



Agenda Report

December 14, 2020

TO: Honorable Mayor and City Council

FROM: City Clerk

SUBJECT: ACKNOWLEDGE THE VACANCY CREATED BY THE RESIGNATION OF COUNCILMEMBER VICTOR M. GORDO REPRESENTING CITY COUNCIL DISTRICT 5 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 Victor M. Gordo, representing 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 to staff on the application and interview process, and approve the suggested appointment timeline for the appointment process.

BACKGROUND:

On December 7, 2020, Councilmember Victor M. Gordo submitted a letter of resignation to the City Clerk's Office, resigning from his position on the City Council as the District 5 representative (Attachment A). The resignation was a result of his successful candidacy at the November 3, 2020 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 City Charter Section 404, the Council District 5 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 **Saturday, February, 20, 2021**. 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 5 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 June and November 2022 Pasadena Primary Nominating and General Municipal election cycle, which is the next regularly scheduled election for City Council District 5. The appointment made by the City Council would be for the remaining unexpired term (just under two years).

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 the City Charter and to formally open the application period. The notice would be published in Pasadena Journal, Pasadena Weekly, and the Pasadena Star News, and posted on the City's webpage. Additional outreach efforts would be utilized to inform the District 5 community of the opportunity to serve on the City Council in an appointed capacity, and invite qualified applicants (registered voters living in District 5) 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 a 28-day application period:

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: **From the 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. Requirements to apply:
 - i. Must be voting age; and
 - ii. Registered to vote in, and reside within, 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
 - e. Method of submission: **In person, in the Office of the City Clerk**

Also provided is a proposed Application to Fill Vacancy, which can be used to identify and evaluate members of the public wishing to serve as the appointed City Councilmember (Attachment D). The proposed application is styled after the Commission Application, and was used previously in the appointment processes to fill vacancies occurring in City Council District 3 in 2012 and City Council District 7 in 2015. The City Council can modify the application as necessary, including adding or removing questions, or directing staff to prepare a completely new format.

Details of the Interview Process

Consistent with prior City Council Vacancy Appointment processes, it is suggested that the City Council appoint an ad hoc committee to oversee this process. The ad hoc committee will review applications received, decide on the parameters and details of the public interview process, vet and present a recommendation of those candidates to be interviewed by the City Council, and identify/decide on the questions to be used at the public meeting when interviews occur.

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 5 vacancy:

February 1, 2021
February 8, 2021

In terms of the dates above, the interviews would be conducted prior to the start of the City Council's normal Monday meeting. Of course, the City Council is not limited to these dates, and can select any other alternative date for a special meeting to conduct the interview and selection process.

At the special meeting, all candidates would be interviewed on the same day, and no candidate would be permitted to view or be present during the interview of any other candidate. Based on the vacancy interviews for the recent District 3 and District 7 appointment processes, the interview process would be broadcast as part of a public meeting, which includes an opportunity for public comment on the item. If conducted virtually, this process would need to be considered by the ad hoc committee to ensure that no candidate is able to view prior interviews and gain unfair advantage.

As noted in the Notice of Intention, and as was allowed in previous appointment processes, 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 beginning of the special meeting, just prior to the start of the interview process. The drawing will be conducted in public 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 an individual to serve 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 75th day (February 20, 2021), 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, December 12, 2022.

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 5 are available in the City Clerk's Election budget 10113002-811400.

Respectfully submitted,



Mark Jomsky
City Clerk, CMC

Attachments:

- Attachment A – Letter of Resignation, Councilmember Victor M. Gordo
- 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 5