REPORT to the MAYOR and MEMBERS of the CITY COUNCIL
From the CITY MANAGER

DATE: April 27, 2021

SUBJECT: Discussion and Direction to Determine the Process of Filling a Vacancy on City Council within 60 Days (Friday, June 18, 2021) or Scheduling a Special Election pursuant to Government Code Section 36512

ISSUING DEPARTMENT: City Clerk

SUMMARY:

Issues:

Should the City Council appoint a person to fill the vacancy on City Council within 60 days (June 18, 2021) or schedule a special election?

Recommendation:

Provide direction to staff regarding whether to fill the vacancy on City Council by appointment or special election.

Fiscal Impact:

The County Registrar of Voters' ("Registrar of Voters") cost estimate for holding a La Mesa special election to fill the vacancy on City Council is approximately $550,000 - $850,000. This estimation is based on prior elections similar in size. The actual question posed to the Registrar of voters was as follows: "Would it be possible to receive an estimate if the City of La Mesa were to hold a special election for one seat on the Council?"

City's Strategic Goals:

• Maintain a financially sound and affordable city government.
BACKGROUND:

On the special election of April 6, 2021, the voters elected Dr. Akilah Weber to the 79th State Assembly District seat. Consequently, Dr. Weber submitted her resignation from the La Mesa City Council on April 19, 2021.

DISCUSSION:

California Government Code §36512 governs the process for filling a vacancy on the City Council. The vacancy can be filled by either appointment of a new member by the City Council or by special election. The City Council has 60 days from the commencement of the vacancy to either make an appointment or call for a special election. Due to Dr. Weber's resignation on April 19, 2021, the 60 day period (pursuant to GC §36512(b)) expires on June 18, 2021.

If the Council decides to appoint to fill the vacancy, the appointment process would be administered pursuant to La Mesa Municipal Code (“LMMC”) Chapter 2.13, entitled “Procedure for Filling Vacancies in Elective Offices”. If the Council decides to call a special election, that election would need to occur on the next regularly established election date not less than 114 days from the date of calling the election.

The vacant seat on the City Council has a remaining term of approximately 19 months (up for election at the November 8, 2022 General Election).

Option A: Fill Vacancy by Appointment

If the City Council chooses to appoint an individual to the City Council seat prior to the June 18, 2021 deadline, the appointed individual would complete the unexpired term of the councilmember creating the vacancy (until December 13, 2022).

LMMC Chapter 2.13 governs the process for filling a City Council vacancy. The City Clerk would publish a notice of vacancy in the Daily Transcript and interested persons would have seven days after the date of publication to submit an application. A public hearing would then be held where each applicant would make a three minute presentation to the Council in support of the applicant's candidacy for appointment. At the conclusion of the public hearing or at a later meeting, the Council would adopt a resolution appointing a person to fill the vacancy. Attached is a sample application (Attachment A). A schedule for making an appointment through the application process outlined in LMMC Chapter 2.13, could be as follows:
Report to Mayor and Councilmembers
Date: April 27, 2021

Page 3 of 4

• May 3, 2021  City Clerk to post and publish Notice of Vacancy and City Council application
• May 10, 2021 Applications due to the City Clerk’s Office by 5:00 p.m.
• May 25, 2021 City Council hears from all applicants (may be done at a special meeting)
• May 25 or June 8, 2021 City Council votes on appointment (the Council may make the appointment at the same meeting as the interviews)

In the event the Council decides to appoint an individual to the City Council seat, by custom and practice, the appointee would serve in all the same roles (e.g., Vice Mayor, Metropolitan Transit System Board of Directors, etc.) of the councilmember creating the vacancy.

Note: Pursuant to City Council direction, the successful applicant may be sworn in immediately or at a designated time thereafter.

