



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: Interviews of Candidates for Appointment to Fill City Council District 4 Vacancy

RECOMMENDATION:

Staff recommend that the City Council interview qualified candidates who have submitted applications to fill the City Council District 4 vacancy by appointment.

BACKGROUND:

On December 12, 2023, City Council Member Reuben Gonzales submitted a signed resignation letter to the City Clerk's Office. Consistent with the provisions of Government Code Section 1770(c)(2), the December 12th letter stated that the effective date of Mr. Gonzales' resignation would be December 12, 2023, after the conclusion of Item 3.1 ("Presentation(s)") on the City Council regular meeting agenda.

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 the November 5, 2024 election.

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 following 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

FISCAL IMPACT:

There is no fiscal impact as a result of holding these interviews.

ALTERNATIVES:

1. Interview qualified candidates who have submitted applications to fill the City Council District 4 vacancy by appointment.
2. Provide staff direction to take alternate action before February 10, 2024, as required by Government Code Section 36512(b).

ATTACHMENTS:

1. [Applications Memorandum to City Council - REVISED.pdf](#)
2. [Record of Noticing for District 4 Vacancy.pdf](#)
3. [Banning, CA Code of Ordinances Section 2.04.040.pdf](#)
4. [GC 1770.pdf](#)
5. [GC 36512.pdf](#)