



Agenda Report

December 3, 2012

TO: Honorable Mayor and City Council

FROM: City Clerk

SUBJECT: ACKNOWLEDGE THE VACANCY CREATED BY THE RESIGNATION OF COUNCILMEMBER CHRIS HOLDEN FROM CITY COUNCIL DISTRICT 3 AND DIRECT THE CITY CLERK TO FILE A NOTICE OF INTENTION TO FILL A VACANCY ON THE CITY COUNCIL BY APPOINTMENT IN ACCORDANCE WITH PASADENA CITY CHARTER, SECTION 404

Recommendation:

- (1) Acknowledge the vacancy created by the resignation of City Councilmember Chris Holden, District 3, effective at the close of business on November 30, 2012;
- (2) Direct the City Clerk to publish a Notice of Intention to Fill the Vacancy on the City Council by Appointment in accordance with Pasadena City Charter, Section 404; and
- (3) Review and approve the application and interview process, and the suggested appointment timeline.

BACKGROUND:

On November 20, 2012, Councilmember Chris Holden forwarded a letter of resignation to the Mayor and City Council (Attachment A), thereby creating a vacancy on the City Council representing District 3, effective at the close of business on November 30, 2012. Mr. Holden's resignation was a result of his successful candidacy at the November 6, 2012 General Election for the California State Assembly representing the 41st District.

Pasadena City Charter, Section 404 (Attachment B), VACANCY—APPOINTMENT, provides direction on the process to fill a vacancy on the City Council, as follows:

“If a vacancy occurs among any other members of the City Council, the remaining members shall within 75 days after such occurrence appoint a qualified resident voter of the unrepresented district who shall hold office until the office is filled at the next general municipal election. If the City Council cannot agree on one person to fill the vacancy, the replacement shall be chosen by lot.”

At the upcoming March and April 2013 Pasadena Primary Nominating and General Municipal elections, the regularly scheduled election for City Council District 3 will be held and the elected seat will be filled by a vote of the District 3 electorate. In accordance with Charter Section 401, the newly elected Council District 3 representative would take office and begin to serve on Monday, May 6, 2013.

As stated in Charter Section 404, the Council District 3 vacancy would still need to be filled by appointment within 75 days of the vacancy occurring, requiring the City Council to take action no later than February 13, 2013. The City Charter does not provide any further direction or impose requirements on the process to select a qualified resident voter from District 3 to serve as the appointee to fill the vacancy. In consultation with the City's Election Consultant, Martin and Chapman Company, and other cities that have similarly filled an unscheduled vacancy on a City Council by appointment, the information detailed below is offered as a suggested method for proceeding. It is important to note that the City Council is not bound by this process and may proceed in whatever fashion it so determines, provided that the requirements of Charter Section 404 are met.

Publication of a Notice of Intention

The City Clerk's Office has prepared a sample Notice of Intention to Fill a Vacancy for Member of the City Council by Appointment (Attachment C). This notice is suggested as a first step for the City Council to publicly declare its intention to proceed with the appointment process in accordance with the City Charter. The notice would be published in an adjudicated newspaper in the City and posted on the City's webpage. Additional outreach efforts would be utilized prior to the opening of the application period to inform the District 3 community of the opportunity to serve on the City Council in an appointed capacity, inviting qualified applicants (registered voters living in District 3) to submit an application. As shown in Attachment C, there are certain details required in order for staff to move forward with the publication of the notice. For purposes of this discussion, and as an example of a suggested timeline for the application process, the information and dates provided on the draft notice and listed below assume a 14-day application period:

1. Publish Notice of Intention: **December 6, 2012**
2. Length of application filing period: **December 13, 2012 to December 27, 2012**
3. Length of term for the appointment: **Date of appointment to May 6, 2013**
4. Details of the Application Process:
 - a. How to obtain an application: **In person, in the Office of the City Clerk**
 - b. In order to apply, applicants must be of voting age, and registered to vote in, and reside within, Council District 3 at the time the application is issued by the City Clerk
 - c. Deadline for application submittal: **December 27, 2012 at 5:30 p.m.**
 - d. Location for submittal: Office of the City Clerk

To provide a sample application, staff has modified the City's current Commissioner Application, which is used to evaluate applicants wishing to serve on a City advisory body or commission (Attachment D). The City Council may further modify the sample application provided by staff or create an entirely new application.

