



## STAFF REPORT

### To the Honorable Mayor and City Council From the City Manager

**DATE:** August 22, 2022

#### **SUBJECT**

City Council interviews of qualified applicants to fill a mid-term vacancy in City Council District 4 caused by resignation and City Council consideration to appoint an applicant to serve the remainder of the unexpired term through December 2024

#### **RECOMMENDATION**

1. Interview qualified applicants for appointment to the vacant City Council District 4 seat; and
2. Adopt a resolution appointing a member to fill the City Council seat for District 4 pursuant to Redwood City Charter section 9.

#### **STRATEGIC PLAN GUIDING PRINCIPLE**

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#### **BACKGROUND**

On Wednesday, July 20, 2022, City Councilmember Michael Smith submitted a letter to the City Clerk's Office announcing his intent to resign from the City Council effective August 1, 2022. In accordance with California Government Code section 1770(c)(2), Councilmember Smith's seat is deemed vacant as of July 20, 2022 (upon delivery of a written letter of resignation to the City Clerk).

Councilmember Michael Smith was elected to the City Council by the voters in District 4, and his term was due to expire in December 2024. It should be noted that Councilmember Smith was elected to the City Council District 4 seat in 2020 utilizing the City's 2019 City Council District Map. Earlier this year, the City adopted an updated City Council District Map as part of its redistricting efforts. In filling the vacancy, the boundaries of District 4 adopted in 2019, which were in effect at the time of Councilmember Smith's election in 2020, control (see Elections Code section 21626 and Attorney General Opinion No. 21-1103

dated December 16, 2021). That is because the vacancy is to fill the remainder of Councilmember Smith’s term of office, and for that term he was elected from the old district boundaries. As such, all references in this staff report to City Council District 4 are to City Council District 4 according to the City Council District Map in effect for the November 2020 election, and any successor filling the vacant seat must reside within the boundaries of District 4 as drawn in the 2019 City Council District Map (Figure 1).

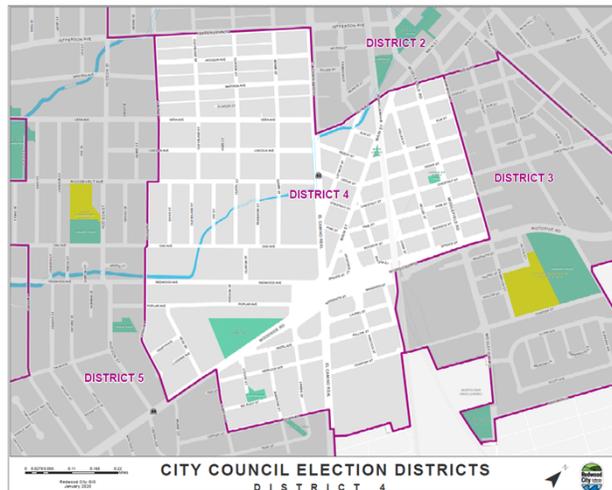


Figure 1. – 2019 City Council District Map

Redwood City Charter Section 9 states, “(a)ny vacancy occurring in the Council shall be filled by appointment by the remaining Councilmembers; but in the event that said remaining Councilmembers fail to fill such vacancy by appointment within 60 days after such vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular election, at which date a person shall be elected to serve for the remainder of such unexpired term.”

Thus, Charter Section 9 sets forth the procedure for filling a City Council vacancy. The order is as follows:

1. The remaining Councilmembers have 60 days to appoint someone to fill the vacancy until the next general municipal election.
2. If no person is appointed within the prescribed 60 days, the remaining councilmembers must thereafter immediately cause a special election to occur.

At the meeting on [July 25, 2022](#), the City Council directed staff to begin the process to fill the vacancy by appointment. The City Charter does not prescribe the method by which a recruitment should be conducted or an appointee selected. The Council supported staff’s recommendation to model the process after the recent Board, Commission, and Committee (BCC) recruitment process.

## ANALYSIS

Staff launched an application for appointment on Wednesday, July 27, 2022 and conducted a three-week recruitment which concluded on Tuesday, August 16, 2022. The application was available electronically on the City website and in paper format at City facilities, including City Hall, all libraries, Fair Oaks Community Center, and the Community Activities Building.

