



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

DATE: January 27, 2009, February 24, 2009 and March 3, 2009

TO: Board of Supervisors

SUBJECT: FILLING THE VACANCY OF THE SAN DIEGO COUNTY ELECTIVE OFFICE OF ASSESSOR/RECORDER/COUNTY CLERK (Districts: All)

SUMMARY:

Overview

The County Assessor/Recorder/Clerk resigned from his office effective December 31, 2008. On January 6, 2009, the Board determined that the process to fill the vacancy would be conducted in accordance with Board Policy A-105, and directed the Clerk of the Board to return in 30 days with a public hearing schedule, an application deadline, and the form of notice to advertise the position.

This action requires three steps: On January 27, 2009, the Board will approve the form of notice and application, and the deadline for acceptance of applications. On February 24, 2009, the Board will conduct the first public hearing during which the Board will select no more than five finalists from among those who have applied. On March 3, 2009, a second public hearing will take place during which the Board will make a final selection from among the finalists.

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

On January 27, 2009:

1. Approve the application packet for the position which includes the form of notice to advertise the position (Attachment A).
2. Set the application period to commence at 8:00 a.m. Wednesday, January 28, 2009, and to close at 5:00 p.m. Wednesday, February 18, 2009. Applications are available from and must be returned to the Clerk of the Board, by the close of the filing period. All applicants must personally appear to obtain and file the required application forms. Applications with required attachments must be completed fully for acceptance by the Clerk.
3. Require the following with respect to this application process:
 - a. Each finalist must provide written responses to any questions the Board may ask the finalists to prepare for the final hearing.

SUBJECT: FILLING THE VACANCY OF THE SAN DIEGO COUNTY ELECTIVE OFFICE OF ASSESSOR/RECORDER/COUNTY CLERK

- b. Each finalist must grant the County permission to conduct credit and criminal records background checks.
 - c. Inform the finalists that the appointment of the successful applicant will be contingent on that applicant passing the County's standard medical exam.
4. Set Tuesday, February 24, 2009 at 2:00 p.m. as the first hearing on all applicants.
 5. Set Tuesday, March 3, 2009 at 10:00 a.m. as the second hearing to consider finalists.

On February 24, 2009:

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.

On March 3, 2009:

1. Conduct a public hearing and hear from each of the finalists.

Select and appoint one of the finalists to serve as and complete the current term of the County office of the Assessor/Recorder/County Clerk contingent upon passing the County's standard medical exam.

Fiscal Impact

There is no fiscal impact as a result of the recommended actions. The position is budgeted in the Department of the County Assessor/Recorder/County Clerk.

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 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 expire the following January, or to begin a new term of office. The next statewide primary election is set for June 2010. The June 2010 ballot will include the office of County Assessor/Recorder/County Clerk for a new four-year term. That new four-year term will commence on January 3, 2011. Therefore, should the Board of Supervisors appoint a person to fill this vacancy, such appointee would serve through January 3, 2011, which would complete the current term of office prior to the elected successor assuming office on January 3, 2011.

On January 6, 2009, the Board determined that the procedures outlined in Board Policy A-105 shall be followed to fill the vacancy of the County Assessor/Recorder/County Clerk.

In accordance with Policy A-105, on January 27, 2009, the Board of Supervisors is asked to approve the deadline for acceptance of applications and determine dates for two public hearings. The Board is also asked to approve the form of notice the Clerk is to advertise for the position.

SUBJECT: FILLING THE VACANCY OF THE SAN DIEGO COUNTY ELECTIVE OFFICE OF ASSESSOR/RECORDER/COUNTY CLERK

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 required application forms. 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, 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.
- (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 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.

The Clerk of the Board will make copies of all completed application forms at the close of each business day during the filing period. These will be consolidated into a packet, three (3) copies of which shall be distributed to the office of each Supervisor the morning of the next business day for their review. These packets will also be made available to the media after delivery to the Board offices.

At the first hearing before the Board on February 24 at 2:00 p.m., each applicant shall be given three 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.

After the presentation and question period has been concluded, the Board 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, publicly recording 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

SUBJECT: FILLING THE VACANCY OF THE SAN DIEGO COUNTY ELECTIVE OFFICE OF ASSESSOR/RECORDER/COUNTY CLERK

applicants tied for a remaining finalist(s) position(s). The Clerk shall announce the votes of each Board member after each round of balloting.

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.

The second hearing will be held on March 3, 2009 at 10:00 a.m. Each finalist shall make an oral presentation.

After applicant presentations, the Chair shall allow each Board member to ask questions of the applicants. 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 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 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.

ATTACHMENT(S)

Attachment A - Application Packet with Application
Attachment B - Communication Plan to Fill the Vacancy

Respectfully,



Chief Administrative Officer/County Clerk

WALTER F. EKARD
Chief Administrative Officer

SUBJECT: FILLING THE VACANCY OF THE SAN DIEGO COUNTY ELECTIVE
OFFICE OF ASSESSOR/RECORDER/COUNTY CLERK

AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW	<input checked="" type="checkbox"/> Yes	
Written disclosure per County Charter §1000.1 required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
GROUP/AGENCY FINANCE DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
CHIEF FINANCIAL OFFICER	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
COUNTY TECHNOLOGY OFFICE	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
DEPARTMENT OF HUMAN RESOURCES	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A

Other Concurrence(s): N/A

ORIGINATING DEPARTMENT: Clerk of the Board of Supervisors

CONTACT PERSON(S):

David Hall, Assistant Clerk of the Board

Name

619 531 5432

Phone

Fax

Mail Station

E-mail

Name

Phone

Fax

Mail Station

E-mail

AUTHORIZED REPRESENTATIVE:

Thomas J. Pastuszka
Executive Officer/Clerk of the Board

SUBJECT: FILLING THE VACANCY OF THE SAN DIEGO COUNTY ELECTIVE
OFFICE OF ASSESSOR/RECORDER/COUNTY CLERK

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

January 6, 2009 – Filling the Vacancy of the County Assessor/Recorder/Clerk

BOARD POLICIES APPLICABLE:

A-105 – Process to Fill Vacancies of Elected Offices other than the Board of Supervisors

BOARD POLICY STATEMENTS:

N/A

CONTRACT AND/OR REQUISITION NUMBER(S):

N/A