

# Lompoc City Council Agenda Item



**City Council Meeting Date:** December 20, 2014

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

**FROM:** Patrick Wiemiller, City Administrator  
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**SUBJECT:** Council Discussion and Possible Appointment to Fill Mid-Term Council Vacancy

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## **Recommendation:**

Staff recommends the City Council:

- 1) Review the applications for appointment to fill the mid-term City Council seat vacancy created by Bob Lingl being elected Mayor;
- 2) Receive public comment regarding the appointment, including statements from applicants wishing to be appointed to the vacancy;
- 3) If prepared to do so, then make motion(s) and vote to make an appointment to the vacant City Council seat; and
- 4) If a motion to make an appointment receives at least three affirmative votes, and if the appointee is present at the Council Meeting, then direct the City Clerk to administer the oath of office and seat the new Council Member on the dais.

## **Background:**

As a result of the election of Bob Lingl as Mayor, due to the November 4, 2014 election, his unexpired term as a Council Member has been 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. At the December 2, 2014 Council Meeting, Council decided to pursue the appointment option and authorized an application form and application period of December 3, 2014 through December 9, 2014 for individuals wishing to be considered for appointment to the vacant Council seat. The appointment option was chosen because of the cost and

timing of holding a special election. This agenda item continues that vacancy appointment process.

**Discussion:**

Pursuant to Elections Code section 10262, the County, as the City's elections official, completed the canvass of the votes and certified the results on November 21, 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. Government Code Section 36512 requires the Council to make a choice between appointment or election within 60 days after the Council seat is vacated. Council declared the results of the election on December 2, 2014, the new Mayor was seated, and that created the 60-day deadline to make an appointment by January 31, 2015. At the December 2, 2014 Council Meeting, Council indicated its desire to make an appointment rather than to call for a special election.

Also at the December 2, 2014 Council Meeting, Council authorized an application form and an application period of December 3, 2014 through December 9, 2014 for individuals wishing to be considered for appointment to the vacant Council seat. A total of 12 applications were received by the Clerk during the application period. Those applications are attached to this staff report. As of the writing and publication of this staff report, the qualifications of the applicants have not yet been verified. Staff will be working with the County Elections Office to complete that work prior to the Special Meeting to be held on December 20, 2014.

**Fiscal Impact:**

The fiscal impact for making an appointment is negligible. If an appointment is not made prior to the 60-day deadline of January 31, 2015, then the City will be compelled to pay for a special election, the cost of which has been estimated by the County Elections Office as \$166,000 for a full election or \$72,000 for an all mail-in election. (By law, those elections could not be held until June 2, 2015, or August 25, 2015, respectively.)

**Conclusion:**

Council should review the applications and may call for public comment, including receiving statements from applicants interested in being appointed to the vacancy. Council may then take action on one or more of the applications before Council, and assuming at least three members of Council cast affirmative votes for one nominee, the City Clerk would then be able to administer the oath of office to the nominee and the new Council Member could take their seat on the City Council.

Respectfully submitted,

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Patrick Wiemiller, City Administrator

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Joseph W. Pannone, City Attorney

Attachments: [Applications](#) (listed alphabetically):

- 1) Adrienne Boyd
- 2) Frank P. Campo
- 3) Steve Chudoba
- 4) Robert Cuthbert
- 5) John Fragosa
- 6) David Grill
- 7) John H. Linn
- 8) Christian R. Martinez
- 9) James Ian Mosby
- 10) Jenelle A. Osborne
- 11) Ann Ruhge
- 12) Darrell W. Tullis