



# Agenda Report

January 7, 2013

**TO:** Honorable Mayor and City Council

**FROM:** City Clerk

**SUBJECT: UPDATE ON THE PROCESS TO FILL A VACANCY ON THE CITY COUNCIL BY APPOINTMENT IN ACCORDANCE WITH PASADENA CITY CHARTER, SECTION 404**

**Recommendation:**

It is recommended that the City Council receive the information contained herein, and if desired, modify or make changes to the process approved by the City Council on December 3, 2012.

**BACKGROUND:**

On November 30, 2012, Councilmember Chris Holden resigned from his position as representative of City Council District 3 to assume the duties of California State Assemblymember representing the 41<sup>st</sup> District.

Pasadena City Charter, Section 404, VACANCY—APPOINTMENT, states:

“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.”

As directed by the City Council on December 3, 2012, the City Clerk’s Office published a Notice of Intention to Fill a Vacancy on the City Council by Appointment on December 6, 2012. Applications for those wishing to be considered for appointment were available during the application filing period, December 13, 2012 to December 27, 2012. By the close of the period, the City Clerk’s Office received five applications from registered voters living in District 3, as follows (in alphabetical order):

Joel Bryant  
Brian Carmody  
Sharon Graham Higuera  
Tarek Shawky  
Craig Washington

### **Interview Process**

The City Council has tentatively set a date to conduct interviews of the applicants for the vacant District 3 position on Monday, January 28, 2013. In the interest of accelerating the process, and filling the vacancy as soon as possible, the City Council may consider selecting an alternate date and time to conduct interviews that would occur sooner than January 28, 2013.

As it stands now, and if no changes are made, the special meeting is scheduled to start at 3:00 p.m., on January 28<sup>th</sup>, at which time each applicant will be able to make a six (6) minute presentation on their background and interest in serving. The City Council will then have an opportunity to direct questions to the applicants regarding their qualifications. The order in which the applicants will make their presentations 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, to be conducted by the City Clerk.

With regard to the preparation of interview questions, the City Council might consider forming an ad hoc committee for that purpose. All candidates would be interviewed on the same day and no candidate would be permitted to be present during the interview of any other candidate. The interviews will take place at City Hall, in the Council Chamber, as part of the special public meeting described above.

### **Appointment Procedures**

At the December 3, 2012 meeting, the City Council decided to utilize a ranking process to select the appointed representative to serve in the City Council District 3 seat. To recap this process, each Councilmember may list up to 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 then be forward to the City Clerk for tabulation. The City Clerk will announce the points assigned by each Councilmember and the total score accumulated by each applicant. The applicant receiving the most points will be appointed. If there is a tie, the Council will vote from among those tied, with each Councilmember selecting one applicant by way of a single vote. The voting process can take place at the same special meeting following interviews or the City Council may choose to hold a separate meeting at a later date to make a selection (presumably a regular meeting of the City Council).

Pursuant to City Charter, Section 506, "No action of the City Council...shall be valid unless it receives the affirmative vote of five members." Therefore, a confirmation vote of the appointed Councilmember will be conducted following the ranked-choice process.

Following the selection of the appointee, the City Clerk will administer the Oath of Office. The appointee will serve as representative of City Council District 3 for the remainder of the current term until the elected representative assumes office on Monday, May 6, 2013.

**FISCAL IMPACT:**

The administrative and printing costs for the vacancy process are 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,



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Mark Jonsky  
City Clerk, CMC