Details of the Interview Process

Once applications are received, the City Council could then invite the prospective candidates to participate in an interview process as part of a special meeting. The City Council might consider convening such a meeting on either January 7, 14, or 28, 2013 (January 21, 2013 is a cancelled meeting due to the Martin Luther King Day Holiday). The interviews could be conducted prior to the start of the City Council's regular meeting. Depending on the number of applicants, the meeting could start in the late afternoon and would be conducted in open session. If more convenient, the City Council could alternatively identify a different day and time for the special meeting to conduct the interviews in open session.

As noted in the Notice of Intention, each qualified applicant will be asked to make a three (3) minute presentation to the City Council. The applicant may then be asked to respond to questions from the City Council regarding their qualifications. The order in which the applicants will make their presentation will be determined by a random draw of all applicants' names. The random draw will take place at the special meeting, prior to the start of the interview process and can be conducted by the City Clerk.

In addition, an ad hoc committee of the City Council could be appointed to prepare questions to be posed to all candidates. All candidates would be interviewed on the same day and no candidates would be permitted to be present in the room during the interview of any other candidate. The City Council could decide whether the interview process would be a broadcasted meeting. It is suggested that the location of the interviews remain at City Hall, in the Council Chamber, as it is a public facility located within Council District 3 and can operate under its intended function as a public meeting place.

Appointment Procedures

The selection process is a decision of the City Council that would need to take place in open session. The procedures provided by the Elections Consultant and generally used by other cities would include the following options:

1. After all the interviews are concluded, each Councilmember shall list three (3) applicants on a ballot, in order of preference. The applicants will be assigned a point value, as follows:
 - a. 3 points for the top candidate
 - b. 2 points for the second choice
 - c. 1 point for the third choice

The ballots will be forward to the City Clerk for tabulation. The City Clerk will announce the votes of each Councilmember and the total score for each applicant. The applicant receiving the most points will be appointed. If there is a tie, the Council will vote again from among those tied, with each member selecting one applicant by way of a single vote;

2. After all the applicants have made their presentations, the City Council could open the matter for discussion. Following deliberation, a motion and second would be made to appoint an applicant to fill the vacancy. A roll call vote would be conducted by the City Clerk; or
3. After all the applicants have made their presentations, the City Council could set a date and time to make an appointment as an agendized item for a future Council meeting

Following the appointment by the City Council, the City Clerk will administer the Oath of Office. The appointee would serve the remainder of the current term until the elected representative takes office on Monday, May 6, 2013.

FISCAL IMPACT:

The administrative, publication, and printing costs for the process outlined above is estimated to be less than \$1,000. Funds to cover all expenses related to the City Council's appointment to fill a vacancy in District 3 are available in the City Clerk's budget, 101-261000.

Respectfully submitted,



Mark Jomsky
City Clerk, CMC

Reviewed by:



Michele Beal Bagnieris
City Attorney/City Prosecutor

Attachments:

- Attachment A – Letter of Resignation, Councilmember Chris Holden
- Attachment B – Pasadena City Charter, Section 404
- Attachment C – Draft Notice of Intention to Fill a Vacancy on the City Council by Appointment
- Attachment D – Draft Application for Appointment to the City Council, District 3



CITY COUNCIL
CHRIS HOLDEN
COUNCILMEMBER
DISTRICT 3

November 20, 2012

TO: Mayor Bill Bogaard & Councilmembers
FROM: Councilmember Chris Holden
SUBJECT: Resignation

Pursuant to my recent election as State Assemblymember, 41st District, I hereby submit this notice of my resignation as Pasadena Councilmember, District 3, effective at the close of business on November 30, 2012.

A handwritten signature in black ink that reads "Chris Holden". The signature is written in a cursive style with a long horizontal line extending to the right.

cc: Michael Beck, City Manager
Michele Bagneris, City Attorney
Mark Jomsky, City Clerk

Section 404. - VACANCY—APPOINTMENT.

If a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the duties of the office of Mayor until the office shall be filled at the next general municipal election. The assumption of the duties of the Mayor shall not require that the Vice Mayor relinquish his or her seat as a Councilmember elected or appointed from a district. If a vacancy occurs among any other members of the City Council, the remaining members shall within 75 days after such occurrence appoint a qualified resident voter of the unrepresented district who shall hold office until the office is filled at the next general municipal election. If the City Council cannot agree on one person to fill the vacancy, the replacement shall be chosen by lot.

Nothing herein provided shall limit the power of the City Council to provide by ordinance for the continuity of the City Government in the event of war, enemy-caused disaster or common accident in which a majority of the members of the City Council are killed, missing or injured so as to be unable to perform their duties.

