



# City Council Vacancy

Special City Council Meeting  
December 21, 2021

Sue Gallagher, City Attorney  
Stephanie Williams, City Clerk

# Background

- Council Member Jack Tibbetts resigned from the Council effective December 21, 2021.
- Section 31 of the Santa Rosa City Charter provides that such vacancy may be filled either by:
  - Appointment by the Council within 60 days of the vacancy, or
  - Calling of a special election

# Special Election

- Pursuant to Section 30 of the Santa Rosa City Charter, a special election will be governed by the state Elections Code.
- Under the Elections Code, the earliest potential date for a special election to fill the current vacancy is June 7, 2020.
- The estimated cost of the election is between \$56,115 and \$102,878.
- To meet the deadline for the June election, the Council must call the special election by February 13, 2022.

# Appointment by Council

- Appointment by Council is governed by Council Policy No. 000-23.
- Council Policy No. 000-23 sets forth a seven-step process, including:
  - Adoption of schedule
  - Preparation and release of application form
  - Closure of application period; disclosure of applications
  - Preparation of interview questions
  - Interviews
  - Voting
  - Appointment

# Step 1: Adoption of Schedule

- Council Policy No. 000-23 requires that Council adopt an appointment schedule at the earliest possible date.
- The scheduled must set forth:
  - A time and date by which applications must be submitted
  - A time and date for submission of interview questions
  - Date(s) for applicant interviews, to take place at a public meeting

# Suggested Schedule

- Application period to run fourteen days
  - Opening Monday, January 3, 2022, at noon.
  - Closing Monday, January 17, 2022, at 5:00 p.m.
- Period for public submission of proposed interview questions to run fourteen days
  - Opening Monday, January 3, 2022, at 8:00 a.m.
  - Closing Monday, January 17, 2022, at 5:00 p.m.
- City Council interviews to take place on February 8, 2022, and continuing to February 9, 2022, if necessary.

# Step 2: Application Form

- In accordance with Policy No. 000-23, application must include:
  - Statement of background
  - Statement of qualifications
  - Statement of why applicant wishes to be appointed
- Application must be accompanied by:
  - Nomination Form containing valid signatures of at least 20 registered voters
  - Completed Statement of Economic Interests (Form 700)
- Council may provide for additional questions

# Suggested Application Form

- Suggested Application form is attached to staff report
- Includes all of the elements required by Policy No. 000-23
- Adds additional questions
  - Additional questions provide useful evaluation information
  - Additional questions mirror those used in past Council appointments



# Step 3: Disclosure of Applications

No applicant information shall be disclosed by any City staff or official until the application period is closed.

Following the deadline for submittal of applications, all applications shall be made public and available for review at the Office of the City Clerk.

# Step 4: Interview Questions

## A. Questions Submitted by the Public

- Pursuant to Policy No. 000-23, the public must be given the opportunity to submit proposed interview questions.
- Following the closure of the application period, the proposed questions will be forwarded to all Council Members.
- Council Members may, at their discretion, use submitted questions in the applicant interviews.

## B. Advance Questions for Applicants

- Council may, by motion, choose to present questions to the applicant in advance of the interviews.
- Council may, by motion, choose to direct applicants to provide written responses in advance of the interviews or simply to provide verbal responses during the interviews.
- The Mayor may appoint an ad hoc committee to draft the advance questions, or may allow suggestions by individual Council Members.

# Step 5: Council Interviews

- Applicant interviews shall take place in a public meeting.
- Each applicant shall be interviewed separately.
- Each applicant shall be given the opportunity to make a brief opening statement and to respond to advance questions, if any.
- Each Council Member shall then be given the opportunity to question the applicant on any subject he or she feels is relevant to that applicant's qualifications.
- Council, by majority vote, may place a time limit on each interview, or limit the number of questions asked.

# Step 6: Voting Procedure

- Selection shall be by a process of elimination.
- In the first round, each Council Member shall vote for three applicants
  - Council may allow four votes if more than 10 applicants
- Those applicants receiving one vote or less shall be eliminated.
- In each subsequent round, Council Members shall vote for one fewer applicant than in the prior round, until each Council Member votes for only one applicant.
- The applicant that receives four votes in the final round shall be appointed to fill the vacancy.

# Step 7: Appointment

- Council, by resolution, may appoint the applicant that receives four or more votes in the final round of voting.
- If no applicant receives a majority vote of the Council, Council may adopt such other procedures for appointment as it deems appropriate.
- If no appointment is made within 60 days of the Council vacancy, a special election must be called.

# Notes

- If selected by special election, the successor to Council Member Tibbetts will serve for the duration of Council Member Tibbetts' term. That term ends in December 2024.
- If selected by appointment, the appointee will serve until the next municipal election in November 2022. The individual elected in that election will serve for the duration of Council Member Tibbetts' term.
- Council Member Tibbetts was elected from and represents Council District 3. Successor / appointee must also reside in District 3.

# Recommendation

It is recommended by the City Attorney and the City Clerk that the Council, by motion, approve the procedure and schedule for filling the City Council vacancy created by the resignation of Council Member Jack Tibbetts.



QUESTIONS?