



Legislation Text

File #: 07-1977, **Version:** 1

Chief Administrative Office recommending an amendment to the El Dorado County Charter be placed on the June 2008 ballot specifying methods by which a vacancy in the office of supervisor can be filled within the last year of a supervisor's term as recommended by the 2006-2007 Grand Jury. Background: On September 13, 2006 the 2006-07 Grand Jury issued report GJ 06-019 recommending two amendments to the County Charter pertaining to vacancies in the office of supervisor. The Grand Jury's recommendations were as follows:

1. Amend Section 203 of the El Dorado County Charter to include its own criteria, which goes beyond California Government Code, Section 1770 (g), in defining standards on when a vacancy occurs for failure to discharge duties of the office.
2. Amend Section 203 of [the] El Dorado County Charter to provide a different method, rather than a special election, by which a supervisor vacancy can be filled within the last year of a supervisor's term.

The Board of Supervisors' initial response to these recommendations, adopted on December 5, 2006, noted that a Charter Review Committee would be formed to study these recommendations and if appropriate, provide the Board with proposed Charter amendments for placement on the June, 2008 ballot. The original response also called for the Chief Administrative Officer to report back to the Board within three months of the response with information regarding filing deadlines, budget and composition of a Charter Review Committee.

On March 6, 2007 the Board directed the Chief Administrative Officer and County Counsel to draft an amendment to the County Charter addressing the expedient replacement of a member of the Board of Supervisors.

Reason for Recommendation: California Government Code Section 1770 outlines the events causing a vacancy in office. Section 1770(g) states that an incumbent vacates an office upon "His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law." A copy of Government Code Section 1770 is attached.

The Chief Administrative Office notes that of all the counties surveyed by the 2006-07 Grand Jury for report GJ 06-019, none of the county charters contain a provision "which goes beyond California Government Code, Section 1770 (g), in defining standards on when a vacancy occurs for failure to discharge duties of the office." The Chief Administrative Office recommends that the Board not deviate from the California Government Code.

Section 203 of the County Charter requires a vacancy in the office of supervisor to be filled by election. Vacancies occurring within 90 to 120 days before a regularly scheduled election must be consolidated with the regularly scheduled election. Vacancies occurring more than 120 days before,

or less than 90 days before a regularly scheduled election must be filled by special election. A copy of section 203 of the County Charter is attached.

The proposed Charter amendment requires a vacancy to be filled by election if the vacancy occurs within the first two years of a supervisor's term. The amendment also expands the window of opportunity to consolidate a special election with a general election from four months to six months. If the vacancy occurs during the second two years of a supervisor's term, the Board has two options. 1) A special election may be called, or 2) the remaining Board members may fill the vacancy by unanimous appointment. If the Board does not call a special election or fill the vacancy by appointment within 30 days, the vacancy would be filled by appointment of the Governor.

Action to be taken following Board approval: The Elections Department will prepare the Charter amendment for the June 2008 ballot.

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