



DATE: December 16, 2020
TO: Honorable Mayor and City Councilmembers
FROM: City Clerk's Office
SUBJECT: **CITY COUNCIL DISTRICT 1 VACANCY**

SYNOPSIS

Staff recommends that the City Council discuss the options to fill the vacant City Council position in accordance with Council Policy 100-61 to either 1) accept applications to fill the vacancy by the February 12, 2021, Special Council Meeting or 2) call for a Special Election on November 2, 2021; and provide direction to staff.

BACKGROUND

The City's General (consolidated) Municipal Election was held in the City of Oceanside on Tuesday, November 3, 2020. The official results from the Registrar of Voters were certified by the City Council at the December 15, 2020 Special Meeting. Councilmember Sanchez's term does not expire until December 2022. As a result, upon Councilmember Sanchez's swearing in as Mayor, a vacancy occurred on the City Council for District 1. City Council Policy 100-61 provides that the vacancy be filled in accordance with Government Code section 36512.

Pursuant to Government Code section 36512, the City Council is required to fill the vacancy by appointment or call a special election to fill the vacancy at the next regularly scheduled election date not less than 114 days from the call of the special election. The City Council must choose one of these options within 60 days of the vacancy. Elections Code section 1000 provides for an election date on March 2, 2021; however, there is not sufficient time to provide the required notice. As a result, should the City Council choose to call a special election, the election would be conducted on the next established election date, November 2, 2021. The City Clerk estimates the cost of the special election would likely exceed \$250,000.

If the Council decides to fill the vacancy by appointment, the person appointed will hold office until the expiration of the term (December 2022). That person is required to live in District 1 and must be a registered voter in District 1. The appointment must occur no later than the February 3, 2021 Regular Council Meeting, unless a Special Meeting is called before February 12, 2021.

In the event the City Council chooses to proceed with an appointment, we propose the following schedule to ensure sufficient time for the process:

- | | |
|-----------------------------------|--|
| 1. Wednesday December 16, 2020: | Council declares vacancy effective December 15, 2020/ provides direction |
| 2. Friday January 8, 2021 at 4PM: | Deadline to file applications with City Clerk |
| 3. Wednesday, January 27, 2021: | Interviews/possible appointment (special meeting) |
| 4. Wednesday, February 3, 2021: | Potential appointment if no action taken on 1/27/21 (regular meeting) |
| 5. Wednesday, February 10, 2021: | Potential appointment if no decision already on 2/3/21 (special meeting) |

These dates can be changed at the discretion of the Council; however, the process should be concluded no later than the February 12, 2021.

In accordance with Council Policy 100-61, the City Clerk has prepared an application (Attachment 2). The application will require the applicant to answer the questions outlined in Council Policy 100-61. These questions ask the applicant to: 1) Explain why he or she wants to be appointed; 2) Describe their background and experience that makes them a desirable candidate; 3) Disclose whether he or she is related to or has a work affiliation with any member of the council or city staff member.

ANALYSIS

In accordance with the requirements of the Government Code section 36512, the City Council is required to fill the vacancy by appointment or call a special election to fill the vacancy at the next regularly scheduled election date not less than 114 days from the call of the special election.

FISCAL IMPACT

An appointment would have no financial impact, other than the costs associated with advertising the vacancy if the City Council chose to do so. No funding is included in the FY 2020-2021 budget account number 120123101.5305 for a Special Election. If the election is consolidated with the County Election, the cost would likely exceed \$250,000, and will require a budget appropriation from reserves to ensure sufficient funds are available.

INSURANCE REQUIREMENTS

Does not apply.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council discuss the options to fill the vacant City Council position in accordance with Council Policy 100-61 to either 1) accept applications to fill the vacancy by the February 10, 2021, Special Council Meeting or 2) call for a Special Election on November 2, 2021; and provide direction to staff.

PREPARED BY:

SUBMITTED BY:



Zeb Navarro, City Clerk



Deanna Lorson, City Manager

REVIEWED BY:

Jane M. McPherson, Financial Services Director



Attachments:

1. Council Policy 100-61
2. Application for District 1 Candidates

SUBJECT: **Elected Official Vacancy Appointment Process** **POLICY NUMBER** **100-61**
ADOPTED **12-18-19**

A vacancy in a City elected office is required to be filled in accordance with Government Code section 36512. That statute requires the City Council to fill the vacancy by appointment or call a special election to fill the vacancy at the next regularly scheduled election date not less than 114 days from the call of the special election. The City Council must choose one of these options within 60 days of the vacancy.

