

Policy 7.3.15 Appointment of Interim Councilmembers

POLICY PURPOSE:

The purpose of this policy is to promote transparency in the provision of a clear process for the City Council to appoint an interim Councilmember to serve on a temporary basis when a Councilmember is called to active military service or in the event a vacancy is created by the death or involuntary removal of a member from office within the last 180 days of their term. This policy is intended to provide processes in compliance with City Charter Section 604 and California Military and Veteran's Code Section 395.8.

POLICY STATEMENT:

1. In the event an absence from office is anticipated when a Councilmember must enter upon active military service pursuant to California Military and Veteran's Code, the City Council may appoint an interim Councilmember to serve until the discharge or release and return of the member who has been called to duty. In the event a vacancy is created by the death or involuntary removal of a member from office where the unexpired term of the deceased or removed member does not exceed one hundred eighty days, the City Council may appoint an interim Councilmember to serve the remainder of the term vacated. In either case, if Council decides to make an interim appointment, it shall be processed as follows:
 - A. At an open and public, regular meeting, Council shall announce the interim opening. In the event the opening is created by the death or involuntary removal of a member, the Council shall officially declare the seat vacant.
 - B. At the meeting at which the announcement is made, Council shall set an application period for receiving applications and questionnaires from candidates for appointment.
 - C. Council shall hold an open and public meeting to interview all eligible candidates. The interview process shall be structured to allow the public to ask questions or provide comment during the applicants' interviews.
 - D. Council shall hold a public hearing to receive public comment prior to making the appointment.
 - E. Following the public hearing, the Mayor shall announce the method by which voting will take place in accordance with the number of candidates. If there are five or more candidates for the interim opening, the appointment process shall be conducted by instant runoff voting.
 - (I) If there are less than five candidates, the Mayor shall announce each candidate's name. Council will vote on each candidate. The candidate receiving the most affirmative votes will be appointed. Should a tie between the candidates receiving the most affirmative votes occur, the affected applicants will be voted on again. If a tie still remains, the Mayor would ask the city attorney to draw the name of the person to be appointed.

COUNCIL POLICY MANUAL

- (II) If there are five or more candidates, the Mayor shall ask each Councilmember to rank the candidates from first choice to last choice on a written ballot. The Mayor may choose to recess the meeting while the City Clerk counts the ballots. If one candidate receives four or more first-choice votes, that candidate shall be declared to be elected. If not, and one candidate has received the fewest first-choice votes, that candidate shall be eliminated, with his or her votes reassigned to the voters' second-choice candidates. If multiple candidates have tied for the fewest first-choice votes by receiving only one vote each, they shall be eliminated and their votes reassigned in the same manner. If multiple candidates have tied for the fewest first-choice votes by receiving two votes each, whichever one of them has received the fewest second-choice votes shall be eliminated and the votes reassigned. If multiple candidates have tied for the fewest first choice votes by receiving two votes each, and have the same number of second-choice votes, the clerk shall call for a tiebreaker vote between those candidates, with the loser of the tiebreaker being eliminated and having his or her first-choice votes reassigned. The counting process shall continue until one candidate has at least four votes and is declared to be elected. The City Clerk shall announce the result of the voting.
- 2. Pursuant to the Charter, if the Council fails to fill the interim vacancy created by the death or involuntary removal of a member within the sixty-day period, the City Council shall call a Special Municipal Election for the purpose of filling the vacancy. The Special Municipal Election shall be held within one hundred and twenty (120) days from the date the Council declares the vacancy to exist. If a general municipal or statewide election is scheduled within one hundred and eighty (180) days from the date the vacancy is declared, the Special Municipal Election shall be consolidated with the general or statewide election.

((Adopted: RTC #10-222 (August 31, 2010))

Lead Department: Office of the City Manager



CITY OF SUNNYVALE
APPLICATION / QUESTIONNAIRE FOR CANDIDATES FOR
APPOINTMENT AS INTERIM COUNCIL MEMBER

*The City supports its demographic diversity and encourages
applicants from all groups to apply.*

Please print or type answers to all questions. Write N/A if not applicable.