### Outreach and Promotion of Application Period

During the recruitment period, staff promoted the appointment opportunity in the following ways:

- Shared recruitment announcement with over 2,195 community organization contacts and specific messaging to over 20 faith-based community partners
- Published regular social media posts across all City social media accounts and featuring the recruitment announcement on the City website, with paid advertising to boost reach
- Announced to Neighborhood Associations, with concentrated focus on those within the target area of District 4
- Encouraged community partners to share recruitment information through their established networks
- Issued Press Release to all media organizations; *RWC Pulse* and *Península 360 Press* published news articles about the vacancy
- Published Notice of Vacancy published in *San Mateo Daily Journal*

### Applicants for Appointment

As part of the written application, applicants were asked to declare under the penalty of perjury that they meet the following qualifications in order to be appointed:

- At least 18 years of age;
- A United States citizen;
- A resident and elector of the City of Redwood City in City Council District 4 as drawn in the 2019 City Council District Map for at least 30 days preceding the time of appointment (by July 23, 2022); and
- Not disqualified from holding a civil office by the Constitution or laws of the State of California.

Upon receipt of each application, staff conducted individual virtual meetings with the applicants to confirm each met the qualifications listed. All applicants for City Council consideration have furnished verification of meeting such qualifications.

At the meeting on August 22, 2022, the City Council will interview 3 qualified applications for appointment to the vacant District 4 City Council seat that will expire in December, 2024. Applications from interviewees have been included as Attachment A to this staff report.

- John Marini
- Elmer Martinez Saballos
- Eugenia Joyce Porter

### **Process for Interviews and Appointment**

The City Council will interview all applicants in open session, in alphabetical order by the candidate's last name. Applicants were provided the format and a list of interview questions in advance of the meeting and were asked to prepare a short presentation based on the questions provided. Staff encouraged each applicant to structure their presentation in the following way: two minutes for an opening statement, six minutes to address the questions, and two minutes for a closing statement. The City Clerk will set a 10-minute timer for each applicant to manage their time accordingly. Following each applicant's presentation, the City Council may ask follow-up questions.

The City Clerk will facilitate public comment prior to the applicants being interviewed. Following the interviews, the City Council will deliberate. If the Council chooses, they may adopt a resolution (Attachment B) to appoint one of the applicants to the vacant seat for the duration of the unexpired term through December 2024. If the Council appoints one of the applicants, the appointee will be administered the oath of office by the City Clerk on a day and time scheduled as soon as practicable after the City Council meeting. A public ceremonial swearing in will take place at the next regular City Council meeting on September 12.

If the City Council fails to appoint an applicant at the August 22, 2022 City Council meeting, the Council may continue deliberations at the next regular Council meeting on September 12 or at a Special Meeting in advance of the September 18, 2022 deadline for action.

If the City Council fails to fill the vacancy by appointment by September 18, 2022, staff will return to the City Council to seek adoption of a resolution calling for a Special Election to be held in District 4. This action would likely occur at the October 3, 2022 City Council meeting. According to the San Mateo County Elections Office, the next scheduled election at which the City could seek consolidation and election services would be March 7, 2023.

### **EQUITY IMPACT STATEMENT**

While the actions and timelines associated with this item are prescribed by the City Charter and California Election Code, staff took measures to ensure equitable promotion of information and the opportunity to apply to fill the vacancy. As referenced in the Analysis section of the report, staff made numerous citywide announcements about the vacancy, as well as targeted outreach to community members who reside within the previous District 4 boundaries.

### **FISCAL IMPACT**

If the City Council appoints a successor to serve the remainder of the unexpired term, this work can be accommodated within existing budget allocations and no additional funding is required.

If the City Council fails to fill the vacancy by appointment and is required to hold a Special Election, the estimated cost according to the San Mateo County Elections Office is approximately \$104,000 - \$124,800.

Election-related costs are difficult to estimate since no two elections are alike with costs and the number of registered voters varying considerably from election to election. Cost estimates can also vary based on the number of jurisdictions participating in an election. This is particularly true for Special Elections held in an off-year. A budget amendment would be required as funding was not included in the FY 2022-23 Adopted Budget for a Special Election.

## **ENVIRONMENTAL REVIEW**

This activity is not a project under California Environmental Quality Act (CEQA) as defined in CEQA Guidelines, section 15378, because it has no potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment.

## **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

## **ALTERNATIVES**

The City Charter and Elections Code require the City Council to take action by the 60<sup>th</sup> day following a Council seat being declared vacant.

Because the City Charter does not prescribe the method by which a recruitment or appointment should be conducted, just the qualifications that the appointee must meet, the City Council may reopen the recruitment or choose an alternative approach to identifying and appointing an eligible community member.

If the City Council does not take action to appoint an eligible successor within the prescribed timeframe, the City Council will be required to call a Special Election to fill the vacancy in City Council District 4.

## **ATTACHMENTS**

Attachment A – Applications for individuals seeking appointment

Attachment B – Resolution to appoint an applicant to fill a midterm vacancy in City Council District 4 for the remainder of the unexpired term through December 2024

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