

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

August 9, 2022

FROM

CURT HAGMAN, Chairman and Fourth District Supervisor, Board of Supervisors

SUBJECT

Vacancy of the Office of Assessor/Recorder

RECOMMENDATION(S)

1. Receive report regarding the process to fill the unanticipated vacancies of the Office of Assessor/Recorder.
2. Provide direction on the process for the appointment to fill the vacancy for the current unexpired term of Assessor/Recorder ending at 11:59 a.m. on January 2, 2023.
3. Determine if the vacancy for the next term of Assessor/Recorder, beginning at Noon on January 2, 2023, will be filled through an appointment that will occur between November 3, 2022 and March 3, 2023, or a special election that will be called by the Board of Supervisors between November 3, 2022 and March 3, 2023 and held on the next established election date.

(Presenter: Curt Hagman, Chairman and Fourth District Supervisor, 387-4866)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

There could potentially be the need for additional Discretionary General Funding (Net County Cost) dependent on the process chosen by the Board of Supervisors (Board) to fill the unanticipated vacancy. Future estimated costs, if any, will be determined based on the direction provided by the Board.

BACKGROUND INFORMATION

San Bernardino County's elected Assessor/Recorder, Bob Dutton, passed away on July 23, 2022. On June 7, 2022, Assessor/Recorder Bob Dutton was elected to a new term as Assessor/Recorder beginning at Noon on January 2, 2023. These events have caused a vacancy in the current term for Assessor/Recorder, which ends at 11:59 a.m. on January 2, 2023, and in the next term for Assessor/Recorder, which begins at Noon on January 2, 2023.

Under the timeframes in the San Bernardino County Charter, the Board's only options with respect to the remainder of Mr. Dutton's current term are to appoint a successor or leave the position vacant.

The vacancy for the next term will occur at the start of the next term on January 2, 2023. County Charter Section 306 states the Board "shall within 60 days of the effective date of the

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vacancy either appoint a replacement or call a special election.” Therefore, the special election for the next term can be called or an appointment made between November 3, 2022 and March 3, 2023.

If no appointment is made for the next term possible dates for a special election for the next term starting on January 2, 2023 are as follows:

1. If the Board makes an appointment for the next term, the person will serve until January 6, 2025 and the Board must call a special election to be held on November 5, 2024, to fill the remainder of Mr. Dutton’s next term. The special election will be a single-winner election with the candidate receiving the highest number of votes being elected.
2. If the Board decides to call a special election to fill the next term the special election shall be held on the next established election date that is no less than 130 days from the date that the special election is called (between November 3, 2022 and March 3, 2022). The special election can be a mail ballot election. Possible dates include:
 - May 2, 2023 (mail ballot election and only if the Board calls an election 130 days before that date)
 - August 29, 2023 (mail ballot election)
 - November 7, 2023 (in person election)

If the Board decides to fill the current term or the next term through appointment the Board can use a single application and single interview process to make both appointments, or the Board can use a separate application and interview process for each appointment. Under County Code section 12.0104, when making an appointment the Board shall provide direction on the following:

1. Set a date for making the appointment to fill the vacancy in Mr. Dutton’s current term that is on or before September 21, 2022.
2. Direct the Clerk of the Board of Supervisors to prepare an application form. The form must set forth any requirements for holding the Assessor’s office and specify whether the applicant must provide additional information or answer a questionnaire.
3. Set a date and time when the applications must be submitted to the Clerk of the Board.
4. Direct the Clerk of the Board of Supervisors to prepare and post a notice of vacancy.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Tom Bunton, County Counsel, 387-5455) on August 2, 2023; and County Administrative Office (Pamela Williams, Chief of Administration, 387-4811) on August 2, 2022; Finance (Matthew Erickson, Chief Financial Officer, 387-5423) on August 2, 2022.

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Record of Action of the Board of Supervisors
San Bernardino County

Public Comment: None

REC. NO. 1: RECEIVED REPORT

AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca Jr.

**REC. NO. 2: APPROVED AS AMENDED TO HAVE THE APPOINTMENT PROCESS
POSTED TO THE CLERK OF THE BOARD WEBSITE**

Moved: Dawn Rowe Seconded: Joe Baca, Jr.

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

**REC. NO. 3: MOTION TO FILL THE CURRENT UNEXPIRED TERM BY APPOINTMENT VIA
THE PROCESS ADOPTED IN RECOMMENDATION 2**

Motion/Second: Col. Paul Cook (Ret.)/Janice Rutherford

AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca Jr.

MOTION TO FILL THE NEXT TERM BY APPOINTMENT AT A DATE TO BE DETERMINED

Motion/Second: Janice Rutherford/Joe Baca, Jr.

AYE: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: August 9, 2022



cc: File - Assessor

JLL 08/16/2022