

C O U N T Y   A D M I N I S T R A T O R



SUSAN S. MURANISHI  
COUNTY ADMINISTRATOR

February 23, 2023

Honorable Board of Supervisors  
County Administration Building  
1221 Oak St., Suite 536  
Oakland, CA 94612

Dear Board Members:

**SUBJECT: PROPOSED PROCESS AND SCHEDULE TO SELECT AN APPOINTEE  
TO FILL THE VACANT BOARD OF SUPERVISORS SEAT, DISTRICT 2**

Dear Board Members:

This item is before you to consider the appointment process to fill the Board of Supervisors, District 2 vacancy. The Board of Supervisors has until Sunday, April 9, 2023, to fill the vacancy by appointment otherwise the right to appoint reverts to the Governor of California.

**BACKGROUND**

The District 2 vacancy was created by former Supervisor Richard Valle's passing on February 8, 2023. Pursuant to the County Charter, when a mid-term vacancy occurs, the Board of Supervisors has 60 days to appoint a replacement who shall hold office until the election and qualification of a successor to fill the seat for the balance of the existing term (through 2026). The next general election at which a candidate may be placed on the ballot is currently scheduled for March 2024.

**APPOINTMENT PROCESS**

Pursuant to the Board President's request, staff reviewed the selection process used by the Board of Supervisors in 2012 to fill the mid-term District 2 vacancy when Supervisor Valle was appointed. Those procedures have been updated for your consideration in making an appointment to fill the current District 2 vacancy. The attached documents outline a proposed appointment process, establish a suggested timetable for completing the required steps, and provide a draft application form for completion by interested applicants. The proposed process is designed to achieve a timely appointment by your Board with full public involvement and transparency in the selection process.

Since your Board has only sixty days after Supervisor Valle's passing or until April 9, 2023, to make an appointment, staff recommends that your Board consider and adopt the proposed process and timeline outlined in the attachments to this letter.

Respectfully,



Susan S. Muranishi  
County Administrator



Donna R. Ziegler  
County Counsel

SSM/DRZ:msw

Attachments

cc: Auditor-Controller  
Registrar of Voters



## Attachment 1

### Alameda County Board of Supervisors Procedures for the Selection of Supervisor – District 2

#### 1. Initiation of Selection Process

- 1.1. The adoption of these procedures by the Board of Supervisors shall constitute:
  - a. An announcement of the vacancy and an invitation for applications for Supervisor District 2.
  - b. The procedures and a time schedule for submission and consideration of applications.
  - c. The form of application to be used by persons wishing to be considered for the position.
- 1.2. Within three (3) days after adoption of these procedures, the procedures shall be posted at the Office of the Clerk of the Board and on the County of Alameda website online ([www.acgov.org](http://www.acgov.org)).

#### 2. Filing of Application

- 2.1. Beginning on the day following the adoption of selection procedures by the Board of Supervisors, any person who is legally qualified to serve as Supervisor – District 2 may submit an application for consideration. Only applicants who meet the legal qualifications will be considered.
- 2.2. Application shall be made using the form that is set forth as Attachment A1 hereto.
- 2.3. Each application shall be obtained from the Office of the Clerk of the Board of Supervisors at the following location.

Office of the Clerk of the Board  
Main Reception Desk, Fifth Floor  
County Administration Building  
1221 Oak Street  
Oakland, California 94612

2.4. The Clerk of the Board shall issue an application to any person who wishes to apply. The Clerk shall not endeavor to determine whether an applicant possesses the legal qualifications for the office when an application is issued. The Clerk shall obtain a receipt bearing the signature of the applicant at the time an application is issued.

### 3. Close of Applications

3.1. Each application must be filed not later than 5:00 p.m. on Tuesday, March 14, 2023, with the Clerk of the Board. Each application **must be filed personally by the applicant or a representative of the applicant**. Application by mail, email, express mail, facsimile, or other substitute form of delivery shall not be accepted.