Office Use Only

Date Received: _____

Residency

Checked: _____

Form 700 filed: _____

General eligibility requirements: To qualify as a candidate for Interim City Council Member, a person must be 18 years of age, a Sunnyvale resident and must be a registered voter of the City. For more information, please contact the Office of the City Clerk at (408) 730-7595, TDD (408) 730-7501 or visit our Web site at: Sunnyvale.ca.gov.

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1. Applicant Name: _____
Last First
- M.I.
2. Current Residence _____
Street City State
- Zip _____
- Mailing Address: _____
(If different from above) Street City State
- Zip _____
- E-mail Address: _____
3. Phone Number: (Home) _____ (Work) _____ (Cell) _____
4. How long have you been a resident of Sunnyvale? _____
5. Are you a currently-registered voter in Sunnyvale? _____ When was the last time you voted?
Month _____ Year _____
6. Do you have previous experience as a City Council Member? _____
If yes, how much? _____ Terms served _____
_____ Terms served _____
7. Are you currently serving or have you served on a City of Sunnyvale board or commission? _____
If yes, which one? _____ Term currently serving _____
_____ Term previously served _____
8. Why do you want to serve as an Interim Council Member?
- _____
- _____
- _____
- _____
- _____
9. What skills or attributes can you bring to the City?
- _____
- _____
- _____
- _____
10. Why are you the best candidate to serve as Interim Council Member?
- _____
- _____
- _____
- _____

11. Education: List college degrees and majors, and any relevant training or experience that demonstrates your ability to effectively serve the City.

12. Briefly describe your current or last occupation.

13. Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the City consider.

14. Describe your involvement in community activities, volunteer and civic organizations. **Do not list party affiliation, memberships or activities in partisan political organizations.**

15. The City has a Code of Ethics and Conduct for Elected and Appointed Officials and attendance requirements that elected and appointed members are required to follow. Do you have any concerns in these two areas? If so, please describe.

Please Note: Pursuant to the Americans with Disabilities Act (ADA), the City of Sunnyvale will make reasonable efforts to accommodate persons with qualified disabilities during the interview process. Should you require special accommodations, please contact the Office of the City Clerk at (408) 730-7595 at least five days in advance of your scheduled interview.

IMPORTANT NOTICE

A City Council member is a public official. As such, it is necessary to provide contact information to the public. Please note that all information provided on this form becomes a public record after it is officially filed. Please do not include any information on this form that you do not want posted on the City's Web site and the City's official roster.

City Council Members and Candidates for Elective Office are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record. A copy of this form is available in the Office of the City Clerk or by visiting www.fppc.ca.gov.

I certify under penalty of perjury that all statements I have made on this application / questionnaire are true and correct. I hereby authorize the City of Sunnyvale to investigate the accuracy of this information from any person or organization, and I release the City of Sunnyvale and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application / questionnaire will be cause for refusal of appointment.

THIS APPLICATION / QUESTIONNAIRE AND A STATEMENT OF ECONOMIC INTERESTS (FORM 700) MUST BE SIGNED, DATED AND RETURNED PRIOR TO THE DEADLINE SET BY COUNCIL.

Signature of Applicant

Date

Please return to: Office of the City Clerk, 603 All America Way, P.O. Box 3707, Sunnyvale, CA 94088-3707



City of Santa Clara

The Center of What's Possible

AGENDA ITEM #: 5A

AGENDA REPORT

Date: March 7, 2016

To: City Manager for Council Action

From: City Clerk/Auditor

Subject: Special Order of Business: Interviews and Appointment of a Member to City Council Seat No. 6

EXECUTIVE SUMMARY

At the City Council meeting of February 23, 2016, City Council declared a vacancy in City Council Seat No. 6 for the unexpired term of the former incumbent, November 2016, set March 4, 2016 at 12:00 pm as the deadline for receipt of applications and letters of interest and set a Special Meeting on March 7, 2016 at 7:00 pm for interviews and an appointment.

