

REPORT SUMMARY

GJ06-019

The Grand Jury's attention was directed to the issue of filling the a vacancy on the El Dorado County Board of Supervisors. El Dorado County is one of 14 charter counties in California, the other 45 are General Law Counties. The difference between the two are the laws that regulate them. Charter counties (eg. El Dorado County) follow the county law format. Charter counties operate under the direction of an elected supervisory, that serves both legislative and executive management functions. The board also oversees county officials and establishes fiscal matters.

A review of the El Dorado County Charter, along with other county charters, revealed differences in the proscribed manner of filling vacancies. This report illustrates differences and makes several recommendations.

TABLE OF CONTENTS

| | PAGE |
|---|-------------|
| REPORT SUMMARY..... | i |
| TABLE OF CONTENTS..... | ii |
| LETTER TO THE JUDGE FROM FOREMAN..... | iii |
| JUDGE'S LETTER TO THE GRAND JURY..... | iv |
| EL DORADO COUNTY GRAND JURY..... | v |
| | |
| EL DORADO COUNTY CHARTER AMENDMENT..... | 1. |
| GJ06-019 MID-TERM REPORT | |
| | |
| APPENDIX I. CALIFORNIA COUNTY CHARTER | 4. |
| APPROACHES TO VACANCIES | |
| | |
| APPENDIX II. CALIFORNIA COUNTY GOVERNMENT.. | 11. |
| CODE SECTION 1770 | |
| | |
| ATTACHMENT: NOTICE TO RESPONDENTS..... | 13. |

STATE OF CALIFORNIA
EL DORADO COUNTY
POST OFFICE BOX 472
PLACERVILLE, CA 95667



GRAND JURY

Telephone (530) 621-7477
e-mail: grand.jury@co.el-dorado.ca.us
FAX: 530-295-0763

September 15, 2006

Honorable Jerold M. Lasarow
Superior Court 2 South Lake Tahoe
1354 Johnson Blvd
South Lake Tahoe, CA 96150

Honorable Judge Lasarow:

Enclosed is the first mid term report of the 2006-2007 grand jury. The report reflects the thoughts and input from many individuals and employees in the County of El Dorado. Advice was requested from the office of the County Counsel and the Board of Supervisor

Extensive research was accomplished with other Charter Counties in the State of California and the final product is one which this jury can be proud off.

We request that your Honor approves this report for release to the Board of Supervisor and to the public at large.

Thank you for your support and guidance in this matter

Respectfully submitted

A handwritten signature in black ink, appearing to read "Rene (Ray) Van Asten".

Rene (Ray) Van Asten
Foreman
2006-20076 Grand Jury

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF EL DORADO**

Criminal Division
1354 Johnson Boulevard, Suite 1
South Lake Tahoe, California 96150
(530) 573-3044
(530) 542-9102 Fax

JERALD M. LASAROW
JUDGE

September 18, 2006

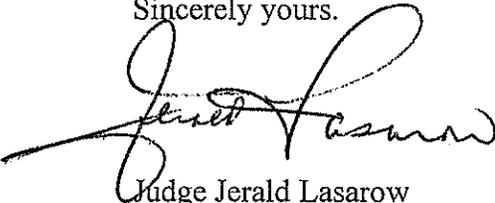
Grand Jury
Attention: Foreman Mr. Ray Van Asten

Re: Midterm report #GJ 06-019 Board of Supervisor Vacancy

Dear Mr. Van Asten

I have read and reviewed the above mentioned report. I approve of the report and its release.

Sincerely yours.

