

2.0 POLICIES RELATING TO THE BOARD OF SUPERVISORS

2.1 SELECTION OF THE BOARD CHAIRPERSON AND VICE-CHAIRPERSON (Adopted 6-13-95; Amended 11-3-15)

It is a policy of the Board of Supervisors to select the Board Chairperson and Vice-Chairperson on a rotation basis. The selection is made by individual Supervisor and not simply a rotation by Supervisorial District. New Supervisors – those with less than one year in the seat – are generally exempt from serving as Chairperson or Vice-Chairperson during their first year, but they may be considered for both positions during the following year of their tenure on the Board.

Selection is generally made on a seniority basis and takes into account the number of years the member has not served as Chairperson while serving as a member of the Board. Generally, the member who is selected to serve as Vice-Chairperson is the Supervisor who is expected to assume Chairperson functions the following year after the completion of their tenure as Vice-Chairperson. While the Chairperson and Vice-Chairperson are formally nominated and elected on an annual basis, pursuant to the procedures set forth above, it is the custom and practice of the Board to select its Chairperson and Vice-Chairperson for two successive, consecutive years in order to provide for continuity and efficiency of Board operations.

Flexibility underlies this policy, and the policy does not attempt to formalize what constitutes a first year exemption; i.e., the Board may wish to consider a Supervisor for the position of Chairperson or Vice-Chairperson even if the member has served less than a full calendar year during his or her first year on the Board. Further, circumstances may require the Board to appoint a Chairperson or Vice-Chairperson with less than one year's service on the Board if at some future point the County Board of Supervisors experience a high rate of turnover and three or more newly elected or appointed members become Supervisors.

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:

- (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 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 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. 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.

2.3 TRAVEL OF THE BOARD OF SUPERVISORS (Revised July, 2003)

Based on the large size of the Travel Policy, please see July 2003 Santa Clara County Travel Policy Desk Reference Manual and Ordinance No. NS-300.707 adopted (final) on March 25, 2003, which can be obtained in the Office of the Clerk of the Board of Supervisors Records Division or the Finance Agency, Administrative Office.

2.4 DISCLOSURE OF PUBLIC OFFICIALS' CALENDARS (Adopted 8-13-13; Amended 9-10-13)

- (A) Calendars prepared and maintained in the ordinary course of business by members of the Board of Supervisors (Board) shall be posted to each Board member's website every Wednesday by 5:00 p.m. for the previous Monday through Sunday. In weeks when an official County holiday falls on a Wednesday, the deadline shall be extended to Thursday at 5:00 p.m.
- (1) Board members shall include all scheduled County-related appointments on their calendars, including regular and special Board, committee, and task force meetings; public events; speaking engagements; and meetings with constituents, developers, consultants, and lobbyists. Board members are encouraged to record unscheduled County-related meetings of a material nature.
 - (2) For each County-related appointment, Board members shall record the name(s), title(s), and affiliated organization(s) of scheduled attendees and a general statement of the topic of the scheduled meeting. The following information may be excluded:
 - (a) Personal appointments and personal travel;
 - (b) Information protected by the attorney-client privilege;
 - (c) Information protected by the attorney work product privilege;
 - (d) Information identifying persons who are subjects of County staff recruitment;
 - (e) Information identifying County employees involved in personnel issues;
 - (f) Information regarding efforts to recruit County staff for outside employment;

- (g) Information related to criminal investigations and security;
 - (h) Information identifying specific whistle-blowers;
 - (i) Information identifying individuals who may reasonably fear retaliation;
 - (j) Information that is otherwise protected or prohibited from disclosure; and
 - (k) Identities of individual attendees at events such as luncheons, dinners, conferences, seminars, and community meetings that Board members understand may be attended by more than ten persons or by persons whose identities are unknown.
- (B) Calendars prepared and maintained by other County officials may be made available to the public at these officials' discretion. A discretionary decision by one County official to waive exemptions to disclosure and to provide information from his or her calendar in response to a California Public Records Act request shall not be deemed to waive these exemptions with respect to other requests for calendars for different time periods, or for the calendars of other County officials.

2.5 APPROVAL OF CEREMONIAL COMMENDATIONS AND PROCLAMATIONS (Adopted 8-26-14)

- (A) The Board of Supervisors may adopt ceremonial commendations or proclamations acknowledging individuals, organizations, or events.
- (B) Ceremonial commendations or proclamations become official commendations or proclamations of the Board of Supervisors only upon their approval by a majority of the Board in an open and public meeting of the Board in accordance with Government Code section 54950 et seq.
- (C) A majority of the members of a legislative body shall not, outside an open and public meeting as described in subdivision (B), use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any ceremonial commendation or proclamation.
- (D) To facilitate the timely presentation of a ceremonial commendation or proclamation approved by the Board of Supervisors at an open and public meeting as described in subdivision (B), members of the Board may sign the commendation or proclamation before that meeting. Any signature by a member on a ceremonial commendation or proclamation before the Board has considered that commendation or proclamation at such a meeting does not communicate any comments or position of the Board member with respect to the commendation or proclamation. Instead, the signature shall be deemed to be equivalent to "attendance at a purely social or ceremonial occasion" until and unless a majority of the Board has approved the ceremonial commendation or proclamation at an open and public meeting as described in subdivision (B).