Option B: Hold a Special Election

The other method for filling the vacancy would be by calling a special election. Pursuant to Government Code § 36512(b)(1), the special election would be held at the next regularly established election date not less than 114 days from the call of the special election. The Registrar of Voters established election dates for 2021 are as follows:

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<tr>
<th>Election Date</th>
<th>Deadline for Registrar of Voters to receive Resolutions calling the election</th>
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<tr>
<td>August 31 (all mail ballot)</td>
<td>June 4</td>
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<tr>
<td>November 2</td>
<td>August 6</td>
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The person elected to fill the vacancy would hold office for the unexpired term of the councilmember creating the vacancy (approximately 15 – 12 months, depending on the election date). The cost estimate for holding a La Mesa special election is between $550,000 - $850,000.

If the Council decides to hold a special election to fill the vacancy, City staff would work with the Registrar of Voters to schedule an election on the next regularly established election date. Staff would then bring back for Council approval resolutions to call the election and consolidate with a County election on the applicable County election date.
CONCLUSION:

Staff recommends that the City Council provide direction on how to fill the City Council vacancy by either appointment or a special election, as outlined above.

Reviewed by: Greg Humora
City Manager

Respectfully submitted by: Megan Wiegelman
City Clerk

Attachment: Sample Application for City Council Vacancy
APPLICATION FOR THE POSITION OF MEMBER OF THE CITY COUNCIL
OF THE CITY OF LA MESA

Last Name First Name

Street Address City State Zip

Residence Phone: __________________________ Business Phone: __________________________

Length of time at current address: ______

Other addresses within the past five (5) years: __________________________________________

Business or occupation engaged in during the past five (5) years together with address of each business
and dates of service: (Attach additional sheets if necessary)

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Name and Address of Business</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
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Branch of military service, dates and rank: __________________________________________

Education from high school or highest level attained, together with the name of each educational
institution attended and degree or diploma received:

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<th>High School</th>
<th>City</th>
<th>Years and/or grade completed</th>
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Education (Continued):

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<tr>
<th>College or University</th>
<th>State</th>
<th>Years and/or degree</th>
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I, under penalty of perjury, state that I am a resident and elector of the City of La Mesa as required by Elections Code Section 201 (attached).

Date: ____________________________  Signature of Applicant

Please attach a statement of qualifications (no longer than 100 words) expressing in your own words the reasons why you believe you are qualified for the office.

Please attach a petition with the signatures of at least 20 and not more than 30 City of La Mesa REGISTERED VOTERS in form and content similar to that required to run for office.
STATEMENT OF QUALIFICATIONS FOR: ____________________________

Section 2.13.030, paragraph 2, of the La Mesa Municipal Code states:

"2. A statement of qualifications not longer than one hundred (100) words expressing in
the applicant's own words the reasons why the applicant believes he/she is qualified
for the office."
May 3, 2021

Dear Applicant:

Enclosed is a copy of Chapter 2.13 of the La Mesa Municipal Code, which outlines the procedure for filing for the vacancy of Member of the City Council, and Section 201 of the Elections Code, which requires that you be a resident and elector of the City of La Mesa.

Also enclosed are the following forms, which must be completed and filed in the office of the City Clerk on or before 5:00 p.m., Monday, May 10, 2021, at 8130 Allison Avenue, La Mesa, California:

1. Application
2. Statement of Qualifications
3. Nomination Paper
4. Form 700 – Statement of Economic Interests

Once your papers are filed, I will verify the signatures on the Nomination Paper. If the Nomination Paper qualifies, you will be notified to attend the public hearing that the City Council has set for 6:00 p.m., May 25, 2021. At the hearing, you will be allowed three minutes to make a presentation to the Council in support of your candidacy for appointment. The Council may also ask questions about your qualifications.

It is the hope of the Council to complete the selection process and make an appointment at the meeting on May 25.

Additional information has been included in the application packet explaining the city government of La Mesa. Should you have any questions, please feel free to contact me at (619) 667-1120.

Sincerely,

Megan Wiegelman, CMC
City Clerk