CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Caroline Patton, Administrative City Clerk**

MEETING DATE: **February 6, 2024**

SUBJECT: **Consideration of Resolution 2024-15, Appointing One Candidate to Fill the City Council District 4 Vacancy until a Successor has been Elected at the November 2024 General Municipal Election and Installed in Office**

RECOMMENDATION:

Staff recommend that the City Council adopt Resolution 2024-15, appointing one candidate to fill the City Council District 4 vacancy, to be effective immediately, until a successor has been elected at the November 2024 General Municipal Election and installed in office.

BACKGROUND:

On December 12, 2023, City Council Member Reuben Gonzales submitted a signed resignation letter to the City Clerk's Office which was effective as of that date. Under the Banning Municipal Code ("BMC"), the City is to follow the Government Code Section 36512(b), which provides that if a vacancy occurs in an elective office, the Council must, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy (BMC Section 2.04.040). The vacancy for District 4 commenced on December 12, 2023, after Item 3.1 on the Regular City Council meeting agenda. As a result, by February 10, 2024, the Council must either (1) fill the vacancy by appointment or (2) call a special election to fill the vacancy. At the January 9, 2024 regular meeting, City Council voted 3-1 to appoint a qualified elector to fill the District 4 vacancy and provided direction to staff concerning the Council's desired process for filling the vacancy by appointment.

Council Member Gonzales was elected in November 2022, began his term of office in December 2022, and, at the time of his resignation, was serving the first half of his four-year term. Government Code Section 36512(b)(2)(A) states that if the vacancy occurs in the first half of the term and at least 130 days prior to the next general municipal election (i.e., November 5, 2024), "the person appointed to fill the vacancy shall hold office until the next general municipal election." Therefore, the person appointed will hold office until a successor has been elected at the November 5, 2024 General Municipal Election and installed in office.

JUSTIFICATION:

Following the January 9, 2024 City Council meeting, the City Clerk's Office began a recruitment process for the vacancy. The next day, January 10, 2024, the application for the vacancy and a corresponding informational website were launched on the City's webpage. A slide was created for the City's homepage and the vacancy was publicly noticed in the Record Gazette (January 19, 2024 edition).

The Record Gazette published a web story on the vacancy on January 11, 2024 and it appeared as a front-page article in the January 12, 2024 edition. The web story was updated and the story featured again on the cover of the January 19th edition. Both the City of Banning and the Record Gazette

Facebook accounts promoted the vacancy and application period, with information about when and how to apply.

The five applicants are registered voters in the City of Banning's District 4 and are qualified to serve:
• Beverly Berry
• David Happe
• Keenan McCafferty
• Diego Rose
• Richard Royce

Interviews of the three qualified applicants are scheduled to immediately precede this agenda item on the February 6, 2024 Special Meeting Agenda.

FISCAL IMPACT:

There is no fiscal impact as a result of making this appointment.

ALTERNATIVES:

1. Adopt Resolution 2024-15, appointing one of the qualified candidates to fill the City Council District 4 vacancy until a successor has been elected at the November 5, 2024 General Municipal Election and installed in office.
2. Provide staff direction to take alternate action before February 10, 2024, as required by Government Code Section 36512(b).

ATTACHMENTS:

1. Resolution 2024-15, Appointing Member to Dist. 4 Vacancy