



Council Agenda Report

From: Elizabeth Hull, City Attorney

Subject: District 1 City Council Vacancy and Process to Fill City Council Vacancy

CEQA Determination: The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378.

Date: September 26, 2023

Facts

1. John Hamon was originally elected at-large to the City Council in 2006. Following the City's decision to go to by district elections, Mr. Hamon was elected in November 2022 to the District 1 seat.
2. On September 7, 2023, Mr. Hamon was appointed to the office of Mayor following the passing of Mayor Steve Martin. The District 1 seat became vacant upon Mr. Hamon being sworn in as Mayor.
3. On September 7, 2023, the Council directed staff to open an application period for an appointment to fill the District 1 vacancy and directed a special meeting be called for September 26, 2023, for the Council to conduct interviews. The Council also directed staff to add a discussion item to the October 3, 2023, agenda for appointment and swearing in of the successful candidate.
4. On September 11, 2023, the City Clerk opened the application period which ran until 5 p.m. on September 21, 2023.
5. The Clerk has received 8 applications from eligible candidates.
6. If an individual is appointed to the District 1 seat, they will serve a "short term" through the November 2024 General Election. At that time, the City will hold a special election to fill the seat for the remainder of the original term.
7. The original term of office for the District 1 seat is set to expire in December 2026.

Options

1. Take no action;
2. Conduct interviews of the applicants and provide direction to staff a preferred applicant to be sworn in at the next regular City Council meeting on October 3, 2023;
3. If the Council determines they are not interested in making an appointment or are unable to make an appointment, direct staff to return at the October 3, 2023, meeting with a resolution calling a special election to fill the vacancy; or
4. Provide alternative direction to staff.

Analysis

On September 7, 2023, the Council appointed Mr. Hamon to fill the Mayoral vacancy created by the passing of Mayor Steve Martin. As a result of Mr. Hamon's appointment as Mayor, the District 1 Council seat was immediately vacated. At the September 7 meeting, following Mayor Hamon being sworn in as Mayor, the Council decided to fill the newly created vacancy in District 1 thru

an appointment process. The Council determined that the process would be as follows:

- By September 11 the Clerk would post the vacancy and an application for interested individuals;
- The application period would remain open until September 21 at 5 p.m.;
- Any interested member of the public may self-nominate by submitting a completed application for the position to the City Clerk by 5 pm on September 21, 2023;
- Interviews of all eligible candidates would be scheduled for a Special Council meeting set for Tuesday, September 26 at 6:30 p.m.;
- If necessary, interviews will continue on Wednesday, September 27 at a time in the morning to be determined;
- Should a preferred applicant be identified thru the interview process, the Council will reconvene at the October 3 meeting to make an appointment and the Clerk will swear in the new Councilmember.

Applicants were deemed eligible for interview and potential appointment if they were 1) at least 18 years old 2) registered to vote in District 1 and 3) reside in District 1.

The City Clerk received applications from qualified individuals as follows: (listed in alphabetical order by last name):

- Kris Beal
- Linda George
- Sarah Hinds-Martin
- Elizabeth Lee
- Joseph Manning
- Sharon Roden
- Michael Seden-Hansen
- Darryl Shaffer

Following the interview of the applicants and if the Council comes to a consensus on a preferred applicant, the resolution of appointment and swearing in will be scheduled on the October 3, 2023 City Council meeting agenda.

The appointed Council member will serve until the next general municipal election in November 2024. At that time a consolidated special election will be held for District 1 and the successful candidate will serve a two-year term until November 2026.

The Council has 60 days from the commencement of the vacancy to either make an appointment or call a special election (Govt. Code §36512(b)). The vacancy occurred on September 7, 2023 so the appointment must be made by November 6, 2023 or a special election must be called.

Fiscal Impact

Conducting a special election would cost approximately \$50,000 - \$100,000. Conducting the interview process and appointing someone to fill the Council vacancy will have no significant fiscal impact.

CEQA

The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378.

Recommendation

Conduct the interviews of the applicants, deliberate, and provide direction to staff.

Attachments

1. Eligible Applicant Submittals