3.2. The Clerk of the Board shall issue a receipt for the filing of each application. It shall be the responsibility of the applicant to ensure that a receipt is issued by the Clerk upon the filing of an application.

3.3. The Clerk's issuance of a receipt shall not be evidence that the application is complete. The Board of Supervisors shall determine an application's completeness, provided that the Board shall not disqualify an applicant unless there is a clear failure to meet the application requirements.

3.4. Within forty-eight (48) hours after the close of the application period, the Clerk of the Board shall make all timely applications publicly available in the following manner.

a. Online at the County of Alameda website ([www.acgov.org](http://www.acgov.org)).

b. At the Clerk of the Board's office, assembled in alphabetical order in a binder or other display, during regular office hours.

c. To any member of the public who makes a request, provided that the Clerk may impose a charge for duplication of the materials pursuant to the California Public Records Act.

3.5. Within forty-eight (48) hours after the close of the application period, the Clerk of the Board shall provide each member of the Board of Supervisors with all applications that were timely filed.

### 4. Designation of Applicants

4.1. At a Regular or Special public meeting after the close of the application period, the Board of Supervisors shall review the applications for Supervisor – District 2 to determine the applicants who: (1) meet the legal requirements for appointment; and (2) have submitted complete applications. The Board shall then select the candidates to be interviewed by the Board following the process set forth in Attachment 2 hereto.

4.2. Only applicants who submitted complete applications and meet the legal requirements will be eligible to be selected for an interview.

4.3. Following the selection of candidates to be interviewed, the Clerk of the Board shall schedule a Regular or Special public meeting at which the Board of Supervisors will interview the selected candidates as set forth in Attachment 2.

## **5. Selection of Supervisor – District 2**

5.1. Prior to the appointment of Supervisor – District 2, the Board of Supervisors shall interview each candidate at a Regular or Special public meeting of the Board of Supervisors. The format of the interviews shall be determined by the Board.

5.2. The Board of Supervisors shall make an appointment by majority vote at a Regular or Special public meeting, and as set forth more fully in Attachment 2.

5.3. The person selected by the Board of Supervisors shall take office as soon as possible after selection and upon being sworn-in.

5.4. The proposed schedule for completion of the appointment process as outlined below is set forth in Attachment 3.

- Adopt Procedures for the Selection of Supervisor – District 2
- Application Period Begins
- Deadline for Submission of Applications
- Regular and Special meetings of the Board of Supervisors
  - Selection of applicants to be interviewed
  - Public interviews of selected applicants
  - Deliberations regarding appointment
  - Formal appointment of candidate
  - Swearing in of the new Supervisor, District 2



## Attachment A1

### Application for Appointment to Supervisor, District 2

(You may attach additional sheets where necessary to provide a complete response.)

#### A. General Information

1. Applicant Name: All Other Names Used in Past:
2. Residential Address:
3. Email Address: Phone Number:
4. Work Address:
5. Work Phone:
6. **Please indicate which of the above should be used to contact you.**
7. Are you a registered voter? For how long?

Have you voted in the primary and general elections in Alameda County in each election over the past ten years? If not, please explain.

8. Do you presently reside in District 2? For how long?
9. Please set forth your educational history (beginning with high school):

Institution	Dates	Degree Awarded, if any
-------------	-------	------------------------

- a.
- b.
- c.
- d.

**B. Professional/Work History (past 10 years)**

- | 1. Employer | Position | Dates Employed |
|-------------|----------|----------------|
| a.          |          |                |
| b.          |          |                |
| c.          |          |                |
| d.          |          |                |

2. Who is your current employer?

If appointed, do you intend to continue your current employment?

If yes, please explain.

**C. Community Involvement**

1. Please list organizations where you served as an officer or made significant contributions during the past 10 years.

Organization	Role	Dates
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- a.
- b.
- c.
- d.
- e.

2. Summarize your experiences in relevant community activities/issues affecting District 2 over the past 10 years. Please give specific examples of your personal involvement.

- a.
- b.
- c.
- d.

