March 22, 2022.

FISCAL IMPACT

There is no fiscal impact as a result of the recommended actions. The position is budgeted in the Department of the Sheriff.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

San Diego County Charter, Section 500.2, provides that the Board has the power to fill, by appointment, any vacancy that occurs in an elective office. The appointee holds office until the election and qualification of a successor. The successor is elected at the next statewide primary election, or at the next statewide primary and general elections, to complete the term, if it does not

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expire the following January, or to begin a new term of office. The next statewide primary election is set for June 2022. The June 2022 ballot will include the office of County Sheriff for a new four-year term. That new four-year term will commence in January 2023. Therefore, should the Board of Supervisors appoint a person to fill this vacancy, such appointee would serve through January 2023 which would complete the current term of office prior to the elected successor assuming office.

On February 8, 2022 (10), the Board determined that the procedures outlined in Board Policy A-105 shall be followed to fill the vacancy of the County Sheriff, established the deadline for acceptance of applications and set, in accordance with the policy, March 15, 2022 and March 22, 2022 as the dates the Board of Supervisors will consider and vote on the applicants. Additionally, in consideration of the COVID-19 pandemic and to provide equitable access, the Board waived the requirement in Section 2 of Board Policy A-105 that required applicants to personally appear to obtain the application forms and allowed applicants to access the application forms online. However, applicants were still required to file their completed application forms in person in order for the Clerk to verify completeness. All applicants were 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, and any other qualification required by law.

In accordance with Board Policy A-105, the application form included the following that are allowable by law:

- (a) Full name, residence address for the past five (5) years.
- (b) Current resume containing, as a minimum, all employment for the previous five (5) years.
- (c) A written statement outlining the qualifications of the applicant for that office (500 words maximum).
- (d) A written statement explaining the applicant's reasons for wishing to be appointed to the office.
- (e) A Statement of Economic Interests form of the type required to be filed by the incumbent of the public office for which appointment is to be made.

In order to be eligible for the position, any candidate must be a U.S. citizen and a registered voter of the County of San Diego at the time of application. Additionally, pursuant to Government Code Section 24004.3:

- (a) No person is eligible to become a candidate for the office of sheriff in any county unless, at the time of the final filing date for election, he or she meets one of the following criteria:
 - (1) An active or inactive advanced certificate issued by the Commission on Peace Officer Standards and Training.
 - (2) One year of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which

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shall have been accomplished within five years prior to the date of filing, and possesses a master’s degree from an accredited college or university.

(3) Two years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a bachelor’s degree from an accredited college or university.

(4) Three years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses an associate in arts or associate in science degree, or the equivalent, from an accredited college.

(5) Four years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a high school diploma or the equivalent.

(b) All persons holding the office of sheriff on January 1, 1989 shall be deemed to have met all qualifications required for candidates seeking election or appointment to the office of sheriff.

The Clerk of the Board provided to each applicant copies of pertinent State laws, County Ordinances, and policies 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 made copies of all submitted applications upon receipt during the filing period and distributed one copy to the office of each Supervisor for their review. Completed applications, with appropriate private and confidential information redacted, were also made available to the public upon delivery to the Board offices. All received applications were posted online after the filing deadline.

The Clerk of the Board of Supervisors received applications from the following individuals (in alphabetical order by last name):

1. Michael Barletta
2. Edwin Brock
3. Anthony Ray
4. Harold Turner

At the first hearing before the Board on March 15, 2022, 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

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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 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) Inform the finalists that the appointment of the successful applicant will be contingent on that applicant passing the County’s standard medical exam.

If a second hearing is necessary to make an appointment from a pool of finalists, the second hearing will be held during a Special Meeting on March 22, 2022, at 9 a.m. Each finalist shall make an oral presentation of no more than three (3) minutes.

After each finalist presentation, 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 fill the vacant office contingent upon passing the County’s standard medical exam. The person so appointed shall be prepared to formally assume the office not later than twenty (20) business days following the selection by the Board of Supervisors.

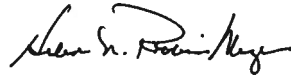
LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today’s proposed action to approve the process for filling the vacancy of the San Diego County elective office of Sheriff supports the Strategic Initiatives of Empower, Justice and Community in the County of San Diego’s 2022-2027 Strategic Plan by supporting safety for all communities

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through investing in the process to ensure a fair and equitable justice system led by the selected applicant.

Respectfully submitted,



HELEN N. ROBBINS-MEYER
Chief Administrative Officer

ATTACHMENT(S)

Attachment A – Applications Received