City of San Juan Capistrano
Agenda Report

TO: Honorable Mayor and Members of the City Council

FROM: Maria Morris, City Clerk

DATE: February 3, 2015

SUBJECT: Consideration of Process to Fill City Council Vacancy

RECOMMENDATION:

City Council discretion.

EXECUTIVE SUMMARY:

Council Member Byrnes announced at the January 20, 2015, City Council meeting his intention to retire from the City Council, and has since indicated his resignation will be effective on February 17, 2015. Government Code Section 36512(b) addresses filling the vacancy. It states, “... the Council shall, within 60 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.”

DISCUSSION/ANALYSIS:

Below are the options available concerning the City Council vacancy:

1. Appoint a resident to fill the position within 60 days of the vacancy, which in this case would be by April 18, 2015. The appointed term would expire with certification of the November 1, 2016, General Municipal Election.

2. Call a Special Election, to be held at the next regularly established election date, not less than 114 days from the call of the Special Election.
There is no required process to fill the vacancy by appointment, except that an appointment must be made at a regular meeting of the City Council. Regular meetings are scheduled for February 17, March 2, and March 17, 2015. The City Council may adjourn a meeting to another date, creating an “adjourned regular meeting,” which would also suffice to meet this requirement.

If the City Council chooses to appoint a resident to fill the position, it is recommended that a vacancy be declared effective February 17, 2015, with applications available on February 4, 2015, and due to the City Clerk’s office by 4:30 p.m. on February 20, 2015, or another preferable date provided by the City Council.

If the City Council chooses to call a Special Election, the City Clerk’s office will bring back at the February 17, 2015, City Council meeting the appropriate resolutions.

**FISCAL IMPACT:**

The City’s cost for a Special Election to be conducted by the Orange County Registrar of Voters (ROV) is estimated at approximately $105,248 - $115,071. If the City Council chooses to call for a Special Election, more information regarding the possibility to consolidate with a Statewide Election to reduce costs, will be provided at a later time.

**ENVIRONMENTAL IMPACT:**

Not applicable.

**PRIOR CITY COUNCIL REVIEW:**

Not applicable.

**COMMISSION/COMMITTEE/BOARD REVIEW AND RECOMMENDATIONS:**

Not applicable.

**NOTIFICATION:**

If the City Council chooses to appoint a resident to fill the position, the City Clerk’s office will publish the vacancy and provide a press release soliciting applications.

**ATTACHMENT(S):**

Attachment 1 – City Council Vacancy Application
City of San Juan Capistrano
Application to Fill
City Council Vacancy

Please complete the information requested. You are also encouraged to attach additional biographical information. Applicants must be a registered voter in the City of San Juan Capistrano.

Applicant Information:

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<th>Name (Last, First, Middle)</th>
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What educational or specialized training background do you have that will benefit the City Council?

What skills do you feel you have that will benefit the work of the City Council?
Briefly state your professional/occupational experience.

Please list any civic, fraternal or professional organization of which you are a member and dates of membership.

Please list any professional or technical certificates, licenses, degrees of titles which you possess.
What do you believe to be the duties and obligations of the position for which you are applying? Please include the number of hours per month you would be available to serve if appointed.

Please use this space to provide any additional information you feel is pertinent to your qualifications for an appointment.

Although a conviction record will not necessarily be a bar to appointment, have you ever been convicted, imprisoned, or placed on probation for an offense other than a traffic citation or traffic misdemeanor?  □ Yes □ No

Can you perform all the duties that are required for the appointment?  □ Yes □ No
If no, state details on a separate sheet and describe accommodations necessary.

Certificate of Applicant: "I certify that all statements made in this application and attachments are true and complete to the best of my knowledge. I authorize the City of San Juan Capistrano to make investigations and inquiries that are limited to the requirements for the appointment, of my employment, financial or medical history and other related matters, as they relate to the requirements of the appointment for which I am applying, in arriving at a decision. I hereby release employers, schools or persons from any liability in responding to inquiries in connection with my application. I understand that any false or misleading information given in my application or any step in the appointment selection process will subject me to disqualification or dismissal. I understand also, that I am required to abide by all laws, rules and regulations of the City of San Juan Capistrano and the State of California."

_________________________________________  __________________________
Signature                                              Date