



County of Santa Clara

Policy Name: Policy Establishing the Board's Intended Process for Filling a Vacancy on Board of Supervisors or in Another County Elected Office - Board

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Policy Type: Board

Category: Board Operations

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2.2 POLICY ESTABLISHING THE BOARD'S INTENDED PROCESS FOR FILLING A VACANCY ON BOARD OF SUPERVISORS OR IN ANOTHER COUNTY ELECTED OFFICE (Amended 6-22-04; Amended 8-3-04)

2.2.1 Background and Purpose

On several occasions over the years, a member of the Board of Supervisors or an incumbent in one of the other elected county offices has vacated his or her office prior to the expiration of the term. In such circumstances the Board must address the manner in which the vacancy is filled. The purpose of this document is to establish how the Board will address such situations when they arise in the future, to provide the broadest range of available options and to meet legally imposed deadlines for action.

2.2.2 Procedures When a Vacancy Occurs

When a member of the Board of Supervisors or an incumbent in one of the other elected county offices vacates his or her office prior to the expiration of the term, the following steps shall be taken:



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- (A) Notification and Placement on Agenda. When the Clerk of the Board becomes aware of a vacancy in any of the county elected offices (Supervisor, Assessor, District Attorney, or Sheriff), he or she shall immediately provide written notice to all Members of the Board, the County Executive, and the County Counsel. The Clerk shall also, after consulting with the County Counsel regarding appropriate wording, place an item on the Board's next regular meeting agenda which will allow the Board to discuss the vacancy and determine the steps that will be taken to fill the vacancy. If the next scheduled meeting of the Board of Supervisors is more than 10 days after the effective date of the vacancy, then the Clerk shall consult with the Chair of the Board and the County Counsel regarding whether a special meeting of the Board should be scheduled to consider the vacancy.
- (B) Consideration at Initial Meeting. At the initial Board meeting when the vacancy is considered, or at a later meeting to which the Board has continued the item, the Board shall make the following determinations:
- (1) Board Vacancy. If the vacancy is on the Board of Supervisors, the Board shall determine whether to call for an election or to fill the vacancy by appointment.
- (a) Appointment where a successor has already been elected. If a successor for the following term has already been elected, the Board may appoint the successor to fulfill the term of the vacating incumbent before the successor assumes the office for his or her elected term.
- (b) Appointment where no successor has been elected. If the Board elects to fill the vacancy by appointment, and no



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successor to the office has been elected for the following term, the Board shall set the date for the meeting when the appointment will be made, and the procedure set forth in section (C) below shall be followed unless the Board chooses an alternate procedure. The date for making the appointment, or for calling for the election, shall be no later than the 45th day following the effective date of the vacancy. The Board may specify application requirements in addition to those set forth in this policy, for example, requiring all applicants to provide written responses to specific questions.

- (2) *Vacancy in Another Office.* When the vacancy occurs in an office other than Supervisor, the Board shall set a date for making the appointment. The Board may specify application requirements in addition to those set forth in this policy. The Board shall also call for the election required under the Charter at the time required. The following process shall be used:

(C) *Process for Making Appointment.*

- (1) *Notice.* The Board shall instruct the Clerk to promptly publicize the vacancy and solicit applications from among qualified persons via notices published at least twice in a newspaper or newspapers of general circulation in the County. The County's Public Information Officer may be directed to pursue additional methods of publicizing the vacancy and the appointment process. The notice shall include the deadline for submitting applications, the application requirements, the date at which the Board will conduct any interviews, and the date when the next election for the position will be held. The deadline for



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submitting applications shall be no later than 5 p.m. on the 7th day prior to the date selected by the Board for interview and possible appointment.

- (2) *Applications.* Applications shall be submitted to the Clerk of the Board, and shall become available to the public upon request once received by the Clerk. The Clerk shall provide all Board members with copies of each application as soon as possible after receipt. Applications shall consist of the applicant's resume, any other written documents he or she wishes to submit, and any other material specified by the Board of Supervisors at the time the Board called for applications.
- (3) *Selection for Interview.* No later than 5 p.m. on the 5th day prior to the day selected by the Board for interviews and possible appointment, each Board member shall notify the Clerk in writing of the individuals that Board member wishes to interview for the position. The Clerk will compile a list of each Board member's requests, and based upon the list will notify those persons whom two or more Board members wish to interview that they will be interviewed on the selected date. The list is a public document. Persons to be interviewed will be notified at least 48 hours prior to the scheduled interview. The Clerk will notify all other applicants that they will not be interviewed.
- (4) *Interview Process.* At the Board meeting where the interviews will be conducted, all candidates will be publicly questioned by the Board concerning their qualifications for the position. Each candidate will first be allowed to make a two-minute opening statement; the statements shall be made in alphabetical order.



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Following the opening statements, Board members will ask questions of each candidate. The opportunity to ask questions will initially rotate from District One to District Five. After that, any Supervisor may ask questions as he or she wishes. After completion of the interviews and questions by Board members, the public shall have the opportunity to address the Board concerning the appointment. The time allotted for each speaker shall be determined by the Chair.

- (5) *Appointment.* After completion of the interviews, public comment, and Board discussion, the Board may make an appointment based upon majority vote. The Board may continue the matter to a subsequent regular or adjourned meeting prior to voting.

This section of the Board Policy Manual, in its original format, can be found at <http://www.sccgov.org/sites/bos/Legislation/BOS-Policy-Manual/Documents/BOSPolicyCHAP2.pdf>.

Related Policies

None.

Related Forms and Information

None.

History

Date	Changes Made
1/23/2014	Policy Uploaded. (John Myers)



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8/3/2004	Policy Amended. View legislative file.
6/22/2004	Policy Adopted. View legislative file.