

City of Hesperia STAFF REPORT



DATE: October 15, 2019
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager
BY: Eric Dunn, City Attorney
SUBJECT: City Council District Four Vacancy

RECOMMENDED ACTION

It is recommended that the City Council appoint a qualified resident of District Four to the vacant seat on the City Council.

BACKGROUND

On September 3, 2019, the City Council declared the City Council District Four seat vacant. Within 60 days of the vacancy, state law directs the City Council to fill the vacancy by appointment or by calling a special election. The 60-day deadline is November 2, 2019.

At the October 1, 2019 City Council Meeting, the Council voted to direct staff prepare an action item on tonight's agenda for the City Council to make an appointment to fill the District Four Council seat vacancy. If the City Council does not act tonight, a special meeting would be required by November 2 to either make an appointment or call a special election for March 3, 2020.

Because the vacancy occurred in the first half of the term, the District Four seat will be up for election in November 2020 in accordance with state law. The person elected in November 2020 will serve the remainder of the unexpired term, which ends December 2022.

ISSUES/ANALYSIS

State law directs that no later than 60 days after a vacancy occurs (which in this case is Saturday, November 2, 2019), the City Council must either (1) appoint a qualified resident to fill the vacancy or (2) call a special election to be held on the next regularly scheduled election date at least 114 days after the special election is called. (Government Code section 36512.) The next regularly scheduled election date is March 3, 2020.

Because the vacancy occurred in the first half of a term of office and at least 130 days prior to the next general municipal election (in this case November 3, 2020), the appointee will hold office until the next general municipal election. The person elected at that time will hold office for the unexpired balance of the term of office which ends in December 2022. (Government Code section 36512(b)(2)(A).) In other words, the appointee would take office immediately on appointment and would serve until the winner of the regularly scheduled November 2020 election is declared.

Special Election

If the City Council chooses to call a special election to fill the unexpired term, it must do so by November 2, 2019. The election would be held on March 3, 2020. Candidates for the special election must reside in District Four. The person elected at that time would hold office for the unexpired balance of the term of office which ends in December 2022. (Government Code section 36512(b)(1).) Unlike the appointment scenario, the seat would not be up for election in November 2020.

FISCAL IMPACT

There is no fiscal impact associated with this item at this time.

ALTERNATIVE(S)

1. Provide alternate direction to staff.

ATTACHMENT(S)

None