A handwritten signature in black ink, appearing to read "Jerald Lasarow". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Judge Jerald Lasarow
Supervising Judge of the 2006-2007 Grand Jury

**EL DORADO COUNTY
GRAND JURY MEMBERS**

2006-2007

Rene (Ray) Van Asten, Foreperson
Frederick (Fritz) Engel, Foreperson Pro-Tem

Charlotte M. Blaiser
Iris Capriola
Rita Clayton
Mary Ann Dante
Bill F. Jones
Harvey L. Marrow
Duane Matthews
Thelma Miller
Rosemary Mulligan
Jerome T. Pasto
Michael W. Powell
Robert Rowberg
Jane K. Sullivan
Allen Samson
William (Bill) Trinidad
Larry A. Williams
Harlan J. Yellen

Mailing Address:
El Dorado County Grand Jury
P.O. Box 472
Placerville, CA 95667

Email – grandjury@co.el-dorado.ca.us

Telephone:
(530) 621-7477
Fax:
(530) 295-0763

EL DORADO COUNTY CHARTER AMENDMENT
GJ 06-019
September 13, 2006

Reason for the Report

The Grand Jury observed, through media sources and communications with El Dorado County personnel, the difficulties in determining when a Board of Supervisor's vacancy occurs and the inefficiencies encountered in filling a vacancy. The Grand Jury believes that the El Dorado County Charter needs to be amended to impose an additional standard that supplements California Government Code, Title I, Division 4, Chapter 4, Article 2, Section 1770 (g) that defines when a Board of Supervisor's vacancy exists. In addition, the Grand Jury recommends that the El Dorado County Charter be amended to incorporate a more efficient and expedient replacement of a Supervisor when the vacancy occurs during the last year of a term.

Scope of Investigation

Members of the 2006-2007 Grand Jury met with several El Dorado County employees and members of the Board of Supervisors.

People Interviewed:

- El Dorado County Chief Administrative Officer
- Assistant Registrar, El Dorado County Registrar of Voters
- Systems Coordinator, El Dorado County Registrar of Voters
- Supervisor District I, El Dorado County
- Supervisor District II, El Dorado County
- Supervisor District III, El Dorado County
- Supervisor District V, El Dorado County
- El Dorado County Counsel

Documents Reviewed:

- California Charter Counties (Appendix I)
 - Alameda
 - Butte
 - El Dorado
 - Fresno
 - Los Angeles
 - Orange
 - Placer
 - Sacramento
 - San Bernardino
 - San Diego
 - San Francisco

San Mateo
Santa Clara

- California Government Code (Appendix II)
Title I, Division 4, Chapter 4, Article 2, Section 1770

Background

The current El Dorado County Charter, ratified 8 November 1994 and amended 4 November 2004 specifies:

Section 203. Filling of Vacancies.

Whenever a vacancy occurs in the office of supervisor, the unexpired term shall be filled by election. If the vacancy occurs more than 90 days but less than 120 days before a scheduled primary, general, or special election, involving the district in which the vacancy has occurred, then the election to fill the vacancy shall be consolidated with the scheduled election. If the vacancy occurs more than 120 or less than 90 days before a scheduled primary, general, or special election involving the district in which the vacancy has occurred, then the vacancy shall be filled at a special election called by the Board of Supervisors to take place not less than 90 nor more than 120 days after the vacancy occurs. The special election shall be conducted in accord with the provisions of general state law regarding special elections. The candidate with the highest number of votes shall be elected to fill the unexpired term.

[Amended by Charter Amendment ratified November 4, 2004, effective December 14, 2004, Stats. 2004, ch. 16].

Within Section 203 of the El Dorado County Charter, a vacancy is currently defined in the California Government Code, Section 1770 (g).

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.

Facts:

1. Vacancies on the Board of Supervisors / Pre-Charter (prior to 27 December 1994):
 - 1988-89 Resignation, replaced by Governor Appointment.
 - May 1990 Resignation, replaced by Special Election.
2. Vacancies on the Board of Supervisors / Post-Charter (effective 27 December 1994):
 - April 2003 Death in Office, replaced in Special Election.
 - July 2005 Resignation, replaced in Special Election.
 - July 2006 Vacated involuntarily {California Government Code, Section 1770(g)}, replacement by General Election.

3. Cost of Special Election

- The El Dorado County total cost for the July 2003 Special Election was \$43,068.28.