A total of seventeen applications were received for the selection in City Council Seat No. 6. All applications are listed in the attached Summary of Applicants and are scheduled to be interviewed by the City Council at 7:00 pm on the March 7, 2016 in the City Hall Council Chambers.

ADVANTAGES AND DISADVANTAGES OF ISSUE

An advantage is that the appointment will complete a full City Council. There are no disadvantages.

ECONOMIC/FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense.

RECOMMENDATION

That the Council appoint one applicant to fill the vacancy on City Council Seat No. 6 for the unexpired term of the former incumbent, November 2016.



Rod Diridon, Jr.
City Clerk/Auditor

APPROVED:



Julio J. Fuentes
City Manager

Documents Related to this Report:

- 1) List of Applicants
- 2) Applications



STAFF REPORT

Agency: City of Belmont
Staff Contact: Scott Rennie, City Attorney
Agenda Title: Consideration of Options to Fill City Council Vacancy
Agenda Action: Discussion and Direction

Recommendation

Staff recommends that the City Council determine the procedure – appointment or special election – that the Council wishes to follow to fill the existing vacancy on the City Council.

Background

City Councilmember Eric Reed was elected in November 2013 to a term of office that will expire after certification of the November 2018 general municipal election. Councilmember Reed passed away in office on December 8, 2017, approximately 11 months before the end of his term.

A City Council seat becomes vacant upon the death of the incumbent¹. When a vacancy occurs, Government Code Section 36512 provides that the Council must within 60 days of the commencement of the vacancy either: (1) fill the vacancy by appointment; or (2) call a special election to fill the vacancy. Accordingly, the Council must either make an appointment or call a special election by February 6, 2018. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent² and possesses all the rights and powers and is subject to all the liabilities, duties and obligations of the councilmember whose vacancy he or she fills.³

Analysis

The City Council has the following options to fill the vacancy. A common requirement of all options discussed below is that the Council must make a decision and complete all actions necessary to implement the decision by **February 6, 2018**.

1. Appoint for the Remainder of the Term.

Under this option, the City Council may appoint a resident to the vacant council seat. The Council has broad authority to conduct the process and make the appointment in the manner that it deems best. The Council could directly appoint an individual to fill the vacancy after deliberation and a majority vote of the Council without soliciting applications. Alternatively, the Council could consider an application and interview process to select a resident to fill the vacancy.

¹ Government Code § 1770(a).

² Government Code § 36512(b).

³ Government Code § 1777.

2. Call a Special Election to Fill the Unexpired Term

If the City Council chooses not to appoint, it must call a special election to be held on the next regularly established election date⁴ not less than 114 days from the call of the special election.⁵ Because the vacancy commenced on December 8, 2017, the next regularly established (polling place) election date that falls after the 114 day period (measured from the date of this meeting) is June 5, 2018. The cost of holding a special election would be approximately \$25,000. To effectuate this option, the City Council must adopt a resolution calling for a special election before February 6, 2018.

If the Council chooses to call a special election, there are two alternatives that it may wish to consider. The first alternative would be for the Council to make an interim appointment until the special election is held. This option would require the Council to adopt an ordinance that enables the City Council to make the interim appointment under Government Code Section 36512(c). The second alternative would be to conduct an “all-mail ballot” special election instead of holding a traditional polling place election on June 5, 2018. An all-mail ballot special election may be held any time 114 days after the call for the election. This option would cost approximately \$58,000.

Alternatives

None.

Attachments

None.

Fiscal Impact

- ☐ No Impact/Not Applicable Selection of options will determine impact.
☐ Funding Source Confirmed:

Source:

- ☒ Council
☐ Staff
☐ Citizen Initiated
☐ Other*

Purpose:

- ☒ Statutory/Contractual Requirement
☐ Council Vision/Priority
☐ Discretionary Action
☐ Plan Implementation*

Public Outreach:

- ☒ Posting of Agenda
☐ Other*

⁴ Under Election Code § 1000, the established election dates for 2018 are April 3, June 5, and November 6.

⁵ Government Code § 36512(b).

Minutes of Special Meeting of December 14, 2017

City Hall, Third Floor Conference Room 360 One Twin Pines Lane, Belmont, California

CALL TO ORDER: 11:07 A.M.

