



# Agenda Report

May 11, 2015

**TO:** Honorable Mayor and City Council

**FROM:** City Clerk

**SUBJECT: ACKNOWLEDGE THE VACANCY CREATED BY THE RESIGNATION OF COUNCILMEMBER TERRY TORNEK REPRESENTING CITY COUNCIL DISTRICT 7 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 Terry Tornek, representing Council District 7;
- (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) Provide direction to staff on the application and interview process, and approve the suggested appointment timeline for the appointment process.

**BACKGROUND:**

On May 4, 2015, Councilmember Terry Tornek submitted a letter of resignation to the City Clerk's Office, resigning from his position on the City Council as the District 7 representative (Attachment A). The resignation was a result of his successful candidacy at the April 21, 2015 Pasadena General Municipal Election for the Office of Mayor, and coincided with the start of his four-year term as Mayor of Pasadena.

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."

Pursuant to Charter Section 404, the Council District 7 vacancy must be filled by the remaining members of the City Council by appointment within 75 days of the vacancy occurring, requiring the City Council to take action no later than Friday, July 17, 2015. The City Charter does not provide any further direction or impose requirements on the process other than to select a qualified resident voter from District 7 to serve as the appointee to fill the vacancy.

As stated in Section 404, the appointed Councilmember would hold office until the office is filled by a vote of the people at the next general municipal election. This would occur during the upcoming March and April 2017 Pasadena Primary Nominating and General Municipal election cycle, which is already the next regularly scheduled election for City Council District 7. The appointment made by the City Council would be for the remaining unexpired term (just under two years). Following the 2017 election cycle, and in accordance with Charter Section 401, the newly elected Council District 7 representative would take office and begin to serve on Monday, May 1, 2017.

### **Publication of a Notice of Intention**

The City Clerk's Office has prepared a draft of the Notice of Intention to Fill a Vacancy for Member of the City Council by Appointment, with the sample notice attached to this agenda report (Attachment C). The notice is intended to publicly announce the City Council's intention to proceed with the appointment process in accordance with City Charter and to formally open the application period. 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 to inform the District 7 community of the opportunity to serve on the City Council in an appointed capacity, and invite qualified applicants (registered voters living in District 7) to submit an application. Staff is requesting the City Council's approval of certain details related to the application process and the application itself prior to the publication of the notice.

Following is a suggested timeline for the application process, with the information and dates assuming an 18-day application period:

1. Publish Notice of Intention: **May 14, 2015**
2. Length of application filing period: **May 14, 2015 to June 1, 2015**
3. Length of term for the appointment: **Date of appointment to May 1, 2017**
4. Details of the Application Process:
  - a. How to obtain an application: **In person, in the Office of the City Clerk**
  - b. Requirements to apply:
    - i. Must be voting age; and
    - ii. Registered to vote in, and reside within, District 7 at the time the application is issued by the City Clerk
  - c. Deadline for application submittal: **June 1, 2015 at 5:30 p.m.**
  - d. Location for submittal: Office of the City Clerk
  - e. Method of submission: **In person, in the Office of the City Clerk**

Attached is a proposed Application to Fill Vacancy, which can be used to evaluate members of the public wishing to serve as the appointed City Councilmember (Attachment D). The proposed application is provided as a suggested option for the City Council to consider, with the understanding that it can be modified further, including questions added or removed or a completely new format developed, as directed by the Council.

### **Details of the Interview Process**

Consistent with the recent process used for filling the District 3 vacancy that occurred in December 2012, it is suggested that the City Council appoint an ad hoc committee to oversee the appointment process. The ad hoc committee could review applications received, present a recommendation of the candidates to be interviewed, and prepare questions to be posed to the selected candidates to be interviewed at a special public meeting of the City Council.

Following are suggested dates (based on the proposed timeline) for the City Council to consider for the purpose of interviewing candidates and voting on the appointment to fill the District 7 vacancy:

June 15, 2015  
June 22, 2015  
June 29, 2015

For either the June 15<sup>th</sup> or June 22<sup>nd</sup> dates, the interviews could be conducted prior to the start of the City Council's regular meeting. Alternatively, June 29, 2015 is a regular meeting date that is currently scheduled to be cancelled but could be reactivated for a singular purpose meeting. Depending on the number of applicants to be interviewed, the meeting could start in the late afternoon (June 15 or June 22) in order to conclude by the City Council's regular meeting start time of 6:30 p.m. If it is determined that the proposed meeting dates are impractical, the City Council could identify a different day of the week and time to set the special meeting.

At the special meeting, 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. It would be up to the City Council to decide whether the interview process would be broadcast and conducted in City Hall (which allows the ability to live broadcast or tape the interview process, if so desired).

As noted in the Notice of Intention, and as was provided in the vacancy interviews for the recent District 3 appointment process, each qualified applicant will be asked to make a six (6) minute presentation to the City Council. The applicant may then be asked to respond to questions from the City Council regarding their presentation or application.

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.

**Appointment Procedures**

The interview process and City Council vote to appoint an individual to fill the vacancy must take place in open session. In accordance with City Charter Section 506, any action by the City Council to appoint requires five affirmative votes. In the event the City Council is unable to garner the necessary five votes for one applicant by the deadline of the 75<sup>th</sup> day (July 17, 2015), pursuant to Charter Section 404, the replacement would then be chosen by lot.

Following the selection of the appointee to serve on the City Council, the City Clerk will administer the Oath of Office. The appointee would serve the remainder of the current term until an elected representative takes office on Monday, May 1, 2017.

**FISCAL IMPACT:**

The administrative and printing costs for the process outlined above 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 7 are available in the City Clerk's Election budget, 101-263000.

Respectfully submitted,

  

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Mark Jomsky  
City Clerk, CMC

Attachments:

- Attachment A – Letter of Resignation, Councilmember Terry Tornek
- 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 7