

## STAFF REPORT



## CITY OF OCEANSIDE

DATE: December 16, 2009

TO: Honorable Mayor and City Councilmembers

FROM: City Attorney's Office  
City Manager's Office

SUBJECT: **DIRECTION TO STAFF AND DISCUSSION REGARDING PENDING CITY COUNCILMEMBER VACANCY**

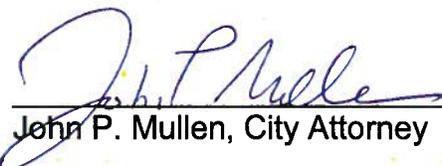
With the resignation of Councilmember Rocky Chavez effective on December 18, 2009, the Council must by January 17, 2010, either appoint a person or call a Special Election to fill the unexpired term [to December 2010] of the vacant Councilmember position.

In accordance with the requirements of Government Code Section 36512(b), ***"the Council shall, within 30 days from the commencement of the vacancy, either fill the vacancy by appointment 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 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent."***

California Elections Code Section 1000 lists June 8, 2010, as the next established election date to hold a Special Election [beyond the 114 days required by the Code].

As a result of the Holiday schedules, there is only one scheduled Council meeting between Councilmember Chavez's resignation date and the January 17, 2010 time limit for appointment or calling for the special election. Should the Council be interested in an appointment, staff would recommend the Council approve an application period that would start on Monday, December 21, 2009 and be open through Wednesday, December 30, 2009. The Council could then schedule an interview/discussion meeting for Wednesday, January 6, 2010, at 10:00 am.

Staff will place an item on the January 6, 2010 Council agenda that would provide the Council the ability to appoint, call for a special election or defer the decision to a special meeting that would have to be called for Monday, January 11, 2010. Due to scheduling conflicts, Monday, January 11, 2010 would be the last day to take action to either appoint or call for the special election.

  
John P. Mullen, City Attorney

  
Peter A. Weiss, City Manager