ROLL CALL

Councilmembers Present: Hurt, Kim, Stone, Lieberman (arrived 11:14 a.m.)

Councilmembers Absent: None

ITEM OF BUSINESS

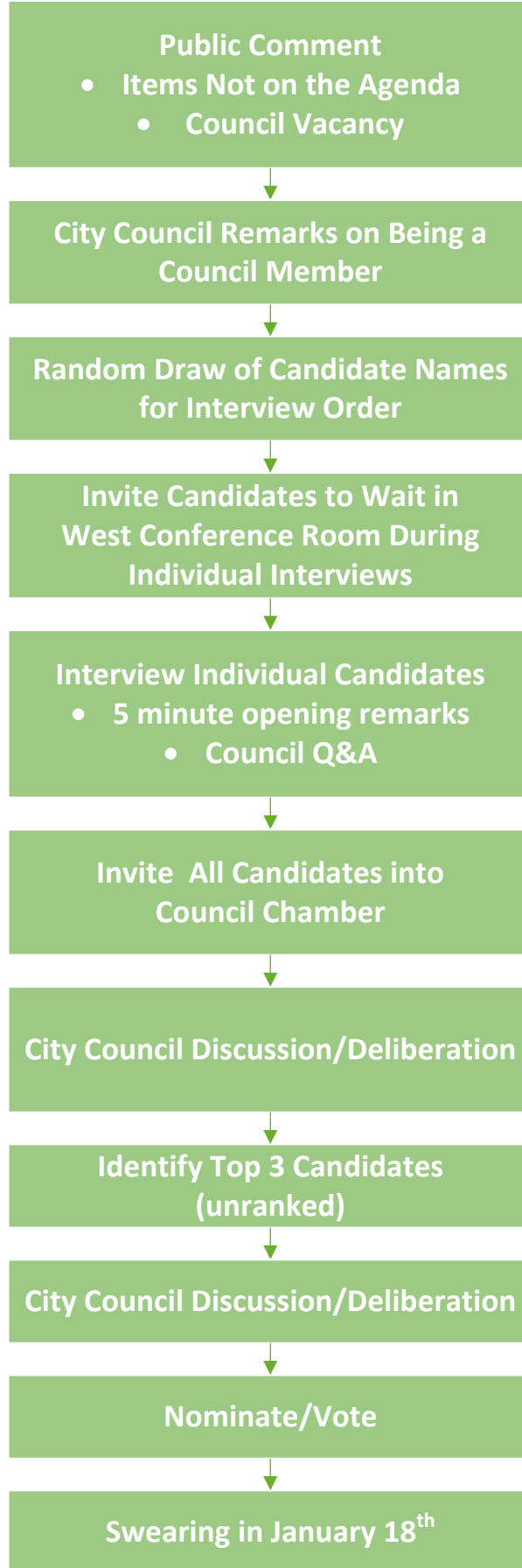
Consideration of Options to Fill City Council Vacancy

The City Council discussed option to fill a vacancy due to the recent passing of Councilmember Reed. The Council is required to take action by February 6, 2018, by either appointing a new member or calling for a special election to fill the vacancy for the remainder of the term ending November 2018.


ACTION: on a motion by Councilmember Stone, seconded by Councilmember Lieberman, it was unanimously approved to proceed with advertisement for applications.

ADJOURNMENT at this time being 11:20 A.M.

**Jozi Plut
Deputy City Clerk**



CITY OF CHICO
Administrative Procedure and Policy Manual

Subject: Council Vacancy Administrative Procedure and Policy	Number: 10-44
	Effective Date: 11/20/12
Department(s) Affected: City Clerk	Supersedes: n/a
Authority: Charter - Article IV. Elective Officers, Section 406; Government Code §36512 (b); Council Action 11/20/12	File Reference:
	Approved: 

Council Vacancies - The purpose of this policy is to provide a process to assist the City Council in the event a vacancy should occur on the Council.