3. Have you held public office (elected or appointed)?
  
4. Have you ever been a candidate for office? If yes, please specify the office, date of candidacy, and whether you were elected.

**D. Statement of Interest**

Please attach statements, *not exceeding 250 words each*, responding to the following questions.

1. What qualifications and experience distinctly qualify you to serve as Supervisor – District 2?
  
  
  
  
  
  
  
  
  
  
2. What would be your three highest priorities or areas of interest as Supervisor – District 2?
  
  
  
  
  
  
  
  
  
  
3. Why is serving as a Supervisor important to you?

**Please note: This application, including all attachments, will be made available to the public in its entirety.**

**By signing this application, I hereby affirm, under penalty of perjury under the laws of the State of California, that all of the information submitted is true and correct.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_





## Attachment 2

### Interview and Final Selection Process for Supervisor – District 2

#### A. Nomination of Candidates

1. In public session the Board of Supervisors will select the candidates whom the Board will interview for Supervisor – District 2. It is the intention of the Board to interview at least three but no more than five candidates.
2. The following is the method of nomination:

Round 1: The Board will be presented with a list of all persons who have applied for the position of Supervisor – District 2. Each Supervisor will vote orally by roll call vote *for as many as five applicants*. The Clerk shall tally the votes and announce the results aloud. The **three applicants** who receive the greatest number of votes will be selected for interview.

(If there is a tie for the third position in Round 1, the two candidates receiving the greatest number of votes will be selected for interview and three candidates will be selected in Round 2).

Round 2: The Board will be presented with the names of all applicants, except those candidates who have been selected for interview in Round 1. Each Supervisor will then vote orally by roll call vote *for as many as three applicants*. The Clerk shall tally the votes and announce the results aloud. The **two applicants** (three applicants, if only two candidates were selected in Round 1) who receive the greatest number of votes will be selected for interview in Round 2.

Round 3: If there is a tie for the last of the five interview positions in Round 2, the Board will be presented with a list of all applicants who received at least one vote in Round 2. Each Supervisor will then *vote for one applicant*. The applicant receiving the greatest number of votes will be selected for interview.

3. If Round 3 results in a tie for the last of the five interview positions, the Board may decide (a) to conduct an additional round of voting to select the final interviewees, (b) to interview all of the applicants who tied or (c) to interview less than five candidates.

#### B. Interview of Candidates

1. The Board of Supervisors will interview candidates for Supervisor – District 2 at one or more Regular and/or Special Meetings of the Board.

2. The sequence of interviews shall be determined by the Clerk of the Board by the drawing of lots or by another suitable method of random selection.
3. Each candidate will be allowed to make a presentation for no more than ten minutes. The content of the presentations will be determined by the candidate. The remainder of the interview will be devoted to questions by members of the Board.
4. The Board will not select from the candidates at this meeting.

### C. Final Selection

1. The Board of Supervisors will make its final selection of Supervisor – District 2 at a Regular or Special Meeting following the interviews of candidates.
2. The following is the method of final selection:

Round 1: The Board will be presented with the names of all candidates who were interviewed for the position. Each Supervisor will then vote orally by roll call vote ***for as many as two candidates***. The Clerk shall tally the votes and announce the results aloud. The ***three candidates*** who receive the greatest number of votes will be retained for consideration in the next round.

(If there is a tie for the third position, then the four candidates receiving the greatest number of votes will be retained for consideration in Round 2).

Round 2: The Board will be presented with the names of all remaining candidates. Each Supervisor will then vote orally by roll call vote ***for as many as two candidates*** and the Clerk shall tally the votes and announce the results aloud. The ***two candidates*** receiving the greatest number of votes will be retained for consideration in the third round.

(If there is a tie for the second position in Round 2, three candidates may be considered in Round 3).

Round 3: The Board will be presented with a list of the two candidates (three candidates if there is a tie in Round 2) who received the greatest number of votes in Round 2. Each Supervisor will then ***vote for one candidate***. If no candidate receives three votes, then a second vote will be taken. If no candidate then receives three votes, the selection process will proceed to Round 4.