4. The Election Process

- The California Election Code Book is followed with the steps in a special election as follows:
 - a. The Board of Supervisors calls a special election, by passing a resolution and sending it to the Elections Department.
 - b. The Elections Department publishes that a position is open and the filing period which usually is 118 days to 88 days before the election.

5. A Special Charter Commission can be convened at anytime by the Board of Supervisors.

Findings/Recommendations:

1F. Finding: In the current El Dorado County Charter, Section 203, the word ‘vacancy’ is defined by the California Government Code. The Office of Supervisor becomes vacant because of death, resignation, recall, permanent disability or the inability of the respective officer to otherwise carry out the duties of the office. A supervisor’s failure to discharge duties represents a fiduciary breach to the citizens of El Dorado County. Recently, a Supervisor ceased to discharge the duties of office, making the office involuntarily vacant after three consecutive months under California Government Code, Section 1770 (g). The El Dorado County Charter does not include an additional standard for a shorter time limitation on the failure to discharge duties in office.

1R. Recommendation: 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.

2F. Finding: In the current El Dorado County Charter Section 203, the process for filling a vacancy at any time within the supervisor’s term requires a special election, unless occurring within a window of 120 days to 90 days of a scheduled election. This requirement is inefficient for a vacancy which occurs in the last year of a supervisor’s term. This inefficiency imposes cost due to required multiple elections within a year’s period. This requirement also creates an associated inefficiency in the political process by confronting potential special election candidates to make a trade off of campaign cost versus a few months in office for the effort.

2R. Recommendation: Amend Section 203 of 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.

A response is required by the Board of Supervisors within ninety (90) days.

Appendix I

California County Charter Approaches to Vacancies

Alameda

Sec. 8: Whenever a vacancy occurs on the Board of Supervisors, the Board of Supervisors shall fill the vacancy, provided that, if it shall fail to fill the vacancy within 60 days following its occurrence, the Governor shall fill the vacancy. The appointee shall hold office until the election and qualification of his/her successor. In such case there shall be elected at the next general election a supervisor to fill such vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

(Amendment ratified June 3, 1986. In effect August 22, 1986.)

Butte

Art. II, § 7 Vacancies.

Whenever a vacancy occurs in the board of supervisors, the governor shall fill such vacancy by appointment, and the appointee shall hold office until the election and qualification of his successor. Such election shall take place at the next general election at which county officers are elected. The person elected shall hold office for the remainder of the unexpired term.

El Dorado

202. Term of Offices.

The term of office of supervisor is four years. Board members shall be limited to two consecutive terms. No person elected supervisor may serve as such for more than two successive four year terms. Any person elected to the office of supervisor to complete in excess of two years of a four year term shall be deemed, for the purpose of this section, to have served one full term upon the expiration of that term. No person having served two successive four year terms may serve as a supervisor until at least four years after the expiration of the second successive term in office. Any supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purpose of this section, to have served a full four year term.

The above shall not disqualify any person from running for election to the Board of Supervisors for any term or terms which are not successive. The term of office commences at noon on the first Monday after the January 1st succeeding their election.

The supervisor for each of the First, Second and Third Districts shall be elected in 1996. The supervisor for each of the Fourth and Fifth Districts shall be elected in 1994.

[Amended by Charter Amendment ratified November 8, 1994, effective December 27, 1994; Stats. 1994, ch. 18]

Amended by Charter Amendment ratified November 4, 2004, effective December 14, 2004, Stats. 2004, ch.16]

203. Filling of Vacancies.

Whenever a vacancy occurs in the office of supervisor, the unexpired term shall be filled by election. If the vacancy occurs more than 90 days but less than 120 days before a scheduled primary, general, or special election, involving the district in which the vacancy has occurred, then the election to fill the vacancy shall be consolidated with the scheduled election. If the vacancy occurs more than 120 or less than 90 days before a scheduled primary, general, or special election involving the district in which the vacancy has occurred, then the vacancy shall

be filled at a special election called by the Board of Supervisors to take place not less than 90 nor more than 120 days after the vacancy occurs. The special election shall be conducted in accord with the provisions of general state law regarding special elections. The candidate with the highest number of votes shall be elected to fill the unexpired term.

