

"Placerville, a unique historical past forging into a golden future."

City Manager's Report
September 22, 2015 City Council Meeting
Prepared by: Cleve Morris, City Manager
Item #: 12.3



Subject: Accept the Resignation of Councilmember Carol Patton and Direct Staff to Proceed with Recruitment of Candidates to Fill the Vacant Seat.

Discussion:

Vice-Mayor Carol Patton was elected to the City Council at the General Election on November 6, 2012. Her term runs through November of 2016. As many of us already know, and as shown by the attached letter, Vice-Mayor Patton will be getting married in October of this year. Following the marriage, she will be moving outside the City limits. As such, she will no longer be qualified to sit on the City Council. For this reason, staff is requesting Council direction on how to proceed with filling the vacant seat. As stated in the attached letter, Vice-Mayor Patton will vacate her seat effective at the end of the Council Meeting on October 27, 2015.

California Government Code Section 36512 (b) states:

(b) If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

As such, the Council has 60 days from the October 27, 2015, City Council meeting to make an appointment or to schedule a special election for the next established election occurring not less than 114 days from that date. The next regularly scheduled election that would meet these timelines is June, 2016. Since the unexpired term of the vacant seat only runs through November 2016, the newly appointed Councilmember would then need to file to run for the full, four-year term in July, 2016, to qualify for the November 2016, General Election, if they wanted to seek a full-term of office.

For this reason, it is staff's recommendation that the Council make appointment to fill the vacant seat rather than call a special election.

This situation of filling a Council vacancy has occurred twice in the somewhat recent past; 2001 and 2004. Both vacancies were the result of the Councilmember passing away while in office. For each of those vacancies the Council elected to fill the vacancy by appointment. In 2001, the Council advertised in the Mountain Democrat in three issues, and did a direct mail of a post card to all registered voters announcing the vacancy and requesting applicants. In 2004, the Council

elected not to do the direct mailers, but again advertised in the Mountain Democrat and included an announcement with utility bills.

If the Council approves the appointment process, staff recommends the following schedule:

October 13, 2015	Announce Vacancy
October 13 – Dec 1, 2015	Advertise on City Facebook and Website
October 13 – Dec 1, 2015	Flyers Posted at City Facilities
October 19 – 26, 2015	Run Announcement in Mountain Democrat
November 10, 2015	Announce Vacancy in Utility Bill
December 1, 2015	Closing Date for Applications
December 8 or 15, 2015	Interview Candidates and Make Appointment

Staff would prepare an application to be submitted. The interviews would be conducted in the same manner that is utilized for Planning Commission and Recreation and Park Commission candidates. The interviews would be conducted at a public meeting by the remaining four Councilmembers with all candidates present. The public and media are welcome to attend the interview process.

With Council approval, staff will proceed with this schedule. If there are changes or additional information required, this could be brought back at the City Council meeting of October 13, 2015, for approval.

Options:

1. Approve the proposed schedule and authorize staff to proceed.
2. Direct staff to proceed with a special election in accordance with the Government Code.
3. Revise the schedule proposed and direct staff to proceed.
4. Request additional information to come back at the next Council Meeting.

Cost: The cost for running the three display ads in the Mountain Democrat would be approximately \$520. Cost for the flyers in the utility bill will be approximately \$110.00. Total cost for the recruitment excluding staff time will be approximately \$630.00.

Budget Impact: Although this was not budgeted, this amount should be absorbed in the current year budget. If an adjustment is necessary, it will be done at mid-year.

Recommendation: Accept the Resignation of Councilmember Carol Patton and Direct Staff to Proceed with Recruitment of Candidates to Fill the Vacant Seat.



M. Cleve Morris, City Manager

Attachments:
Letter of Resignation

September 1, 2015

Carol Anne Patton

Placerville, CA 95667

Cleve Morris, City Manager
Patty Borelli, Mayor, City of Placerville
Trisha Wilkins, Council Member, City of Placerville
Wendy Thomas, Council Member, City of Placerville
John Clerici, Council Member, City of Placerville

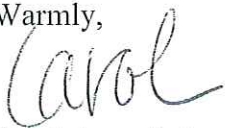
Hello Cleve and members of City Council,

As you know, I am engaged to be married to Rick Dyer. Our marriage is scheduled for October 3, 2015 and upon my return from our honeymoon, I will be residing outside of the city limits thereby disqualifying me from holding my elected office. I will be at the Council meeting on October 27, and thought my resignation could take effect following that meeting.

It has been a pleasure working with all of you and the city staff. Cleve, you have proven to be a fine leader and I appreciate all the effort you put towards our city. I will miss the friendships we have developed and our joint love and appreciation of our beloved City of Placerville.

I wish you all the best.

Warmly,

A handwritten signature in cursive script that reads "Carol".

Carol Anne Patton

Vice Mayor, City of Placerville