

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Randi Johl, Director of Legislative Affairs/City Clerk

DATE: January 9, 2024

SUBJECT: Consider Appointment of Person or Election to Fill Vacancy in Council District 1 Pursuant to Government Code Section 36512

PREPARED BY: Randi Johl, Director of Legislative Affairs/City Clerk

RECOMMENDATION: That the City Council consider the vacancy in District 1 resulting from the resignation of Curtis Brown and take one of the following actions to address the vacancy pursuant to Government Code Section 36512:

1. Appoint a person to serve as Council Member for District 1 through the certification of the November 2024 general municipal election, when the person elected will serve the last two years of the District 1 term.

2. Direct staff to initiate an application process, after which Council will appoint a person to serve as Council Member for District 1 through the certification of the November 2024 general municipal election, when the person elected will serve the last two years of the District 1 term.

3. Take no action to appoint a person to serve as the Council Member for District 1, operate as a four-person City Council through the certification of the November 2024 general municipal election, when the person elected will serve the last two years of the District 1 term.

BACKGROUND: Former City Council Member Curtis Brown submitted his resignation on December 13, 2024. The effective date of the resignation was January 1, 2024. Government Code Section 36512 (hereinafter “Code”) states that within 60 days of its occurrence, the City Council must fill the vacancy by appointment or call for a special election. The sixty-day deadline is March 1, 2024. The Code also states that if a vacancy occurs in the first half of a term of office, and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election, and the person elected will hold office for the unexpired balance of the term. The next general municipal election for Temecula is in November 2024. The District 1 contest to fill the balance of the unexpired term will be placed as a special election on the November 2024 ballot.

Option 1: Appointment

The Code requires that if a vacancy is filled by appointment, the actual appointment be made within 60 days (March 1, 2024). The Government Code does not specify how an appointment is to be made. The City Council is free to appoint any person who is a registered voter of District 1 at the time of appointment. The name and address of the person appointed must meet current voter registration records. The person appointed will serve as the Council Member for District 1 through

the certification of the November 2024 general municipal election, when the person elected will serve the last two years of the District 1 term.

Option 2: Appointment After Application Process

An application process, followed by an appointment, may also be used to fill a vacancy. The best practice for an application process is as follows:

Candidate Pool – The appointment would be available to all residents of District 1, over the age of 18, registered to vote in District 1 at the time of appointment. The name and address of the person appointed must meet current voter registration records.

Advertising and Outreach – To ensure consistency with existing efforts for board, committee and commission recruitments, the same advertising and outreach would be conducted for the Council vacancy appointment. Current advertising efforts include printed newspaper, website publication, physical postings and social media usage.

Application – The application for appointment would be similar to that which was previously utilized in Temecula and include information related to contacts, education, employment, public service, open-ended questions, and the ability to include supplemental information.

Presentation / Interview – The presentation/interview would be at a special and/or regularly scheduled council meeting. The Council would conduct 10-minute rounds for each applicant consisting of a 5-minute presentation to be followed by a 5-minute question/answer period. The question/answer period provides the Council with an opportunity to obtain additional information related to the application packet or the presentation. Applicants present in alphabetical order based on last name. Depending upon the number of applications, times and days could be adjusted. The presentation/interview, as well as City Council deliberation, must be publicly noticed and accessible pursuant to the Brown Act.

Timing and Term for Appointment - The newly appointed Council Member must be seated on or before March 1, 2024. The person appointed will serve as the Council Member for District 1 through the certification of the November 2024 general municipal election, when the person elected will serve the last two years of the District 1 term. A potential timeline is as follows:

- January 9, 2023 – Direct Staff to Pursue Appointment Option
- January 12, 2023 – Advertise/Publish/Post Vacancy by Appointment
- January 15, 2023 – January 30, 2023 - Open Application Period for Vacancy
- January 30, 2023 – Deadline to Submit Application for Appointment
- February 13, 2023 – Council Meeting (Presentations/Interviews and Appointee Selection)
- February 27, 2023 – Seat New City Council Member at 2nd Meeting in February

Option 3: No Appointment, Special Election Only

Should the City Council wish to not fill the vacancy by appointment, it may continue to operate as a four-member Council through the certification of the November 2024 general municipal election, when the person elected will serve the last two years of the District 1 term. The City Council may give additional direction to staff to ensure appropriate representation of District 1 residents in the interim until such time as the person elected to serve the second half of the term is seated.

FISCAL IMPACT: There is no fiscal impact associated with the consideration of this item. The anticipated costs of the November 2024 election will increase slightly due to the addition of the District 1 special election on the ballot. The City of Temecula already has District 2 and 4 contests, along with a local measure related to term limits, on the November 2024 ballot. All estimated costs will be included in the 2024-2025 budget for the City Clerk's Office.

ATTACHMENTS: None