

## **CHAPTER 16.02 INTRODUCTION**

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### **16.02.02 Purpose**

The purpose of this policy is to establish the process whereby vacancies on Boards, Committees, Commissions and Districts which are to be filled by appointment of the Board of Supervisors, will be made and to set the procedure for the Board to comply with the requirements of the Local Appointments List Law, pursuant to Government Code Section 54970 et seq.

### **16.02.04 Responsibilities**

A. Local Appointments List, hereafter known as “Appointments Roster”, is the responsibility of the Clerk of the Board to complete, on or before December 31 of each year, in compliance with Government Code Section 54970 et seq. The List shall contain the following:

1. A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of the appointment, the date the term expires, and the necessary qualifications for the position.
2. A list of all boards, committees and commissions whose members serve at the pleasure of the Board of Supervisors, and the necessary qualifications for each position.

B. County of Glenn Boards, Committees and Commissions, hereafter known as “BCC’s”, will be the responsibility of departments assigned to coordinate the activities of the individual BCC’s to ensure that the Appointment Policy is followed, as it relates to the various BCC’s for which they are responsible to provide staff support. In the event there is no responsible department, the Clerk of the Board will be the responsible entity.

C. Special Districts, such as cemetery districts, fire protection districts and resource conservation districts, etc., which are under the jurisdiction of the Board of Supervisors’ appointing authority, shall have the following process:

1. The Clerk of the Board will notify the districts of any unscheduled vacancies which will occur on their Boards ninety (90) days prior to the vacancy occurring in accordance with Government Code Section 1779. The procedure to fill such vacancies will follow those set forth in Chapter 16.04 and as required by Government Code Section 54970, and will be originated by the Clerk of the Board.

D. Limited term ad hoc committees are occasionally created by the Board of Supervisors for a specific purpose, project or function. Ad hoc committees are generally made up of department heads and Board of Supervisors members. However, the Board may opt to appoint certain members of a Board, Committee, Commission, County staff, or the general public. Once the purpose, project or function has been fulfilled, the ad hoc shall be dissolved by the Board of Supervisors.

E. Any BCC shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority of the Board of Supervisors. The Clerk of the Board shall provide at the last Board meeting of each year a list of all existing County BCC’s for the Board of Supervisors’ consideration of elimination of BCC’s whose functions or purpose have been fulfilled, or where the mandate or purpose for the creation of the BCC has expired. Departments may offer advisement and/or recommendation for the Board’s consideration.

F. At the first Board of Supervisors meeting each calendar year the Board of Supervisors shall appoint and/or reappoint for their membership on certain County BCC’s and department liaison assignments. Appointments shall be for the term of one calendar year. In addition, the Board shall make assignments as County representatives to certain national, state and regional bodies as appropriate.

**16.02.06 Definitions**

A. Vacancy: A vacancy shall be defined per Government Code Section 1770.

B. Scheduled Vacancy: A scheduled vacancy occurs when the term-of-office has expired. Any incumbent wishing to retain their seat on a BCC must seek re-appointment when their term has expired.

C. Unscheduled Vacancy: An unscheduled vacancy occurs when a term-of-office is vacated by the incumbent prior to the end of the term.

**16.02.08 Appointment Application**

A. Individuals wishing to serve on any County Board, Commission, Committee (BCC) or District under the jurisdiction of the Board of Supervisors shall complete an *Appointment Application*.

B. Members of BCC's who wish to continue to serve in their appointed capacity for an additional term are required to complete and submit a new Appointment Application, or may update and resubmit their original application if no pertinent information has changed.

C. All completed applications shall be delivered to the Clerk of the Board.

D. The Clerk of the Board shall forward a copy of each application received to the department assigned for each BCC with a vacancy, to base its recommendation to the Board of Supervisors. However, the Board of Supervisors retains full appointing authority to select and appoint new members.

E. In the event that multiple applications are submitted for an "At Large" position, the Board of Supervisors may choose to conduct interviews. If selected for interview, applicants will be notified of the date, time and location of the interviews. Interviews by the full Board shall be scheduled only for "At Large" appointments. Applicants for District appointments may be nominated by the District Supervisor.

F. All qualifying applications for a vacancy will be submitted to the Board of Supervisors for consideration, selection and appointment.

G. When a vacancy exists on a BCC and no applications have been submitted, the vacancy will be continued until such time as an appointment is made. The Board of Supervisors may, at any time, move to continue an appointment to a subsequent date.

H. Appointment Applications shall be made available to the public at the Clerk of the Board office and on the County's website.

## CHAPTER 16.04 VACANCY PROCEDURE

16.04.02 *Scheduled Vacancy*

16.04.04 *Unscheduled Vacancy*

### 16.04.02 Scheduled Vacancy

A. Sixty to ninety days prior to the expiration of the term-of-office, the Clerk of the Board will notify the responsible department in writing of the upcoming vacancy. This notification will include:

1. Name of the Board, Committee or Commission (BCC) in which the vacancy will occur;
2. Name of the person whose term is ending and the area of representation on the BCC;
3. Date the term expires;
4. Date that appointments will be considered by the Board of Supervisors;
5. Specified date that the department's recommendation and the applications of those that are interested in serving on a BCC, must be received by the Clerk of the Board.

B. Upon receipt of the notification stated above by the Clerk of the Board, the responsible department shall:

1. Contact the individual(s) of his/her upcoming expiration of the term-of-office;
2. Provide the individual with a *County Appointment Application* to be completed and returned to the Clerk of the Board by a specified date given to the department.

C. The Clerk of the Board will notice the upcoming vacancy per the requirements for posting as set forth in Government Code Section 54974. The notice will be posted so that any potential applicant has a minimum of ten working days from the date of the posting to seek the appointment.

