

**OFFICE OF THE CITY CLERK
DECEMBER 14, 2020**

ITEM NO. 32

**PROCESS TO FILL A VACANCY
ON THE CITY COUNCIL BY APPOINTMENT
FOR CITY COUNCIL, DISTRICT 5**





BACKGROUND

Office of the City Clerk

- **On December 7, 2020, a vacancy occurred on the City Council representing District 5**
- **Newly Elected Mayor, Victor M. Gordo resigned his position as Councilmember representing District 5 to serve as Mayor of Pasadena**



BACKGROUND

Office of the City Clerk

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. If the City Council cannot agree on one person to fill the vacancy, the replacement shall be chosen by lot."



BACKGROUND

Office of the City Clerk

- **The appointed Councilmember will serve from the date of the appointment to December 12, 2022**
- **The City Council has 75 days to take action and appoint a replacement**
- **75 Day Deadline is February 20, 2021**
- **If City Council is unable to make a decision by deadline, District 5 representative chosen by lot**



APPOINTMENT PROCESS

Office of the City Clerk

- **The City Council is not bound by any process to fill the vacancy and may proceed in whatever fashion it so determines, provided that the requirements of Charter Section 404 are met:**
 - > A qualified resident voter of the unrepresented district
 - > Appointment made within 75 days of the vacancy occurring
- **The information provided on the following slides is based on previous appointment processes utilized by past City Council**



APPOINTMENT PROCESS NOTICE OF INTENTION

Office of the City Clerk

- **Sample Notice of Intention to Fill a Vacancy for Member of the City Council by Appointment:**
 - > To be published in a newspaper, posted on the City's webpage, and circulated widely within Council District 5
 - > Publication of the Notice of Intention coincides with the start of application filing period
 - > Provides general information on appointment timeline, process, and interview procedures



APPOINTMENT PROCESS NOTICE OF INTENTION - DETAILS

Office of the City Clerk

1. Publish Notice of Intention: **December 17, 2020**
2. Length of application filing period: **December 17, 2020 to January 14, 2021**
3. Length of term for the appointment: **Date of appointment to December 12, 2022**
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 5 at the time the application is issued by the City Clerk
 - c. Deadline for application submittal: **Thursday, January 14, 2021 at 5:30 p.m.**
 - d. Location for submittal: Office of the City Clerk



APPOINTMENT PROCESS APPLICATION

Office of the City Clerk

- Those wishing to be considered must:
 - Obtain application and nomination petition from the City Clerk's Office
 - Complete the Appointment Application
 - Obtain at least 25 valid signatures on the nomination petition from eligible voters living and registered in City Council District 5
 - File all documents with the City Clerk's Office no later than Thursday, January 14, 2021 (by 5:30 p.m.)



APPOINTMENT PROCESS APPLICATION

Office of the City Clerk

- **Sample Application - Modified version of the City's Commissioner Application**
 - Further modify
 - Create new application
- **Ad Hoc Committee of the City Council**
 - Review Applications
 - Prepare Questions for Open Session Interviews



INTERVIEW PROCESS FORMAT

Office of the City Clerk

- Interviews conducted in open session as part of Special Meeting of the City Council:
 - Select meeting date – February 1 or February 8, 2021 (potential dates to consider)
 - Afternoon prior to regular City Council meeting or special date and time to be determined by Council
 - Location to remain in Council Chamber
 - Broadcast live



INTERVIEW PROCESS FORMAT

Office of the City Clerk

- **Presentations:**
 - Random draw of names to determine order of interviews conducted by City Clerk
 - Six (6) minutes provided to each applicant to present qualifications
 - Question and answer session with the City Council following presentations
 - All applicants interviewed on the same day
 - No applicants permitted to view interviews of other applicants (can be present for vote when all interviews completed)



SELECTION PROCESS FORMAT

Office of the City Clerk

- The selection process is a decision of the City Council that would need to take place in open session, pursuant to GC Section 54953(c)
- Selection could take place after interviews at the same meeting or take place at a future meeting
- For prior appointment processes, selection was accomplished by a motion and second, followed by deliberation, followed by roll call vote
- Five affirmative votes of the City Council required (Charter Section 506)



FOLLOWING SELECTION

Office of the City Clerk

- **The City Clerk immediately administers the Oath of Office to the selected appointee**
- **Appointee begins to serve following oath, with full voting rights**
- **Appointment expires at the end of the current term of office, at which time the newly elected representative begins to serve: Monday, December 12, 2022**
- **Appointee may seek the elected office and campaign as an “Appointed Councilmember”**



DIRECTION TO STAFF

Office of the City Clerk

- **Determine if application process acceptable:**
 - > City Clerk to Publish Notice of Intention
 - > Timeline (28 day application period)
 - > Modified Commission Application and Circulation of Nomination Petition with at least 25 valid signatures
- **Determine if interview process acceptable:**
 - > Meeting Date, Time, and Location
 - > Confirm live broadcast of meeting
 - > Six (6) minute presentations per applicant
 - > Q/A with City Council to follow (ad hoc committee to prepare questions)
- **Appoint Ad Hoc Committee of the City Council to Review Applications and Prepare Interview Questions**



RECOMMENDATION

Office of the City Clerk

- (1) Acknowledge the vacancy created by the resignation of City Councilmember Victor M. Gordo, representing City Council District 5;**
- (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 on the application and interview process, and approve or amend the appointment timeline.**



QUESTIONS/COMMENTS

Office of the City Clerk

