

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Process to Fill Vacancies on the Board of Supervisors

**Policy
Number**

A-39

Page

1 of 3

Purpose

To establish a procedure for appointment of Supervisors to fill vacancies on the Board of Supervisors which provides maximum citizen participation.

Background

In November 1982, voters approved changes to the County Charter which removed the power of the Governor to appoint a successor to fill a vacancy on the Board of Supervisors if the Board failed to do so. The Charter (Sec. 401.4) allows the Board of Supervisors to fill vacancies on the Board by appointment, by calling for a special election, or by a combination of the two.

Policy

It is the policy of the Board of Supervisors that: When a vacancy occurs on the Board of Supervisors the following procedures shall be followed to fill that vacancy:

1. Within seven business days of a vacancy on the Board of Supervisors the Board shall meet to determine the method by which it shall fill the vacancy. In the alternative, if the specific date of a Board vacancy is known prior to the effective date of the vacancy, the Board may meet during the period that is 20 business days prior to the effective date of the vacancy to determine the method by which it will fill the vacancy. At the meeting, the Registrar of Voters shall provide to the Board a report on the costs to hold a special election, a proposed schedule and a determination of the possibility of consolidating the special election with any other local or statewide election. If the Board decides to fill the vacancy by appointment, the Board shall, at that meeting, approve the deadline for acceptance of applications and determine dates for two public hearings and adopt any additional procedures governing the appointment process.

2. If the Board meeting to determine the method to fill the Board vacancy takes place after the vacancy, the deadline for filing of applications shall be no sooner than seven business days but no later than 10 business days from the date of the meeting where the Board has determined to fill the vacancy by appointment. If the Board meeting to determine the method to fill the Board vacancy takes place prior to the vacancy, the deadline for filing of applications shall be no sooner than seven business days but no later than 10 business days from the date of the meeting that the Board determined the method to fill the vacancy. Applications will be obtained and filed at the Office of the Clerk of the Board of Supervisors. All applicants must personally appear to obtain and file the

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Process to Fill Vacancies on the Board of Supervisors

**Policy
Number**

A-39

Page

2 of 3

required application forms. All applicants shall be required to provide to the Board by the filing deadline (1) a statement of qualifications; (2) affidavit of applications 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 the Supervisorial district in which the vacancy exists.

3. The application form will include the following:

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

The Clerk of the Board shall 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.

4. The Clerk 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.

5. The first hearing on all applicants shall be held no sooner than the day after the filing deadline and no later than seven days after filing deadline. Each applicant shall be given three minutes to make an oral presentation to the Board. After all applicants have made their presentation to the Board, the Chair shall allow each Supervisor to ask questions of any applicant. After presentation and question periods have been concluded, the Board

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Process to Fill Vacancies on the Board of Supervisors

**Policy
Number**

A-39

Page

3 of 3

shall, on written ballots provided by 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. The Clerk shall announce the results, itemizing each Supervisor's vote. The five 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). The Clerk shall announce the votes of each Board member after each round of balloting. Supervisors may also require each finalist to provide the Board with a medical certification, statement of economic interest, permission to conduct credit and criminal background checks and written responses to any questions of any applicant.

6. The second hearing shall be held not less than three days following the first hearing. Each finalist shall have ten (10) minutes to make oral presentations. After applicant presentations, the Chair shall allow each Board member to ask questions of the applicants. At the conclusion of the question period, the Board 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. The Clerk shall announce the vote of each Board member after each round of balloting. Whenever any applicant receives three (3) or more votes, the Chair shall declare that 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.

Sunset Date

This policy will be reviewed for continuance by 12-31-28.

References

B/S Action 4-29-75 (82)
B/S Action 5-24-83 (10)
B/S Action 9-27-88 (60)
B/S Action 9-26-00 (16)
B/S Action 6-12-07 (14)
B/S Action 12-09-08 (33)
B/S Action 10-28-14 (21)
B/S Action 10-19-21 (19)

CAO Reference

1. Clerk of the Board of Supervisors