

# Lompoc City Council Agenda Item



**City Council Meeting Date:** December 2, 2014

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Patrick Wiemiller, City Administrator  
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**SUBJECT:** Council Discussion and Approval of Process to Fill the Mid-Term Council Vacancy

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## **Recommendation:**

Staff recommends the City Council consider and discuss the options available to fill the remaining term for the Council seat vacated by Mayor-elect Bob Lingl, and provide direction as Council deems appropriate.

## **Background:**

As a result of Bob Lingl's becoming Mayor, due to the November 4, 2014 election, his unexpired term as a Council Member will be vacated. Council has options available to determine the process for filling the vacant seat, including appointing an individual who meets the qualifications, or calling for a special election.

## **Discussion:**

Pursuant to Elections Code section 10262, the County, as the City's elections official, will be required to complete the canvass of the votes and certify the results by December 2, 2014. Government Code Section 36512 establishes the authority and timing for Council either to determine it will make an appointment to fill an unexpired term of a Council seat or to call a special election for that purpose. That authority is reiterated in the City Council Handbook, Section A6. Section 36512 requires the Council to make a choice between appointment or election within 60 days after the Council seat becomes vacated. Assuming Council declares the results of the election on December 2, 2014, and the new Mayor is seated, the 60-day deadline to make an appointment would be January 31, 2015.

If Council decides to have the vacancy filled by a special election, then that election must be held at the next regularly scheduled election date that is not less than 114 days after Council makes that decision. Pursuant to Elections Code section 1000, that

election date would be June 2, 2015. The person elected at that special election would only fill the unexpired term of that vacated seat until November 8, 2016, which would be when the next City-election is declared and the City Council Member-elect is seated. The County Elections Office has been asked to estimate the cost of the special election, but as of the writing of this staff report, staff has not yet received those estimated amounts.

If Council decides to avoid the expense of holding a special election to fill an unexpired term, then what method is used to make that appointment is within Council's discretion, as long as the appointment is completed within the required 60-day period. If Council chooses to make an appointment, then that appointment will require the agreement of at least three of the four currently seated Members. Council may make an immediate appointment, assuming the appointee meets the age, residency, and voter registration requirements and is willing to be appointed.

As an alternative, Council may wish to choose a process for receiving applications from individuals wishing to be appointed to the vacant City Council seat. A sample application is attached to this staff report. It is possible for Council to establish an application period for appointee hopefuls to submit an official City application with the City Clerk, with the intention of making an appointment at a future Council meeting after consideration of the applications. If Council wishes to fill the vacancy as soon as possible under this method, then it is recommended Council immediately establish that application period (for example: December 3, 2014 through December 9, 2014), and the applications could be considered and possibly acted upon at the December 16, 2014 regular Council meeting.

**Fiscal Impact:**

The fiscal impact for making an appointment is negligible. The fiscal impact of conducting a special election is unknown at the time this staff report is being written (the County Elections Office has been asked to provide that estimate), but may run in the tens of thousands of dollars.

**Conclusion:**

Council may choose to appoint an individual who meets the necessary qualifications, or to call for a special election.

Respectfully submitted,

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Patrick Wiemiller, City Administrator

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Joseph W. Pannone, City Attorney

Attachment: [Sample Council Vacancy Application Form](#)