[Amended by Charter Amendment ratified November 4, 2004, effective December 14, 2004, Stats. 2004, ch. 16]

Fresno

SECTION 8. Whenever a vacancy occurs in the Board of Supervisors, it shall be filled as follows:

(a) In the event such vacancy occurs in the final year of a term, it may be filled by the unanimous vote of the remaining members, provided there are at least three remaining members, and if they fail for a period for twenty-nine (29) days following the occurrence of such vacancy to make such an appointment, the Governor shall fill the vacancy.

(b) In the event such vacancy occurs other than in the final year of a term, the Board of Supervisors shall, without delay, call a special election to fill such vacancy to be held not less than seventy-five nor more than ninety days after the call, provided, however, if an election date as provided in Section 2504 of the Elections Code or similar state law falls not less than seventy-five nor more than one hundred twenty days after the call, such special election shall be consolidated with such election.

The person appointed or elected to fill such vacancy shall serve for the remaining unexpired term and until the election and qualification of his successor. A person appointed or elected must be a qualified elector of the district in which the vacancy occurs, must have been a resident of the territory therein for at least thirty (30) days immediately preceding the appointment, or immediately preceding the date of filing nominating papers or equivalent declaration of candidacy for the election for which he is a candidate, and must reside therein during his incumbency. (Amended November 3, 1992).

SECTION 8.5. In the event an election is held pursuant to Section 8 of this Charter to fill a vacancy in the Board of Supervisors and at such election no candidate receives a majority of all the votes cast and not less than eighteen months remains of said term of office from the date of the creation of such vacancy, a runoff election between the two candidates who have received the most votes shall be had as soon as may be legal and practical. (Amended June 8, 1976).

Los Angeles

Section 4. No person shall be elected and qualified for the office of member of the Board of Supervisors if such person has been elected or served in such office for three consecutive terms, commencing with a term of office which begins in December, 2002. The limitation on terms shall not apply to any unexpired term to which a person is elected or appointed if the remainder of the terms is less than one-half of the full term of office.⁹

Section 8. Whenever a vacancy occurs in the Board of Supervisors the Governor shall fill such vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case, a Supervisor shall be elected at the next general election, to fill the vacancy for the unexpired term, unless such term expires on the first Monday in December succeeding said election.

Orange

103. Filling of Vacancies.

Notwithstanding any other provision of law, whenever a vacancy occurs in the office of supervisor, the vacancy shall be filled as follows:

A. If the vacancy occurs in the first 1095 days of the term of office, the vacancy shall be filled by a vote of the electors of that district at a special election to be called by the Board of Supervisors not less than 56 days nor more than 70 days after the vacancy occurs. If the vacancy occurs within 180 days of a regularly scheduled election held throughout the supervisorial district, the election to fill the vacancy may be consolidated with that regularly scheduled election.

The person receiving the highest number of votes in that election shall fill the vacancy.

B. If the vacancy occurs within the final year of the term, the vacancy shall be filled by the person receiving the highest number of votes for Supervisor in that district in the March primary election that year. If that person for any reason does not assume the office for the remainder of the term, the Board of Supervisors is hereby authorized to appoint a person to fill the vacancy. If the Board of Supervisors does not make such an appointment within 30 days following the certification of the March primary election results or following the failure of that person to assume the office, whichever comes later, the Board of Supervisors shall call a special election to be held not less than 56 nor more than 70 days thereafter to fill the vacancy. The person receiving the highest number of votes in that special election shall fill the vacancy.

Placer

Sec. 206 Vacancies.

If a vacancy occurs on the Board of Supervisors, it shall be filled by the unanimous vote of the remaining members, and if they shall fail to make such appointment within thirty (30) days of the occurrence of any such vacancy, then such vacancy shall be filled by the Governor; provided that any appointment under this section shall be of a person who for at least thirty (30) days prior to his appointment has been a resident of the supervisorial district in which the vacancy exists.