(Sec. 404 amended by vote of the people 11-3-1998; Sec. 404 amended by vote of the people 3-9-1993.)



**NOTICE OF INTENTION
TO FILL A VACANCY
FOR A MEMBER OF THE CITY COUNCIL, DISTRICT 3
BY APPOINTMENT**

Notice is hereby given that in accordance with Pasadena City Charter, Section 404, the City Council of the City of Pasadena is accepting applications for City Council District 3 to fill a vacancy by appointment created by the resignation of Councilmember Chris Holden, effective at the close of business on November 30, 2012.

The term of service for the appointment to the Council District 3 seat is from the date of appointment to May 6, 2013.

Applicants must be 18 years of age, and be registered to vote in, and reside within, City Council District 3 at the time the application is issued by the City Clerk. Original applications must be returned by **5:30 p.m. on Thursday, December 27, 2012** to the Office of the City Clerk. No postmarks, email submissions, or faxes will be accepted.

To be considered for the position, applicants must submit the application by the deadline, attend the City Council's special meeting on Monday, January 28, 2013 at 3:00 p.m., and be prepared to be interviewed by the City Council. Presentations by applicants at the special meeting will be limited to three (3) minutes, followed by a question and answer period conducted by the City Council on the applicants' qualifications.

It is the Council's intent to make a selection to fill the vacancy with the effective date of service to begin on the day of appointment following the administration of the Oath of Office by the City Clerk.

Application period: Thursday, December 13, 2012 – Thursday, December 27, 2012

Applications can be obtained from:

City of Pasadena,
Office of the City Clerk
100 North Garfield Avenue, Room S228
Pasadena, California 91101
(626) 744-4124
mjomsky@cityofpasadena.net
www.cityofpasadena.net

Applications are available during normal business hours, Monday through Friday, 7:30 a.m. – 5:30 p.m. City Hall will be closed on December 14 and 25, 2012.

Original applications must be hand delivered to:

City of Pasadena, Office of the City Clerk
100 North Garfield Avenue, Room S228
Pasadena, California 91101

Application deadline: **5:30 p.m., Thursday, December 27, 2012**

Mark Jomsky
City Clerk, CMC



CITY OF PASADENA

APPLICATION FOR APPOINTMENT TO THE CITY COUNCIL, DISTRICT 3

The information contained on this form will be used by the City Council to fill a vacancy on the City Council, for the District 3 seat. All applicants must be residents living in Council District 3, of voting age, and registered to vote in Council District 3 at the time the application is **issued** by the City Clerk. Applicants are invited to attach additional pages, a copy of your resume, or submit supplemental information which you feel may assist the City Council in its evaluation of your application.

Applicant Name:

Home Address:

Home Phone: ()

Employer:

Work Phone: ()

Work Address:

E-mail:

Community Service - List boards, commissions, committees, and organizations on which you are currently serving or have served, offices held and in what city.

Employment - Title and duties, current and past.

Education - Include professional or vocational licenses or certificates.

Personal - Answer "yes" or "no" to the following questions.

- | | | |
|---|-----|----|
| 1. Have you ever worked for the City of Pasadena? (If yes, please list dates/department) | YES | NO |
| 2. Are you related to any employee or appointee of the City of Pasadena? (If yes, please indicate name and relationship.) | YES | NO |
| 3. Are you aware that financial disclosure will be required to serve? (e.g. sources of income, loans and gifts, investments, interests in real property.) | YES | NO |

4. Rules of law and ethics prohibit members from participating in and voting on matters in which they may have a direct or indirect financial interest. Are you aware of any potential conflicts of interest which may develop from your occupation or financial holdings in relation to your responsibilities as a member of the City Council, to which you seek appointment? (If yes, please indicate any potential conflicts). YES NO

5. Have there been or are there now, any personal or business circumstances which might reflect adversely on the propriety of your serving as a member of the City Council to which you might be appointed? YES NO

6. Are you aware of the time commitment necessary to fulfill the obligations of the City Council, District 3 to which you seek appointment? YES NO

7. What specifically in your background, training, education, or interests qualifies you as an appointee?

8. What do you see as the objectives and goals of the City Council to which you seek appointment?

9. How would you help achieve these objectives and goals? What special qualities would you bring?

Signature:

Date:

I hereby certify that the following information is correct to the best of my knowledge.

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Prior to **December 27, 2012 at 5:30 p.m.**, submit original application: Mark Jomsky, City Clerk
100 N. Garfield Ave., Room S228
Pasadena, CA 91101

Applications not received by the above stated deadline will not be accepted or considered for appointment.