



Council Agenda Report

From: Elizabeth Wagner Hull, City Attorney

Subject: District 1 Vacancy Deliberation and Appointment

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: October 3, 2023

Facts

1. 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.
2. 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.
3. On September 26, 2023, the Council interviewed 8 candidates to fill the District 1 Council vacancy.
4. Following the interviews, the Council deliberated and determined to consider the appointment of Sharon L. Roden at the October 3, 2023 Council meeting.
5. The appointee will serve until the November 2024 election. The candidate elected in November 2024 will serve the remainder of the District 1 term until December 1, 2026.

Options

1. Take no action;
2. Approve Resolution 23-XXX appointing Sharon L. Roden to the District 1 Council seat and have the City Clerk administer the oath of office;
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 17, 2023, meeting with a resolution calling a special election to fill the vacancy; or
4. Provide alternative direction to staff.

Analysis and Conclusions

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

- By September 11 the Clerk would post the vacancy;
- The application period would remain open until September 21 at 5 pm.
- 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 will be scheduled for a Special Council meeting set on Tuesday, September 26 at 6:30 pm.
- If necessary, interviews will continue on Wednesday, September 27 at a time in the morning to be determined.
- The Council will reconvene at the October 3 meeting to make an appointment and the Clerk will swear in the new Councilmember.

The Council interviewed 8 applicants on September 26 and now desire to make an appointment to the District 1 seat.

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. 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

Approve Resolution 23-XXX appointing Sharon L. Roden to the District 1 Council Seat and have the City Clerk administer the oath of office.

Attachments

1. Resolution 23-XXX – District 1 Vacancy
2. Oath of Office