Sacramento

SECTION 7. VACANCIES. For the purpose of this Section, a vacancy on the Board of Supervisors occurs whenever an incumbent files a resignation with the Clerk of the Board, dies, or becomes ineligible to hold the office for any reason. A resignation, once filed, may not be withdrawn. For the purpose of filling the vacancy pursuant to this Section, a resignation shall be deemed to cause a vacancy immediately on the date the resignation is filed, irrespective of whether a deferred effective date is specified in the resignation. Any such deferred effective date shall not be later than the 30th day following the date on which the resignation is filed. If a later date is specified, the resignation shall be deemed to be effective on the 30th day after the resignation is filed.

Whenever a vacancy occurs on the Board of Supervisors, it shall be filled as provided in this Section.

(a) If a vacancy occurs during the first 730 calendar days of a term of office, the vacancy shall be filled by a special election. Within ten days after the vacancy occurs, the Registrar of Voters shall select and announce a date for a special primary election and a date for a special run-off election to be used if a run-off election is necessary. The Registrar of Voters shall also select and

announce a final filing date for filing to be a candidate, which date shall provide for at least ten days advance notice thereof. The election dates selected shall be the earliest administratively feasible dates available; provided, that the date for the special primary election shall not be more than 60 days after the vacancy occurs and the special run-off election date shall not be more than 28 days after the special primary election date. Except as provided in this Section, the special election shall be conducted in accordance with State law applicable to regular supervisorial elections. If a candidate receives a majority of the votes cast at the special primary election, that candidate shall be elected for the remainder of the term of office. If no candidate receives a majority of the votes, the names of the two candidates receiving the most votes shall be placed on the ballot for the special run-off election at which the candidate receiving the most votes shall be deemed elected for the remainder of the term of office.

(b) If a vacancy occurs during or between the 731st and the 1,095th calendar days of a term of office, the vacancy shall be filled for the remainder of the term by appointment by the Board of Supervisors. If within thirty calendar days following the date on which the vacancy occurs an appointment has not been made, the vacancy shall be filled by special primary and run-off elections scheduled in accordance with the procedures and in the manner prescribed by paragraph (a), above; provided that the times within which the elections must be scheduled shall be 90 days after the vacancy occurs for the special primary election, and not more than 28 days after the special primary election for the special run-off election.

(c) If the vacancy occurs during or between the 1,096th and 1,399th calendar days of a term of office, the vacancy shall be filled by appointment by the Board of Supervisors. If the Board of Supervisors fails to make an appointment, the vacancy shall be filled by the person elected for the succeeding term at either the June primary or November general election, who shall serve both the remainder of the unexpired term and the next succeeding term for which the person was elected.

(d) If the vacancy occurs during or between the 1,400th and 1,460th calendar days of a term of office, the vacancy shall be filled by the person elected for the next succeeding term at the June primary or November general election, who shall serve both the remainder of the unexpired term and the next succeeding term for which the person was elected."

San Bernardino

SECTION 7. A supervisor may be removed from office in the manner provided by law. Any vacancy in the office of supervisor will be filled by appointment by majority vote of the remaining members of the Board from amongst the qualified electors of the supervisorial district in which such vacancy exists. The appointee shall hold office until the election and qualification of his successor. An election shall be held to fill the vacancy for the unexpired term at the next general election unless the term expires on the first Monday of December next succeeding the election. Nomination and election of a supervisor for the unexpired term shall be by district in like manner as hereinbefore provided for such officer. In the event the Board of Supervisors shall not appoint to fill a vacancy within a 30-day period, such appointment shall be made by the Governor.

