

ORDINANCE NO. 04513
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN ORDINANCE PROPOSING AMENDMENTS TO SECTION 203 (VACANCIES) AND
SECTION 415 (VACANCIES) OF THE SAN MATEO COUNTY CHARTER AND
ORDERING THE AMENDMENTS TO BE SUBMITTED TO THE QUALIFIED
ELECTORS AT THE NOVEMBER 2, 2010 ELECTION**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows

SECTION 1. The Board of Supervisors hereby approves the amendments to the Charter as set forth in Section 5 subject to its ratification and adoption by the voters.

SECTION 2. The Board of Supervisors hereby submits the proposed amendments to the Charter set forth in Section 5 to the qualified electors of the County of San Mateo at the election to be held on Tuesday, November 2, 2010.

SECTION 3. The Clerk of the Board is hereby authorized and directed to publish a copy of this ordinance, as required by general law, in a newspaper of general circulation published in the County of San Mateo. The Chief Elections Officer shall publish a notice of this election not less than 90 days nor more than 120 days before the Election in accordance with the Elections Code section 12112.

SECTION 4.

(a) The Election shall be held and conducted, the returns canvassed, and the result declared in the same manner as provided by law for general elections.

(b) The Election will be held on November 2, 2010, from the hour of 7:00 a.m. to the

hour of 8:00 p.m., during which period of time the polls will remain continuously open. At 8:00 p.m., the polls will be closed, except as provided in section 14401 of the Elections Code.

- (c) The Chief Elections Officer shall prepare and mail to each eligible voter in the County a sample ballot and a voter's pamphlet containing the complete text of the proposed amendments to the Charter.
- (d) The Chief Elections Officer shall establish election precincts, designate the polling places, and provide election officers for each precinct at the November 2, 2010 election in accordance with the election laws of the State of California.
- (e) The election on the proposed Charter amendments shall be consolidated with any and all other elections to be held on November 2, 2010.

SECTION 5. The following measure containing amendments to the Charter of the County of San Mateo shall be submitted to the electorate on November 2, 2010:

- (a) The measure shall read:

Shall the San Mateo County Charter be amended to require filling of vacancies on the Board of Supervisors by election for vacancies occurring on or before October 15th of the third year of the term, and by election or appointment for vacancies after October 15th; and to authorize, for vacancies in any county elected office, an all-mailed ballot election, and commencement of the process to fill the vacancy on the date a resignation letter is filed?

- (b) The full text of the measure shall read as follows:

Shall Sections 203 and Section 415 of the County Charter be amended to read as

follows:

203. Vacancies.

If a vacancy occurs on the Board of Supervisors at any time on or before October 15th of the third calendar year of a term, the Board shall, within 30 days of the effective date of the vacancy, order the calling of a special election to fill the vacancy. If the Board does not 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. For purposes of this section, the special election may be conducted as an all-mailed ballot election, at the discretion of the Board or the county officer responsible for conducting elections, as applicable. The special election shall be held not less than 102 days and not more than 131 days from the order calling the election, except that it may be held on an election date regularly established by general law if that date falls within 180 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, irrespective of whether a majority of votes are received, is elected for the remainder of the term.

If the vacancy occurs after October 15th of the third calendar year of a term, the Board shall within 45 days of the effective date of the vacancy, either call a

special election, make an appointment, or determine to leave the office vacant until the end of the term. If a special election is called, it shall be held on the earliest date that is administratively possible as determined in consultation with the county officer responsible for conducting elections. Any appointment or calling of the special election must be by a minimum of three votes of the remaining members of the Board of Supervisors. In the event three votes cannot be obtained, the vacancy shall remain unfilled for the remainder of the term.

For purposes of determining the number of consecutive terms that a member of the Board of Supervisors may serve under Section 202 of this Charter, any person elected to fill a vacancy on the Board will be considered to have served one full term if there are two or more two years remaining in the term determined as of the date of election to fill the vacancy; and any person appointed to fill a vacancy, or elected to fill a vacancy on the Board with less than two years remaining in the term as of the date of election to fill the vacancy, will not be considered to have served a term.

Any written letter of resignation from a member of the Board of Supervisors shall be delivered to the Clerk of the Board of Supervisors, and shall be irrevocable when delivered. The process to fill a vacancy under this Section may be commenced immediately on the date the resignation is filed, irrespective of whether a deferred effective date is specified in the resignation. In any instance where a successor is elected or appointed to by the Board

under this section prior to the deferred effective date specified in the letter of resignation, the successor shall take office when the deferred resignation becomes effective by the terms of the letter of resignation.

415. Vacancies.

The Board of Supervisors shall provide for public notice of vacancies on boards and commissions and of the method by which citizens may apply for appointments. If a vacancy occurs in an elective office other than 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 county elections shall immediately order a special election to be called to fill the vacancy. The appointee shall hold office for the remainder of the term. For purposes of this section, the special election may be conducted as an all-mailed ballot election, at the discretion of the Board or the county officer responsible for conducting elections, as applicable.

The special election shall be held not less than 102 days and not more than 131 days from the order calling 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.

Any written letter of resignation from an elected officer shall be delivered to the Clerk of the Board of Supervisors, and shall be irrevocable when delivered.

The process to fill a vacancy under this Section may be commenced immediately on the date the resignation is filed, irrespective of whether a deferred effective date is specified in the resignation. In any instance where a successor is elected or appointed by the Board under this section prior to the deferred effective date specified in the letter of resignation, the successor shall take office when the deferred resignation becomes effective by the terms of the letter of resignation.

SECTION 6. Pursuant to Elections Code section 9162(a), members of the Board of Supervisors are authorized to author and submit arguments in regards to the measure listed in section 5 of this ordinance.

SECTION 7. Pursuant to the provisions of Government Code section 25123, this ordinance calling an election shall become effective immediately upon its adoption by this Board of Supervisors.

Regularly passed and adopted this 27th day of July, 2010.

AYES and in favor of said ordinance:

Supervisors:

MARK CHURCH

CAROLE GROOM

RICHARD S. GORDON

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

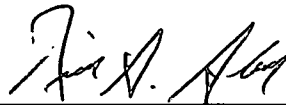
NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE



President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



Marie L. Peterson, Deputy
Clerk of the Board of Supervisors

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