It is the policy of the City Council that elected office vacancies be filled by the following process, if/when this option to fill the vacancy by appointment is selected.

1. Notice of Vacancy / Applications

A notice of vacancy shall be posted by the City Clerk's Office with the established deadline to submit applications. Applications for a vacancy must be submitted to the City Clerk's Office.

2. Requirements

- Citizen of the United States (*Government Code Sec. 1020*)
- Registered voter and resident of the district (when applicable) (*Elections Code Sec. 201*)
- At least 18 years of age at the time of his/her appointment (*Government Code Sec. 1020*)

3. Interview Process

The City Council will hold a non-televised workshop for selection interviews. Based on this policy, applicants will be interviewed, with subsequent appointment(s) to be made.

The interview process established by Council consists of individual interviews, with applicants to be seated in the Closed Session Room until their turn to be interviewed. The order of interviews is determined by random drawing. The procedure to be used for the interviews is as follows:

- Each applicant will make a one-minute presentation to Council.
- The City Clerk will then ask three standard questions of each applicant: 1) Why do you want to be appointed to this position? 2) Describe the background and experience that make you a desirable candidate; and 3) Are you related to or do you have any type of work or affiliation with anyone on the City Council or City of Oceanside staff members? The applicants are given one minute to respond to each question.

- Following the standard questions, each Councilmember may ask one additional question. The applicants are given one minute to respond to each question. Each interview will last approximately ten minutes.

Following the interviews, each Councilmember will choose 2 to 3 finalists, which the City Clerk will list based on a random process and at which time the City Council will consider each of the finalists in order until a majority vote is reached.

4. Term

If the council fills the vacancy by appointment, the person appointed to fill the vacancy shall hold office pursuant to one of the following:

- a. If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.
- b. If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent.



POSITION

**COUNCILMEMBER -
DISTRICT 1**

CITY OF OCEANSIDE

Application for Councilmember –District 1

This application is defined as a public record under the Public Records Act. Completion and submission of this application is required for consideration of appointment to Councilmember for District 1, term ending December 2022. This application must be submitted no later than the deadline of January 08, 2021 by 4 PM. You must be a resident of the City of Oceanside within District 1 and a registered voter.

Please be advised that the position for which you are applying will require filing of Statements of Economic Interest if you are appointed.

It is the policy of the City of Oceanside that no qualified disabled person will be denied the opportunity to participate. Appropriate arrangements will be made to accommodate individuals as needed.

PLEASE RETURN COMPLETED APPLICATIONS TO:

City Clerk Department
300 North Coast Highway
Oceanside, CA 92054
Phone: 760-435-3001

APPLICANT'S NAME: _____
(Please print- no nicknames)

HOME ADDRESS: _____
(Street address)

(City) (Zip Code) (Phone Number)

E-MAIL ADDRESS: _____

CURRENT EMPLOYER: _____
(Company Name)

(Company address)

(City) (Zip) (Phone Number)

POSITION TITLE: _____

DATE OF BIRTH: _____

I have been an Oceanside resident for _____ years.

(OVER)

1. Why do you want to be appointed to this position? _____

2. Describe the background and experience that make you a desirable candidate.

3. Are you related to or do you have any type of work or affiliation with anyone on the City Council or City of Oceanside staff members?

4. Please list your degrees, relevant certifications, or any community group you belong to.

5. Are you serving, or have you served, on any Oceanside advisory groups? Please indicate dates of service. _____

PLEASE ATTACH TO THIS APPLICATION ANY ADDITIONAL MATERIALS RELEVANT TO YOUR BACKGROUND AND EXPERIENCE THAT MAY BE CONSIDERED FOR THE APPOINTMENT, INCLUDING A RESUME AND LETTERS OF RECOMMENDATION.

Applicant's Signature

Date Submitted

Thank you for your willingness to serve your community. The City appreciates your commitment. In anticipation of Council action, applications are being accepted until January 4, 2021, at 4 PM.