

City of Campbell Municipal Code

2.04.150 - Filling of unscheduled vacancies.

California Government Code Section 36512 sets forth the options available to fill a Council vacancy.
(Ord. 1719 § 1, 1988). (Ord. No. 2117, § 1A, 12-8-2008)

City of Cupertino

Municipal Code Section 2.04.040 Vacancy.

A. If any vacancy on the City Council occurs other than by expiration of at term, the City Council shall, at its option within thirty days from the commencement of the vacancy, either fill the vacancy by appointment for the unexpired term of the former incumbent, or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than one hundred fourteen days from the call of the special election.

B. Notwithstanding any other provision of this section, the City Council may appoint any person, otherwise qualified, to fill a City Council vacancy to hold office only until the date of a special election which is called to fill the remainder of the term pursuant to subsection A of this section.

C. Notwithstanding any other provision of this section, an appointment shall not be made to fill a vacancy on the City Council if the appointment would result in a majority of the members serving on the Council having been appointed. The vacancy shall be filled in one of the following ways

1. The City Council may call an election to fill the vacancy to be held on the next regularly established election date not less than one hundred fourteen days after the call;

2. If the City Council does not call an election pursuant to subsection B of this section, the vacancy shall be filled at the next regularly established election date.

(Ord. 1697, (part), passed --1995; Ord. 1017, passed --1991; Ord. 1026, § 1, passed --1980)



**CITY OF EAST PALO ALTO
CITY MANAGER'S OFFICE
2415 UNIVERSITY AVENUE, EAST PALO ALTO, CA 94303
PHONE: (650)853-3100, FAX: (650)853-3115**

For Immediate Release
April 8, 2015

Contact: Terrie Gillen
Interim Deputy City Clerk

The City Council of East Palo Alto is inviting residents to apply to fill a vacant City Council position. Applications are due by April 30, 2015 at 5:00 p.m.

East Palo Alto, CA - At its regular City Council meeting on April 7, 2015, the City Council approved an appointment process to fill the current vacancy on the City Council created by the resignation of Laura Martinez. This vacancy is to fill an unexpired term ending after certification of the November 2016 General Municipal Election, which is anticipated to be December 6, 2016. The City Council invites residents to submit an application to fill the unexpired term. The deadline to turn in an application is April 30, 2015 at 5:00 p.m.

To be eligible, an applicant must be a registered voter and a resident of the City of East Palo Alto. Individuals interested in being considered may obtain an application at City Hall, 2415 University Avenue, 2nd Floor, East Palo Alto, CA 94303. Applications are also available on the City's website at <http://www.ci.east-palo-alto.ca.us/DocumentCenter/View/1869>.

Applications must be received in the Office of the City Clerk, located at City Hall, 2nd Floor: 2415 University Avenue, East Palo Alto, CA 94303, no later than Thursday, April 30, 2015 at 5:00. **(Postmarks, faxes or emailed copies will not be accepted.)**

The City Council has set May 5, 2015 to conduct interviews. The City Council intends to make the appointment at this meeting, or at a subsequent meeting, if necessary. For more information, call Interim Deputy City Clerk Terrie Gillen at (650) 853-3127 or email her at: tgillen@cityofepa.org.

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City of Gilroy Charter

Section 406. Vacancies.

An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the State without leave for more than sixty (60) consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused there from by said body.

A vacancy in an elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

The Council shall declare the existence of any vacancy. In the event the Council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

City of Milpitas Municipal Code

- **Chapter 3 - VACANCY ON CITY COUNCIL**

Sections:

- **Section 1 - Authority of Adoption**

- **I-3-1.00**

This ordinance is enacted pursuant to the provisions of Government Code Section 36512.2 and following the affirmative vote of the electorate of the City of Milpitas upon Measure L at the special municipal election of the City of Milpitas on November 2, 1976.

(Ord. 194 (part), 12/21/76)

- **Section 2 - Requirements**

- **I-3-2.00**

Any person appointed by the City Council of the City of Milpitas to fill a vacancy upon said City Council shall hold office only until the date of a special election which shall be immediately called to fill the remainder of the vacant term. Said special election date will be the date of the next regularly scheduled election to be held throughout the City (not less than ninety (90) days from the call of the special election) unless said election date falls more than two hundred seventy (270) days from the call of the special election, in which case the special election shall be held on the next regularly established election date (not less than seventy-four (74) days from the call of the special election). See California Elections Code Section 2500 et seq.

(Ord. 194.1, 7/17/90; Ord. 194 (part), 12/21/76)

City of Morgan Hill Municipal Code

Chapter 1.17 - FILLING OF CITY COUNCIL VACANCIES

Sections:

1.17.010 - Statutory authority.

The ordinance codified in this chapter is adopted pursuant to authority set forth in Government Code Section 36512(c)(3).

(Ord. 1325 N.S. (part), 1997)

1.17.020 - Appointment and election.

Any person appointed to fill a vacancy on the city council, holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than one hundred fourteen days from the call of the special election.

