



Legislation Details (With Text)

File #: 12-385 **Version:** 1 **Name:** Appointment to fill District 4 City Council Vacancy
Type: Staff Report **Status:** Filed
In control: City Council
On agenda: 7/16/2012 **Final action:** 7/16/2012
Enactment date: **Enactment #:**
Title: Staff Report for Council Discussion and Direction Regarding Process for Appointment to Fill District 4 Council Vacancy
Sponsors: Lianne Marshall
Indexes:
Code sections:
Attachments: 1. 2012 Application for Appointment to Dist 4.pdf

Date	Ver.	Action By	Action	Result
7/16/2012	1	City Council	Received and Filed	

Staff Report for Council Discussion and Direction Regarding Process for Appointment to Fill District 4 Council Vacancy

SUMMARY AND RECOMMENDATIONS

The San Leandro City Charter requires the Council to fill a vacant Council seat within 60 days. If the Council fails to fill such vacancy within 60 days after its existence, the Council shall call a special election, at which the unexpired remainder of the term of such office shall be filled by the voters. With an impending short-term (5 month) vacancy on the City Council, the expense and logistics of conducting a special election to fill the vacancy is not practical or feasible. Therefore, staff recommends that the Council discuss an appointment process and timeline, and direct staff to implement the process to fill the vacancy.

It is recommended that the City Council, by motion:

1. Declare its intention to fill the upcoming District 4 Council vacancy by appointment and direct staff to provide public notice of the vacancy and the application process; and
2. Approve the process and timeline for filling the District 4 Council vacancy.

It is further recommended that the Council request that the Mayor appoint an ad hoc committee to develop questions for the applicant interviews.

BACKGROUND

At the July 2, 2012 City Council meeting, District 4 City Councilmember Joyce Starosciak announced that she would be moving out of San Leandro sometime in late July or early August. Councilmember Starosciak’s departure from District 4 would disqualify her from holding office and would immediately create a vacancy on the City Council. Section 250 of the Charter of the City of San Leandro requires that a vacancy on the City Council be filled by appointment by the Council within 60 days of the

existence of the vacancy and if not filled within that time frame, a special election shall be called to fill the seat for the unexpired term.

Analysis

In order to meet the 60-day timeframe required by the Charter, staff recommends that the Council approve an appointment process and timeline tonight, similar to past Council appointment processes, so the application process can commence during the August recess.

Process

Eligibility and Application

Interested persons would be required to submit an application. To be considered for appointment, applicants must be registered voters residing in District 4 on the date of the appointment and for 30 days immediately preceding the appointment. After the close of the application period, copies of the applications would be forwarded to the Council.

Additional Criteria

The Council may also want to establish criteria beyond the basic qualifications, such as:

- Prior City Council, Board/Commission, or Committee participation
- Diversity
- Not a candidate for the elected office

Screening

If a large number of applications are received, the Council may wish to limit the number of applicants to be interviewed. To accomplish this, the Council would need to conduct a process at a public meeting to narrow the field of applicants to just those whom the Council wishes to interview. The applicants chosen to be interviewed would be invited to a subsequent public meeting.

Selection

After interviews have been conducted, the Council can choose to deliberate at the same meeting or reserve discussion, selection and appointment to its next regular meeting.

Timeline

Staff proposes the following timeline:

Jul 16	Council approves appointment process and timeline Mayor appoints Council ad hoc committee to develop interview questions Council declares its intention to fill the upcoming District 4 Council vacancy by appointment Council directs staff to provide public notice of the impending District 4 vacancy and the application process
Jul 23-27	Anticipated vacancy and application process advertised in the news media and on City website and posted at the Main Library
Jul 30-Aug 17	<u>APPLICATION PERIOD</u> Application form and instructions made available at the Office of the City Clerk

and on the City website. Filed applications reviewed by the City Clerk to determine if the applicant meets the minimum qualifications for office.

Aug 20 Qualified applications forwarded to City Council for review in Council agenda packet. The application is a public document.

Sep 4 or 10 5:30 p.m.-City Council holds special meeting to conduct public interviews and appoint new District 4 Councilmember.

**Sep 4 or 10-
Dec 31, 2012** Appointed District 4 Councilmember serves until elected member is seated on Jan 1, 2013

Current Agency Policies

Section 250 of the Charter of the City of San Leandro requires that a vacancy on the City Council be filled by appointment by the Council within 60 days of the existence of the vacancy. If the Council fails to fill such vacancy within 60 days after its existence, the Council shall call a special election, at which the unexpired remainder of the term of such office shall be filled by the voters.

Previous Actions

- On June 29, 1998, by Minute Order No. 98-40, the City Council directed that the City Council District 2 vacancy be filled by appointment rather than by Special Election; and by Minute Order No. 98-41, the Council approved an application process which included a 200-word "candidate statement" form used for elections and directed the application period be open for two weeks.
- On July 27, 1998, by Minute Order No. 98-42, the City Council appointed Surlene Grant to fill the vacant seat for City Council, District 2.
- On June 4, 2001, by Minute Order No. 2001-53, the City Council approved a process to appoint and fill a vacancy on the City Council, District 1, and appointed a three-member ad hoc committee to review the applications and to make a recommendation to the City Council regarding the interview process, including the questions for each candidate.
- On July 23, 2001, by Minute Order No. 2001-70, the City Council appointed Orval Badger to fill the vacant seat for City Council, District 1.
- On December 18, 2006, by Minute Order No. 2006- 046, the City Council declared its intention to fill the District 6 Council vacancy by appointment and directed staff to provide public notice of the vacancy and application process; and by Minute Order No. 2006-047, the Council approved the process for filling the District 6 Council vacancy.
- On February 13, 2007, by Minute Order No. 2007-012, the City Council appointed Jim Prola to fill the vacant seat for City Council, District 6.

ATTACHMENTS

- Draft application-For Appointment to Fill Vacancy, San Leandro City Council District 4

PREPARED BY: Marian Handa, City Clerk, City Manager's Office