

## REPORT TO THE CITY COUNCIL

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**DATE:** May 1, 2018

**TITLE:** Process to Fill City Council Vacancy Created by the Resignation of Council Member, Yvonne Parks

**Prepared by:** Jerryl Soriano, CMC, City Clerk

**Reviewed by:** Jennifer Mizrahi, City Attorney

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### RECOMMENDATION

- 1) Consider an appointment process and timeline to fill the vacancy created by the resignation of Council Member, Yvonne Parks and provide direction to Staff; and
- 2) Adopt a Resolution of the City Council to appoint a citizen to fill the Office of City Council Member vacated by the resignation of Yvonne Parks and waiving the option of a special election.

### BACKGROUND

Council Member Yvonne Parks has submitted her resignation from the Desert Hot Springs City Council effective upon filling of the vacancy (Exhibit 1). The resignation requires the City Council to consider the available options under State law for filling the vacancy to complete the term of office ending in December 2018.

Desert Hot Springs Municipal Code Section 2.04.040 and California Government Code Section 36512(b) provides that the City Council shall fill the vacancy through either of the following 2 options:

- 1) Allow the City Council 60 days from the commencement of vacancy to “appoint” someone to complete the unexpired term of office; OR
- 2) Call a special election to fill the vacancy which “...shall be held on the next regularly established election date not less than 114 days from the call of the special election.”

Taking the above into account the City’s next General Municipal Election (scheduled to be held on November 6, 2018), the timing of Council Member Parks’ resignation, and the term of office ending in December 2018, a special election is not a viable option. Furthermore, the Government Code does not provide the option to leave the office vacant.

### DISCUSSION

To proceed with the appointment to fill the vacancy, the City Council may choose to either appoint an individual with or without an application and interview process. Should the City Council wish to set forth an application and appointment process, Staff recommends the following schedule and approach:

- 1) Announce the application/interview process for filling the vacancy at the May 1, 2018 Regular City Council meeting.
- 2) Open the application period from May 2, 2018 through May 28, 2018. To be eligible for appointment, applicants must be:
  - 18 years of age or older;
  - A resident of the City of Desert Hot Springs;
  - Registered voter of the City; and

- Certify that he/she meets the eligibility requirements and is willing to serve in the office for the remainder of the term.
- 3) The City Clerk would issue a press release, post the Vacancy Notice, and provide the Notice and all materials on the City's website.
  - 4) Interested Candidates would be required to submit their completed Applications to the City Clerk by Monday, May 28, 2018.
  - 5) Interviews would occur at the June 5, 2018 City Council meeting. The City Council can choose to appoint immediately following interviews at the same meeting.

A sample application is attached as Exhibit 3 for the City Council's consideration and approval.

**FISCAL IMPACT**

There is no fiscal impact as a result of this action.

**EXHIBITS:**

- 1) Resignation Letter – Yvonne Parks
- 2) Resolution
- 3) Sample Application