Round 4: The Board will be presented with the names of all candidates who were interviewed. Any member of the Board may make a nomination from those named and, if the nomination receives a second, then the full Board will vote on the nomination. This process will continue until a nominee receives three votes.



### Attachment 3

#### Proposed Schedule for Selection of Supervisor – District 2

Tuesday, February 28, 2023	Adopt Procedures for the Selection of Supervisor, District 2
Wednesday, March 1, 2023	Application Period Opens
Tuesday, March 14, 2023 – 5:00 p.m.	Deadline for Submission of Applications
Tuesday, March 21, 2023*	Selection of Finalists to be Interviewed
Tuesday, March 28, 2023*	Public Interviews of Finalists
Thursday, March 30 through Tuesday, April 4, 2023*	Board Deliberations and Selection of Candidate
Tuesday, April 4, 2023*	Formal Appointment and Swearing-in of New Supervisor, District 2

\* Proposed Dates for Regular and Special Meetings of the Board of Supervisors (Subject to Change)

2/28/23 Agenda  
Item 89

**Perkins, Cheryl, CAO**

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**From:** Jason Bezis <jason@bezislaw.com>  
**Sent:** Monday, February 27, 2023 12:51 PM  
**To:** Clerk of the Board; Campbell-Belton, Anika, CBS  
**Cc:** Ziegler, Donna, County Counsel; Weddle, Andrea L., County Counsel; Stonework-Hand, Samantha N., County Counsel; Lara, Raymond S., County Counsel; Kan, Farand C., County Counsel; BOS District 4; Henninger, Tona, BOS Dist4  
**Subject:** Public Comment on Item No. 89 of Board of Supervisors Agenda for February 28, 2023 Meeting  
**Attachments:** BOS 02 28 2023 Mtg-Agenda Item No 89-ACTA Letter-Feb 27 2023.pdf

To the Clerk of the Board of Supervisors (Ms. Campbell-Belton and staff):

The attached one-page PDF document is a public comment on Item No. 89 of the February 28, 2023 Board of Supervisors meeting agenda by the Alameda County Taxpayers' Association. Please share it with the supervisors.

I am copying the County Counsel's office. I do not have an e-mail address for the County Administrator's office. Therefore, please convey a copy to the County Administrator's office.

Sincerely,  
Jason Bezis  
Law Offices of Jason A. Bezis  
Attorney for Alameda County Taxpayers' Association  
(925) 708-7073

**\*\* This email was sent from an external source. If you do not know the sender, do not click on links or attachments. \*\***

cc: BOS, CAO, CBS

**Law Offices of Jason A. Bezis**

3661-B Mosswood Drive Lafayette, CA 94549-3509  
(925) 708-7073 [jason@bezislaw.com](mailto:jason@bezislaw.com)

February 27, 2023

Alameda County Board of Supervisors  
1221 Oak Street, Suite 536  
Oakland, CA 94612

VIA E-MAIL ONLY TO: [CBS@acgov.org](mailto:CBS@acgov.org); [Anika.Campbell-Belton@acgov.org](mailto:Anika.Campbell-Belton@acgov.org)

Re: February 28, 2023 Regular Meeting Agenda Item No. 89 – Adopt the proposed process and schedule to select an appointee to fill the vacant Board of Supervisors Seat, District 2

Dear Board President Miley and Supervisors (c/o Clerk of the Board of Supervisors):

This office represents the Alameda County Taxpayers' Association (ACTA).

Multiple locations in the proposed "Procedures for the Selection of Supervisor – District 2" refer to "the legal requirements for appointment." To assist applicants and the Board in determining eligibility, ACTA suggests that the County of Alameda state "the legal requirements" for the office of Board of Supervisors, District 2 in a revised Procedures memo, published prior to the February 28, 2023 Board meeting.

Sincerely,

*/s/ Jason A. Bezis*

JASON A. BEZIS

Attorney for Alameda County Taxpayers' Association

cc: County Administrator  
County Counsel