San Diego

Section 401.4: In the event a vacancy occurs in the office of supervisor the remaining members of the Board shall within thirty (30) days of the vacancy fill the vacancy either by appointment for the unexpired term, by appointment until the qualification of a successor elected at a special

election or by calling a special election If the remaining members of the Board fail to fill the vacancy within such thirty (30) day period, the remaining members of the Board shall immediately cause a special election to be held to fill such vacancy. A special election to fill a vacancy in tie office of Supervisor shall consist of a special primary election and if necessary, a special general election. A special primary election shall be held in the Supervisorial district in which the vacancy occurred on a Tuesday, at least 56 days, but not more than 63 days, following the adoption of the resolution calling the special election, except that any such special primary election may be conducted within 180 days following the adoption of such resolution in order that the special primary election or special general election may be consolidated with the next regularly scheduled statewide election

Candidates at the special primary election shall be nominated in the manner set forth in the Elections Code for tie nomination of candidates for a nonpartisan office for a direct primary election, except that nomination papers shall not be circulated prior to the adoption of tie resolution calling the special election and shall be filed with the Registrar of Voters for examination not less than 39 days before the special primary election

If only one candidate qualifies for the special primary election, that candidate shall be appointed to the vacancy by the remaining members of the Board for the unexpired term, shall serve exactly as if elected to such vacancy, and no special primary election or special general election to fill the vacancy shall be held. A candidate who receives a majority of all votes in the special primary election is elected to fill the vacancy for the unexpired term, and no special election shall be held. In the event here are no more than two candidates for a vacancy, the office shall be voted upon at the special primary election, and no special general election shall be held.

When no candidate receives a majority of all votes in the special primary election, a special general election shall be held on the fourth Tuesday after the special primary election The two candidates who received the highest number of votes in the special primary election shall be the candidates in the special general election, and the one who receives the higher number of votes in the special general election is elected to fill the vacancy for the unexpired term.

In a special election to fill a vacancy in the office of supervisor, the Board may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail, provided that the special primary election or the special general election to be conducted by mail does not occur on the same date as the statewide election with which it Ins been consolidated. In no event may a special primary election or a special general election be conducted on the day after a state holiday. (Repealed and new Section 401.4 added, effective 12-17-82) (Amended, effective 8-7-86)

San Francisco

SEC. 13.101.5. VACANCIES.

(a) If the office of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, or Member of the Board of Supervisors, Board of Education or Governing Board of the Community College District becomes vacant because of death, resignation, recall, permanent disability, or the inability of the respective officer to otherwise carry out the responsibilities of the office, the Mayor shall appoint an individual qualified to fill the vacancy under this Charter and state laws.

(b) If the Office of Mayor becomes vacant because of death, resignation, recall, permanent disability or the inability to carry out the responsibilities of the office, the President of the Board

of Supervisors shall become Acting Mayor and shall serve until a successor is appointed by the Board of Supervisors.

(c) Any person filling a vacancy pursuant to subsection (a) or (b) of this Section shall serve until a successor is selected at the next election occurring not less than 120 days after the vacancy, at which time an election shall be held to fill the unexpired term, provided that (1) if an election for the vacated office is scheduled to occur less than one year after the vacancy, the appointee shall serve until a successor is selected at that election or (2) if an election for any seat on the same board as the vacated seat is scheduled to occur less than one year but at least 120 days after the vacancy, the appointee shall serve until a successor is selected at that election to fill the unexpired term.

(d) If no candidate receives a majority of the votes cast at an election to fill a vacated office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a municipal runoff election at the next regular or otherwise scheduled election occurring not less than five weeks later. If an instant runoff election process is enacted for the offices enumerated in this Section, that process shall apply to any election required by this Section.

(Added November 2001)

San Mateo

203, Vacancies

If a vacancy occurs on the Board of Supervisors, the Board shall, within 30 days of the effective date of the vacancy, either make an appointment or order the calling of a special election to fill the vacancy. If the Board does not make an appointment or call a special election within 30 days, the county officer responsible for conducting elections shall immediately order a special election to be called to fill the vacancy.

The special election shall be held not less than 102 days and not more than 131 days from the order called the election, except that it may be held on an election date regularly established by general law if that date falls within 270 days from the order calling the special election.

