

COUNCIL AGENDA: JULY 1, 2014

SUBJECT: CONSIDERATION OF OPTIONS TO FILL CITY COUNCIL VACANCY

SOURCE: ADMINISTRATIVE SERVICES DEPT/CITY CLERK

COMMENT: The recent passing of Council Member Pete V. McCracken has created a vacancy on the newly reorganized City Council. Section 16 of the City Charter sets forth that a vacancy "shall be filled by appointment by the Council..." The City Charter also provides that in the event the City Council does not fill the vacancy within 30 days, July 30th in this case, the vacancy shall be filled by the Mayor.

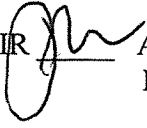
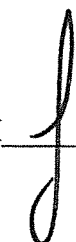
Also according to the City Charter, the appointee shall hold office until the next general municipal election. With the passage of Measure M on the June 3rd ballot, the City's general municipal elections have been moved from June to November of even years. As such, whoever is appointed to fill the vacancy will hold office until November 2016. For Council's information, that November 2016 ballot will consist of three 4-year term seats, and one 2-year term seat. At the time of pulling nomination papers, candidates will be required to select which office they will be seeking.

Inquiries have been made as to the potential of holding a special election to fill the vacancy; however, because the City Charter clearly sets forth that the City Council, or Mayor after 30 days, appoints, this is not an option for Council consideration.

With regard to the appointment process, there are a variety of options available to the Council to consider. In the past, processes have been as streamlined as accepting Council nominations and appointing an individual upon a majority vote. In the event the Council chooses this option, an individual could be appointed as early as this meeting. Another process utilized by the Council consists of soliciting requests for appointment for a defined time period; appointing an ad hoc committee comprised of two Council Members to create a short list of potential appointees; and conducting a public interview process at a special City Council Meeting after which a majority vote of the Council selects the appointee. The Council could proceed with one of these options, or any hybrid thereof, with consideration being given to the 30 day timeline.

RECOMMENDATION: That the City Council take action to fill the City Council vacancy, or provide further direction to staff.

ATTACHMENT: Section 16 of the City Charter

DIR  Approp./
Funded N/A CM 

Item No. 12

Porterville City Charter

Sec. 16. Vacancies In Office; When Offices Declared Vacant.

A vacancy in any legislative office, from whatever cause arising excluding any vacancy created due to a successful recall election, shall be filled by appointment by the council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor; provided, however, that if for any reason the seats of a majority of the council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections. (3-4-2003)

If, without permission from the City Council, any legislative officer of the city shall remove from the city or absent himself/herself therefrom for more than forty-five (45) days consecutively, or shall fail to attend five (5) consecutive regular city council meetings unless prevented from attending by sickness (but in no case for a period exceeding ninety (90) days), his/her officer shall thereupon become vacant. If for said forty-five (45) day period any legislative officer shall willfully fail or refuse to perform the duties of his office, though able to do so, or shall fail to qualify, or shall resign, or be convicted of a felony or a crime of moral turpitude, or be adjudged mentally incompetent, his/her office shall thereupon become vacant.

(6-3-2014)