



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

County Manager's Office

DATE: September 1, 2009
BOARD MEETING DATE: September 15, 2009
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: None

TO: Honorable Board of Supervisors
FROM: David S. Boesch, County Manager
SUBJECT: 2008-09 Grand Jury Response

RECOMMENDATION:

Accept this report containing the County's responses to the following 2008-09 Grand Jury report: Appointment vs. Election: How Should the Board of Supervisor Seats Be Filled? Report.

BACKGROUND:

Accepting this report contributes to the Shared Vision 2025 outcome of a Collaborative Community by ensuring that residents are informed about and engaged in the governance of the County and the process of selecting elected government officials. This activity contributes to this outcome by ensuring that all Grand Jury findings and recommendations are thoroughly reviewed by the appropriate County departments and that, when appropriate, process improvements are made to improve the quality and efficiency of services provided to the public and other agencies.

DISCUSSION:

The County is mandated to respond to the Grand Jury within 90 days from the date that reports are filed with the County Clerk, and Elected Officials are mandated to respond within 60 days. To that end, attached is the County's response to the Grand Jury report titled *Appointment vs. Election: How Should the Board of Supervisor Seats Be Filled?*, issued on June 24, 2009.



Appointment vs. Election: How Should the Board of Supervisor Seats Be Filled? Report

Findings:

Staff acknowledges and provides the following in response to the Grand Jury's findings. However, there is one inaccuracy with Finding 1b, which states that half the registered voters in the State and 49% of the registered voters in San Mateo County vote permanently by mail. Per the County Elections Office, about 34% of registered voters statewide are permanent vote-by-mail voters and 43% of voters in San Mateo County choose to vote by mail in every election. The Elections Office has clarified that half of the state and county voters, on average, vote by way of mail ballots.

Recommendations:

The Grand Jury recommends that the San Mateo County Board of Supervisors place a ballot measure for the next available general election giving voters a choice on whether to amend the County Charter such that:

1. Elections shall be called to fill a vacated supervisorial seat if the term remaining is one year or more.

Response: Agree in part. The county agrees with the concept that the time remaining in a supervisorial seat needs to be taken into consideration when determining if an appointment or special election should occur to fill the vacated seat. However, the County is unsure if the remaining time should be one year, two years, or any specific amount of time. A Charter Review Committee will be convened in 2010. This recommendation and other alternatives will be forwarded to the committee for their consideration.

2. If the term for the vacated seat is less than one year, a provisional appointment should be made in which the appointee is prohibited from running for the seat to which s/he was appointed during the next election cycle.

Response: Agree in part. The person appointed by the Board should be the one who is determined to be the most qualified applicant to fill the seat. There are concerns that eliminating their chances to continue serving in this position may not be in the best interests of the County. There are also concerns that a provisional appointee may not represent the best long-term interests of the district and may not engage in collaborative discussion. This recommendation will be forwarded to the Charter Review Committee for their consideration.

3. When supervisorial vacancies by special election, mail-only ballots are allowed.

Response: Agree in part. County Counsel will conduct a thorough review of the state legislation to verify if the County Charter can be changed to include mail-only ballot special elections to fill a partial-term supervisorial vacancy. If state legislation allows this to occur, this recommendation will be forwarded to the Charter Review Committee for their consideration.