



San Bernardino County

Legislation Text

File #: 4501, Agenda Item #: 1

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

July 7, 2021

FROM

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

SUBJECT

Interview of Candidates for Appointment to the Office of Sheriff/Coroner/Public Administrator

RECOMMENDATION(S)

1. Review the Board-adopted appointment process for the Office of Sheriff/Coroner/Public Administrator approved on June 22, 2021, and if necessary, approve changes as needed.
2. Complete the Board-adopted appointment process by disclosure of the names of each Board member's candidates recommended for interview or in the alternative, complete the process as may be changed pursuant to Recommendation No. 1.
3. Conduct interviews for the Office of Sheriff/Coroner/Public Administrator and deliberate in open session.
4. Consider Appointment to the Office of Sheriff/Coroner/Public Administrator.
(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

This item will not result in the use of Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

San Bernardino County's elected Sheriff/Coroner/Public Administrator, John McMahon, announced his retirement on June 18, 2021, effective July 16, 2021, which will create a vacancy in that office. In accordance with San Bernardino County Charter, Section 306, and County Code Section 12.0104, the Board of Supervisors (Board) is required to provide direction on the process and procedure for filling the vacancy for the remainder of the term. The two options for filling the vacancy are conducting a special election or making an appointment pursuant to qualifications set forth in Government Code 24004.3 and qualifications set forth for elective office in Elections Code 201.

Due to the requirements of the County Charter and State law, the only available date for a special election in this instance would be June 7, 2022, which is also the date of the next regularly scheduled election for the Office of Sheriff/Coroner/Public Administrator. The election could not be called until July 16, 2021, at the earliest, which is the date the vacancy is expected to occur. According to the Charter and the State Elections

Code, the special election would need to be held on the “next established election date” (a random date is not an option), that is no less than 130 days from the date that the election is called. The Charter also states that if the date of a special election would be less than 180 days from the Statewide Primary election (which is also an election date for County offices), the County must proceed with the regularly scheduled election. Pursuant to the Elections Code, the next three established dates are August 31, 2021; November 2, 2021; and April 12, 2022. The August 31 and November 2 dates would be less than 130 days from the date the election could be called. The April 12, 2022 date is more than 130 days from the date the election could be called, but less than 180 days from the June 7 Statewide Primary election date. Based upon the parameters for such an election established in the Charter, June 7, 2022, is the first possible date for a special election, which is the regularly scheduled election date for the Office of Sheriff/Coroner/Public Administrator. Also note that based upon the Charter requirement for holding a special election on the “next established election date,” no less than 130 days from the date the election is called, the date recently established for the upcoming Recall election (September 14), is also not feasible for a County special election in this instance.

On June 22, 2021 (Item No. 137), the Board received a report regarding a proposed process to fill the anticipated vacancy of the Office of Sheriff/Coroner/Public Administrator and provided direction on the process to fill the vacancy. The Board adopted the proposed process to fill the vacancy by appointment. Below are the actions completed by the Clerk of the Board as well as the remaining actions to be taken.

- On June 23, 2021, the Clerk of the Board (COB) posted a Notice of Vacancy setting forth the statutory requirements of holding the office of Sheriff.
- The Application packet was posted to the COB’s website on June 23, 2021 at 8:00 a.m. commencing the application period through June 30, 2021 at 5:00pm (and no applications were to be accepted after the stated deadline). A total of four applications were received and no other applications were submitted after the closing date and time.
- On July 1, 2021, the COB distributed all submitted applications to each Board Member and posted all submitted application materials, in redacted form, to the COB website for public viewing.
- At the scheduled special meeting, in open session, individual Supervisors will each deliver a sealed envelope to the Clerk that contains the names of up to two candidates for interview during the open session. The sealed envelopes each will be opened by the Clerk of the Board and the name of the Supervisorial District and the names of the choices will be read into the record. The Board may also elect to interview all candidates.

A list of the applicants is attached to this item as Attachment “A”.

Based upon County Code section 12.0104, the Board is authorized to alter, supplement, or waive any requirement of that section regarding the procedures for appointment to a vacant office. Recommendation No. 1 allows the Board to review the process established on June 22, 2021, and make changes. Once the Board determines how it wishes to proceed, it may begin the interviews of candidates. Following interviews, public comment on this item and Board deliberation, the Board may take action to make an Appointment to the Office of Sheriff/Coroner/Public Administrator. Should the Board decide to postpone the vote, the Chairman of the Board will present an item for Discussion at the July 13, 2021 Board meeting.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Michelle Blakemore, County Counsel, 387-5455) on July 1, 2021; County Administrative Office (Pamela Williams, Chief of Administration, 387-4345) on July 2, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on July 2, 2021.