(Ord. 1325 N.S. (part), 1997)

1.17.030 - Sunset clause.

Chapter 1.17, Filling of City Council Vacancies, and all ordinances included therein, including but not limited to 1.17.010 through 1.17.040 shall be repealed and ineffective after the certification of the November, 1997 election and the seating of the newly elected councilmember or December 31, 1997 whichever shall occur first.

(Ord. 1325 N.S. (part), 1997)

1.17.040 - Appointment and election.

The ordinance codified in this section shall only become effective should Section 1.17.020 Appointment and election be invalidated. Any person appointed to fill a vacancy on the city council, holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than one hundred fourteen days from the call of the special election.

(Ord. 1326 N.S. (part), 1997)

1.17.050 - Sunset clause.

Chapter 1.17, Filling of City Council Vacancies, and all ordinances included therein, including but not limited to 1.17.010 through 1.17.050 shall be repealed and ineffective after the certification of the November, 1997 election and the seating of the newly elected councilmember or December 31, 1997 whichever shall occur first.

(Ord. 1326 N.S. (part), 1997)

City of Mountain View Charter

Section 402. - When an elective office becomes vacant.

An elective office becomes vacant when the incumbent dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of the incumbent's official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the state without leave for more than sixty days, or fails to attend the meetings of the council for a like period without being excused therefrom by said body. (As amended June 3, 1980.)

Section 504. - Vacancies.

The council shall, within 30 days from the commencement of any vacancy on the council from whatever cause arising, either fill the vacancy by appointment or call a special election to fill the vacancy. If the vacancy is filled by appointment, the person so appointed shall hold office until the first Tuesday following the next general municipal election at which a successor could be elected and until that person's successor qualifies. At that next general municipal election following any vacancy, a councilmember shall be elected to serve for the remainder of any unexpired term. If the vacancy be filled by election, the person so elected shall hold office for the unexpired term of the former incumbent and until that person's successor qualifies. When any vacancy occurs, if there are two councilmembers at that time serving terms to which they were appointed, then in that event, the vacancy shall be filled solely by election. Notwithstanding the provisions of Charter Section 1302, a special election to fill a council vacancy may be held on any date. (As amended, April 12, 1960; June 3, 1980; November 6, 1984.)

City of Palo Alto Charter

Article III. Sec. 10. Vacancy on council.

A vacancy on the council may be filled by a majority of the remaining members of the council, and the appointee shall hold office until the first day of January succeeding the next election at which council members are to be elected. At the next election succeeding any vacancy a council member shall be elected to serve for the unexpired term. If the council fails to fill such vacancy within 60 days of such vacancy or the council chooses to fill such vacancy by election, it shall forthwith call a special election, at which a council member shall be elected to serve for the unexpired term.

(Amended by Stats. 1972, Ch. 71, 7-7-72 and by amendment filed with the Secretary of State, December 12, 1979)

City of San Jose

least one public hearing on the matter. When such a recommendation has been submitted to the Council, it shall not thereafter be amended by the Commission.

The Council shall, by ordinance, which shall be subject to the referendum provisions of this Charter, adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount.

No more than one salary setting ordinance shall be adopted on the basis of any biennial recommendation, provided that the Council may, at any time, by ordinance, reduce the salaries of the members of the Council, including the Mayor. In any salary setting ordinance adopted hereunder, the salaries for each member of the Council shall be the same, except that the salary of the Mayor may exceed that of the other members of the Council. Salaries established by ordinance adopted pursuant to the provisions of this Section shall remain in effect until amended by a subsequent ordinance adopted pursuant to the provisions of this Section.

For each member of the Council, except the Mayor, a sum, as established by the Council Salary Setting Commission, shall be deducted from the salary of such member for each regular meeting of the Council, other than regular adjourned meetings, which he or she fails to attend in each such calendar month; provided, however, that such deduction shall not be made for his or her failure to attend any meeting during which he or she is away on authorized City business, or from which he or she is absent because of his or her own illness or the illness or death of a close family member. No deduction shall be made from the Salary of the Mayor because of his or her failure to attend any Council meeting.

Amended at election June 7, 1966

Amended at election June 5, 1973

Amended at election November 4, 1980

Amended at election November 4, 1986

SECTION 408. Reimbursement.

The members of the Council and the Mayor shall receive reimbursement, if and to the extent such is authorized by the Council, for expenses incurred in the performance of their duties or functions of office.

SECTION 409. When Office Becomes Vacant.