D. Emergency appointments to BCC will be made pursuant to Government Code Section 54974(b).

E. The Clerk of the Board will agendize for BCC appointments to be considered by the Board of Supervisors at a regular Board meeting.

F. Once appointments have been made by the Board of Supervisors, the Clerk of the Board will notify the applicant of his/her appointment and process the necessary "Oath of Office".

G. The Clerk of the Board will notify those applicants not appointed of the Board of Supervisors' decision, thanking them for their participation and encourage them to continue seeking vacancies on other committees in which they may be interested in serving.

### 16.04.04 Unscheduled Vacancy

A. Immediately upon notification of an "unscheduled vacancy" on a Board, Committee or Commission (BCC), the responsible department or BCC will notify the Clerk of the Board, in writing, of the unscheduled vacancy, including forwarding the original letter of resignation if available. This notification must include:

1. Name of the BCC in which the vacancy will occur;
2. Name of the person who is unable to complete their term-of-office and the reason the vacancy occurred;
3. Date the term expires; and
4. Any requirements for the position (e.g. district residency, voter registration or professional or educational requirements, etc.) and any other pertinent information which will be useful in filling the vacancy.

B. Once the Clerk of the Board has received the written notification, the vacancy notice will be posted, not earlier than twenty (20) days before or not later than twenty (20) days after the vacancy occurs. The vacancy will be noticed per the requirements for posting as set forth in Government Code Section 54974.

C. During the period of the notice being posted, the responsible department or BCC should seek a replacement for the vacant position and provide an appointment application to those that are interested in serving. The application shall then be forwarded to the Clerk of the Board, along with recommendation from the department or BCC, for placement on the Board of Supervisors' agenda.

D. Emergency appointments to BCC will be made pursuant to Government Code Section 54974(b).

E. The Clerk of the Board will place BCC resignations on the agenda under Reports and Notices for the Board of Supervisors to recognize resignations as they occur at a regular Board meeting, and initiate a vacancy to be posted as set forth in 16.04.04(B).

F. The Clerk of the Board will place appointments on the agenda to be considered by the Board of Supervisors at a regular Board meeting.

G. Once appointments have been made by the Board of Supervisors, the Clerk of the Board will notify the applicant of his/her appointment and process the necessary "Oath of Office" if required.

H. The Clerk of the Board will notify those applicants not appointed, of the Board of Supervisors' decision, thanking them for their participation and encourage them to continue seeking vacancies on other committees in which they may be interested in serving.

## **CHAPTER 16.06 REQUIREMENTS**

- 16.06.02 Oath of Office*
- 16.06.04 Statement of Facts*
- 16.06.06 Statement of Economic Interest*
- 16.06.08 Conflict of Interest*
- 16.06.10 Compliance with Brown Act*
- 16.06.12 Adoption of Bylaws*

### **16.06.02 Oath of Office**

A. Certain BCC's positions under the jurisdiction of the Board of Supervisors may require that a loyalty Oath of Office be taken and subscribed prior to undertaking their duties. The Clerk of the Board shall notify in writing those individuals that require such an oath. The oath of office shall be administered and filed by Clerk of the Board.

B. Special districts require that elected officials and County employees listed within Title 8 of the County Code must take and subscribe an oath specified in the California Constitution before undertaking their duties. This function is administered by the Glenn County Elections Department.

### **16.06.04 Statement of Facts**

A. When a district or public authority is legally formed, it must file a Statement of Facts with the County Clerk and the Secretary of State within seventy (70) days after the date of commencement on a form prescribed by the Secretary of State per Government Code Section 53051. The Clerk of the Board and the Elections Department share this responsibility.

B. Existing public agencies are required to file a Statement of Facts within ten (10) days after any change in the facts listed in Government Code Section 53051. The Appointments Roster holds a collection of those statements. Whenever the Clerk of the Board and /or the Elections Department becomes aware of a change in the agency's facts, such as after an election or an appointment to fill a vacancy, it forwards a Statement of Facts form to the agency for completion.

### **16.06.06 Statement of Economic Interest**

As required by Government Code Section 81000 et seq., and County Code Chapter 8, State, County and several local agencies require some candidates, office holders, and designated employees to file Statements of Economic Interest (Fair Political Practices Form 700). The Elections Department administers form distribution, collection and statement review.

### **16.06.08 Conflict of Interest**

A. Members of certain BCC's, where applicable, must comply with the requirements of the Political Reform Act (Government Code Section 81000 et seq.), including disclosure of their personal financial interests.

B. State law provides statutory provisions against any officer or employee of a local agency from engaging in employment or any other activity which is in conflict with his/her public duties.

C. Upon review of appointment applications submitted to the Board of Supervisors for their consideration, where there is a known conflict and upon consultation with County Counsel, the Clerk of the Board shall notify the applicant in writing the denial of the application.

D. No later than July 1<sup>st</sup> on an even-numbered years the Clerk of the Board notices each agency within the County to review its conflict of interest code to determine its accuracy, or if it is in need of amendment. Upon determination, it is required to submit changes to the Board of Supervisors by October 1st, for their review and approval. Those agencies that are a multi-county agency are required to submit notice to the Fair Political Practices Commission.

### **16.06.10 Compliance with Brown Act**

All BCC's shall comply with the open meetings law, (Brown Act), for local public agencies per Government Code Section 54590 et seq., if and as required for that type of BCC under the Act.

### **16.06.12 Adoption of Bylaws**

Each BCC shall adopt bylaws or other rules for its procedures which shall be approved by the Board of Supervisors. Newly formed BCC's shall submit their bylaws to the Board of Supervisors within 90 days after the appointment of the initial members of the BCC.