



# City of Morgan Hill

## Legislation Text

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## **CITY COUNCIL STAFF REPORT**

### **MEETING DATE: DECEMBER 14, 2016**

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APPROVED BY: City Manager

## **OPTIONS TO FILL THE CITY COUNCIL VACANCY**

### **RECOMMENDATION(S)**

1. Discuss the options for filling the City Council vacancy; and
2. Provide direction to staff on how to proceed.

## **COUNCIL PRIORITIES, GOALS & STRATEGIES:**

### **Ongoing Priorities**

Enhancing public safety  
Protecting the environment  
Maintaining fiscal responsibility  
Supporting youth  
Fostering a positive organizational culture  
Preserving and cultivating public trust

### **2016 Focus Areas**

Planning Our Community  
Developing Our Community  
Enhancing Our Services  
Improving Our Communication  
Participate in Regional Issues

### **REPORT NARRATIVE:**

On December 1, 2016, City Council Member Gordon Siebert tendered his resignation from the City Council effective Thursday, December 8<sup>th</sup> creating a vacancy with a term ending in December 2018. In order to fill the vacancy, the City Council must either make an appointment within 60 days of the notice of vacancy or call a special election. Staff has determined that the 60 day window expires after January 30, 2017 based on the December 1<sup>st</sup> notice of vacancy.

Should the Council choose to move forward with an appointment to fill the vacancy, it has the discretion to choose how they will select an appointee. The Council could for example, nominate a qualified candidate and vote to appoint that individual; Council could solicit applicants and interview to fill the vacancy; or it has the discretion to create another process to fill the vacancy.

If the an appointment is not made within 60 days or the Council decides it does not wish to appoint, it must call a special election that would take place not less than 114 days after the election is called. The City of Morgan Hill would contract with the Santa Clara County Registrar of Voters (ROV) for the consolidation of a special election. The ROV has provided an estimated cost of \$351,000 to hold a special election (see additional information in the fiscal/resource impact section).

Below is a summary of the options for filling a Council vacancy:

➤ **Should Council choose to appoint within 60 days of notice of vacancy:**

- Nominate and appoint a qualified candidate (Registered Voter and Morgan Hill resident) to fill the vacancy for the remainder of the unexpired term (through December 2018).
  - This could be done as soon as the Council meeting of December 14<sup>th</sup>.
    - Should Council choose to appoint at the meeting of the 14<sup>th</sup>, it would need to make a motion nominating a qualified candidate and take a vote. A standard majority vote would be required for the motion to pass. The new Council Member could be sworn in on December 14, 2016.
- Solicit applicants, interview, and appoint a qualified candidate
  - Should Council choose to move forward with an interview process, it would need to direct the City Clerk to post a notice of vacancy, solicit applicants, and schedule interviews. Council could also provide direction in regards to the application and interview process. Such as whether or not candidates should include qualifications, answer application questions, or simply inform the Council of their interest to be considered.
- Appoint a qualified candidate and adopt an ordinance stating that the appointee will fill the vacancy until a special election is held (June 2017)
- Create another process to fill the vacancy

If the Council decides to appoint the new Council Member, it may want to consider making the appointment prior to the annual goal setting workshop scheduled for January 27 and 28, 2017. Furthermore, in the event the Council decides not to appoint on December 14, the Council may also need to call a special meeting(s) in January to accommodate the applicant review and interview process. Staff recommends that the Council determine the applicant and Interview schedule at the December 14, 2016 meeting.

➤ **Should Council choose to call a Special Election:**

- Call a special election as soon as December 14<sup>th</sup> or prior to the 60 day requirement.
- If an appointment is not made within 60 days of the notice of vacancy, Council must call for a special election that would be held not less than 114 days from the notice of election
  - Due to the deadlines required by the Elections Code, regardless if the Council chooses to call the special election immediately or within 60 days of the notice of vacancy, the soonest a special election could be held would be June 2017

**COMMUNITY ENGAGEMENT: Inform**

This staff report serves to inform the community of the options that are before the City Council to fill the Council vacancy.

**ALTERNATIVE ACTIONS:**

The Council vacancy must be filled. The various alternative ways of doing so are listed above.

**PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

Not applicable.

**FISCAL AND RESOURCE IMPACT:**

If Council chooses to fill the vacancy by appointing a candidate, there are limited financial and resource impacts to the City. If Council chooses to call a Special Election, the cost is estimated to be \$351,000 for a “stand alone” election and is not currently budgeted. The estimated cost could be reduced if there are other agencies within Santa Clara County that will need a special election in June 2017. The \$351,000 estimate does not include the estimated cost of \$1,860 per candidate statement (of which the candidates would pay 50%). An additional budget appropriation would be needed to fund a special election.

**CEQA (California Environmental Quality Act):**

Not a Project

**LINKS/ATTACHMENTS:**

None.