The election shall be conducted pursuant to the general law governing the direct primary so far as applicable, except the county officer responsible for conducting county elections may prescribe the periods for securing signatures in lieu of a filing fee, for circulating and filing nomination papers, for publishing the notice of election and for applying for absentee ballots. The candidate receiving the highest number of votes is elected for the remainder of the term.

Santa Clara

Section 203.2 Whenever a vacancy occurs in the office of supervisor, the vacancy shall be filled by appointment by the Board of Supervisors, or, alternatively, by an election called by the Board. If the appointment or call for an election is not made within 45 days from the occurrence of the vacancy, the Governor shall make the appointment.

If the Board calls for an election, the primary election date shall be within 120 days after the vacancy occurs and the date for the run-off, if necessary, shall be not more than 56 days thereafter. If a candidate receives a majority of the votes cast at the special primary election, that candidate shall hold office for the remainder of the term. If no candidate receives a majority of the votes, the names of the two candidates receiving the most votes shall be placed on the ballot for the run-off election at which the candidate receiving the most votes shall be elected to the office for the remainder of the term.

If the Board makes an appointment, the appointee shall hold office until the election and qualification of the successor. The election of a supervisor to fill an unexpired term shall be held at the next direct primary or general election in each even-numbered year, whichever occurs first. No such election shall be held within 180 days of the occurrence of the vacancy nor within the year preceding the year in which the term expires. The candidate having the highest number of votes shall be elected.

2 Section 203: Amended and ratified by the Voters November 2, 1982; November 4, 1986; November 5, 1996; June 2, 1998.

Tehama

Did not respond with a copy of their charter.

Appendix II

LEXSTAT CA GOV CODE 1770
DEERING'S CALIFORNIA CODES ANNOTATED
Copyright (c) 2005 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.

All rights reserved.

*** THIS DOCUMENT REFLECTS ALL URGENCY LEGISLATION ENACTED ***
THROUGH 2006 CH. 5, APPROVED 1/30/06 ***

GOVERNMENT CODE
TITLE 1. GENERAL
DIVISION 4. Public Officers and Employees
CHAPTER 4. Resignations and Vacancies
ARTICLE 2. Vacancies
GO TO CALIFORNIA CODES ARCHIVE DIRECTORY
Cal Gov Code 1770(2006)

§ 1770. Events causing vacancy in office

An office becomes vacant on the happening of any of the following events before the expiration of the term:

- (a) The death of the incumbent.
- (b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term. This subdivision shall not apply to offices created by the California Constitution nor to federal or state legislators.
- (c) His or her resignation.
- (d) His or her removal from office.
- (e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged.
- (f) His or her absence from the state without the permission required by law beyond the period allowed by law.
- (g) 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.
- (h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.
- (i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.
- (j) The decision of a competent tribunal declaring void his or her election or appointment.
- (k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.

(1) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

NOTICE TO RESPONDENTS

For the assistance of all Respondents, Penal Code Section 933.05 is summarized as follows:

How to Respond to Findings

The responding person or entity must respond in one of two ways:

1. That you agree with the finding.
2. That you disagree wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

How to Respond to Recommendations

Recommendations by the Grand Jury require action. The responding person or entity must report action on all recommendations in one of four ways:

1. The recommendation has been implemented, with a summary of the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
3. The recommendation requires further analysis. If the person or entity reports in this manner, the law requires a detailed explanation of the analysis or study and timeframe not to exceed six months. In this event, the analysis or study must be submitted to the officer, director or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Time to Respond, Where and to Whom to Respond

Depending on the type of Respondent, Penal Code Section 933.05 provides for two different response times and to whom you must respond:

1. **Public Agency:** The governing body of any public agency must respond within ninety (90) days. The response must be addressed to the Presiding Judge of the Superior Court.
2. **Elective Officer or Agency Head:** All elected officers or heads of agencies who are required to respond must do so within sixty (60) days to the Presiding Judge of the Superior Court, with an information copy provided to the Board of Supervisors.