The office of a member of the Council or of the Mayor becomes vacant on the happening of any of the following events before the expiration of such officer's term:

- (a) The death of the incumbent;
- (b) Insanity of the incumbent, when determined by a final judgment or final order of a court of competent jurisdiction;
- (c) Resignation of the incumbent;

- (d) The incumbent ceases to satisfy any requirements for retention of his or her office which are set forth elsewhere in this Charter;
- (e) Removal of the incumbent from office;
- (f) Absence of the incumbent from the State of California for more than sixty (60) days, unless either upon business of the City or with the consent of the Council. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the State shall be extended by the Council;
- (g) The incumbent ceases to discharge the duties of his or her office for a period of three (3) consecutive months except when prevented by sickness or when absent from the State with permission required by this Charter;
- (h) The incumbent being convicted of a felony or of any offense involving a violation of his or her official duties;
- (i) The refusal or neglect of the incumbent to file his or her official oath or bond, if such is required by law, within the time prescribed by law;
- (j) The decision of a competent tribunal declaring void the incumbent's election or appointment;
- (k) The making of an order vacating the incumbent's office or declaring his or her office vacant when he or she fails to furnish an additional or supplemental bond if such is required of him or her by law;
- (l) The commitment of the incumbent to a hospital or sanitarium, by a court of competent jurisdiction, as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in such event the office shall not be deemed vacant until the order of commitment has become final;
- (m) The incumbent's absence from five (5) consecutive regular meetings of the Council, unless excused by written resolution of the Council. No such excuse shall operate retroactively. No resolution shall excuse an incumbent's absence from more than five (5) consecutive regular meetings immediately following the date of adoption of such resolution although additional resolutions may be adopted excusing an incumbent's absence from not more than five (5) additional regular meetings immediately following the date of each such resolution. For purposes of this subsection, regular meetings from which an incumbent has been absent shall not be deemed consecutive if separated by one or more regular meetings at which such incumbent has been present or his or her absence from which has been excused by the Council. Also, for purposes of this subsection,

“regular meetings” shall not be deemed to mean or include “regular adjourned meetings”, “special meetings”, or any committee meetings.

Amended at election June 2, 1970

Amended at election June 7, 1994

SECTION 410. Filling of Vacancies.

If, for any reason, a vacancy, as defined by Charter Section 409, occurs in the office of Mayor or Council member, the Council shall either fill the vacancy by appointment by a majority of its remaining members, or call an election for the purpose of filling such vacancy.

- (a) **APPOINTMENT.** If the vacancy is filled by appointment, the appointment shall be effective until the end of the unexpired term of office or January 1st following the next Regular Municipal Election after the appointment, which ever first occurs.
- (b) **ELECTION.** If the vacancy is to be filled by election, the election will be for the entire unexpired term of the office. The election will either be conducted at a Regular Municipal Election, a General Election or at a Special Municipal Election, as determined by the Council. The election will be conducted in accordance with Section 1600.
- (c) **INTERIM APPOINTMENT.** If a vacant office is to be filled by election, the Council may make an interim appointment to fill the office until a candidate has been duly elected and the results of the election have been officially certified. A person who is appointed during the interim period shall meet the eligibility requirements to hold office under Section 404 of this Charter.
- (d) **ADVANCE REPLACEMENT.** When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the Council may initiate the appointment or election process in anticipation of the vacancy. The member who will be vacating the position may participate in the process.
- (e) **NO REMAINING MEMBERS.** If the offices of all of the Council members and also of the Mayor should become vacant and no member of the Council remains to fill any vacancies, the City Clerk shall call and conduct a Special Municipal Election, as soon as reasonably possible, to fill such offices for the remainder of the unexpired terms.
- (f) **ELECTION DATES.** All dates for elections to fill vacancies shall be set by resolution.
- (g) **ELECTION IN 1994.** The election held on November 8, 1994 to fill a vacancy effective January 1, 1995 in Council District 7 shall be deemed to be an election

pursuant to this Section. The person so elected shall serve for the full term of that office.

Amended at election June 6, 1967

Amended at election June 6, 1972

Amended at election November 7, 1978

Amended at election November 8, 1994

SECTION 411. The Council; Interference With Administrative Matters.

Neither the Council nor any of its members nor the Mayor shall interfere with the execution by the City Manager of his or her powers and duties, nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint except as expressly provided in Section 411.1. However, the Council may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees.

Except for the purpose of inquiries and investigations under Section 416, the Council, its members and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, solely through the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, respectively, and neither the Council nor its members nor the Mayor shall give orders to any subordinate officer or employee, either publicly or privately.

Amended at election November 4, 1986

Amended at election November 3, 1992

Amended at election November 5, 1996

SECTION 411.1 Department Heads; Policy Objectives; Consent to Hire.

- (a) The Council shall adopt a written Statement of Policy for each City Department which is under the administration of the City Manager. Said Statement of Policy shall set forth the broad goals, objectives and aspirations to be accomplished by that Department.
- (b) When the position of head of each Department becomes vacant, the Council shall review and, if necessary, amend the previously approved Statement of Policy. The Council also shall adopt a set of questions which are intended to elicit responses from each prospective appointee concerning the goals, objectives and aspirations in the Statement of Policy.

For purposes of this section, the term “department” shall mean any department specified in Charter Section 807 as well as any department created by ordinance pursuant to Charter Section 800.

Prior to appointing any Department head, the City Manager shall submit to the Council, for its review, the responses to the Council’s questions submitted by the proposed appointee, and

City of Santa Clara

Charter Sec. 703 Vacancies.

A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council by a majority vote of the remaining members.

In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent. (As approved at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969)