

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject	Policy Number	Page
Process to Fill Vacancies of Elected Offices other than Board of Supervisors	A-105	1 of 3

Purpose

To establish a procedure for appointment of Elected County Officers other than Supervisors for which the Board of Supervisors has the power to fill the vacancy and which provides an open process allowing for citizen participation.

Background

Charter of the County of San Diego, 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 successor. The successor is elected at the next primary election, or at the next primary and general elections, to complete the term, if it does not expire the following January, or to begin a new term of office.

Policy

It is the policy of the Board of Supervisors that when a vacancy occurs in an elected office, other than a member of the Board of Supervisors, the following procedures shall be followed to fill that vacancy:

1. The Board of Supervisors (Board) shall approve the deadline for acceptance of applications and determine dates for two public hearings and adopt any additional procedures governing the appointment process. The Board shall also approve the form of notice the Clerk of the Board of Supervisors (Clerk) is to advertise for the position, including newspaper advertisements and news releases.
2. Applications will be obtained and filed with the Clerk. All applicants must personally appear to obtain and file the required application forms. All applicants shall be required to provide to the Clerk 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.

The application form will include the following:

- (a) Full name, residence address for the past five years.
- (b) Current resume containing, as a minimum, all employment for the previous five years.
- (c) Date and place of birth.

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject	Policy Number	Page
Process to Fill Vacancies of Elected Offices other than Board of Supervisors	A-105	2 of 3

- (d) A written statement outlining the qualifications of the applicant for that office (500 words maximum).
- (e) A written statement explaining the applicant's reasons for wishing to be appointed to the office.
- (f) 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.

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

Supervisors may also require each finalist to authorize conducting a standard medical exam, give permission to conduct credit and criminal background checks, and provide written responses to any questions of any applicant.

3. 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.
4. At the first hearing before the Board, 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.
5. After the presentation and question period has been concluded, the Board shall vote, on written ballots provided by the Clerk. 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 qualifying 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 shall 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 in paragraph 6, below. 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.

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject	Policy Number	Page
Process to Fill Vacancies of Elected Offices other than Board of Supervisors	A-105	3 of 3

6. If a second hearing is necessary to make an appointment from a pool of finalists, it shall be held at the date and time provided in the notice published by the Clerk. Each finalist shall be given three (3) minutes to make an oral presentation.

After each finalist presentation, the Chair shall allow each Supervisor to ask questions of the finalist. At the conclusion of the question period, the Board shall, on written ballots provided by the Clerk, 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 shall announce the vote of each Supervisor after each round of balloting.

Whenever any finalist 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 fill the vacant office. 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.

Responsible Departments

1. Clerk of the Board of Supervisors
2. County Counsel

Sunset Date

This policy will be reviewed for continuance by 12-31-24.

References

Board Actions:

- 5-6-86 (44)
- 3-3-92 (23)
- 9-29-92 (36)
- 5-11-04 (04)
- 12-09-08 (33)
- 10-30-12 (18)
- 11-14-17 (27)
- 10-30-18 (23)