The Charter of the City of Chico as well as Government Code §36512 (b) grants the Council the authority to appoint a qualified citizen (as defined by the Charter) to complete the remainder of the term vacated. Should the Council wish to appoint, then it must do so within 30 days of the date the Council formally declares the seat vacant, or call for a Special Election.

I. In the event a vacancy has occurred:

1. At a regularly scheduled meeting, Council shall declare the seat vacant.
2. At the meeting at which the announcement is made, Council shall either call for a special election or set an recruitment period for receiving formal applications from qualified citizens for consideration of appointment. Should the appointment process be selected, the meeting at which the interviews will take place will be scheduled.
3. If an appointment process is used, then the City Clerk will handle the recruitment, with an official application (Exhibit "A") to be completed,
4. Applicants will be notified of the meeting where the interviews will take place and that they should be prepared to respond to questions during the interview from the City Council on the following broad topics, or those determined by the Council at the time the vacancy occurs:
 - a. Near and long-range (10-year) perspective for the community;
 - b. Quality of life challenges and opportunities;
 - c. Community leadership and interpersonal skills; and
 - d. Community fiscal health and resource issues.

Public comments will be taken following the applicant interviews.

5. Following the interviews, each Councilmember shall nominate up to two citizens for final consideration. Completed nomination forms will be submitted to the City Clerk according to the schedule outlined by Council whereupon the City Clerk will create an official ballot.
6. Voting will occur by ballot. Once a nominee has received a majority vote (four or more votes), he or she will be confirmed as appointed.
7. The Oath of Office will be administered at the next regularly scheduled Council meeting whereby the vacant seat will be filled.

II. Should the vacancy occur due to military service, the appointment will be an interim appointment in accordance with California Military and Veteran's Code Section 395.8.

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- III. Pursuant to the Charter of the City of Chico, if the Council fails to fill the vacancy within the 30 day period, the City Council shall call a Special Municipal Election for the purpose of filling the vacancy.

The Special Municipal election shall be held within one hundred and twenty (120) days from the date the Council declares the vacancy to exist. If a general municipal or statewide election is scheduled within one hundred and eighty (180) days from the date the vacancy is declared, the Special Municipal Election shall be consolidated with the general or statewide election.

RESOLUTION NO. 2012/70

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
INVITING APPLICATIONS FOR APPOINTMENT TO THE
CITY COUNCIL TO FILL THE UNEXPIRED TERM OF WADE HARPER**

WHEREAS, Councilmember Wade Harper was elected Mayor of the City of Antioch with two years remaining on his City Council term, thus creating a vacancy in that position; and

WHEREAS, Government Code §36512 requires the City Council to make an appointment or call a special election within 60 days of the occurrence of the vacancy; and

WHEREAS, the City Council desires to invite applications from those persons interested in being appointed to vacated City Council seat, with the term expiring in November 2014;

NOW, THEREFORE, BE IT RESOLVED that the following rules are established for the invitation and consideration of applications:

1. Not later than 4:30 p.m. on Thursday, December 13, 2012, persons interested in being considered for appointment to the remaining term shall submit to the City Clerk:

- a) Nomination Paper with the signatures of at least 20 but not more than 30 Antioch registered voters;
- b) Candidate's Statement not exceeding 400 words, indicating why the applicant has an interest in being appointed to the Antioch City Council, his or her qualifications, background, and any other information which the candidate considers would be useful to the City Council in selecting and making an appointment; and
- c) A completed Statement of Economic Interests (Form 700 from the Fair Political Practices Commission).

2. On Tuesday, December 18, 2012 starting at 6:00 p.m. applicants may make an oral statement to the City Council in an open and public City Council meeting not exceeding three minutes in length summarizing their Candidate's Statement.

3. It is the intention of the City Council to make an appointment on December 18, 2012.

* * * * *

RESOLUTION NO. 2012/70

December 4, 2012

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I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 4th day of December 2012, by the following vote:

AYES: Council Members Wilson, Rocha and Mayor Harper

NOES: Council Member Agopian

ABSENT: None

for Christine Sarcia
CITY CLERK OF THE CITY OF ANTIOCH

