

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: TERESA STRICKER, CITY ATTORNEY
SUBJECT: CITY COUNCIL VOTING PROCESS FOR CERTAIN APPOINTED
POSITIONS

AGENDA ACTION: NO ACTION

RECOMMENDATION

It is recommended by the City Attorney, that the Council hold a Study Session to provide Council an opportunity to review the voting processes City Council uses to appoint individuals to vacant Council Member seats, members of boards, commissions and committees appointed by the full Council, and Mayor and Vice Mayor. This item is provided for Council's information and no action will be taken, but the Council may discuss and provide direction to staff.

EXECUTIVE SUMMARY

This study session will provide the Council an opportunity to provide staff with direction about potential future changes to its current policies setting for the voting processes Council uses to appoint individuals to vacant Council seats, members of certain boards, commissions and committees, Mayor and Vice Mayor.

BACKGROUND

1. Current Process to fill a Vacancy on the City Council

Section 31 (a) of the Santa Rosa Charter provides that vacancies on the City Council may be filled by either (1) appointment by the Council or (2) the Council may call a special election to fill the vacancy. Section 31 (a) further provides that if the Council fails to fill a Council vacancy within 60 days after it occurs, it is required to call a special election to be held as soon as practicable.

Council Policy 000-23 sets forth the process Council uses when a special election will not be called to make an appoint to fill a vacant Council seat following an application and interview process. The policy provides simply:

If a majority of the Council cannot agree on the appointment of one of the applicants, the Council may adopt such other procedures to fill the vacancy as it

deems appropriate, but the process must be completed within the sixty-day time period provided by City Charter Section 31.

2. Current Process for Appointments to City Boards, Commissions and Advisory Committees by the full Council

Section XVII of the Manual of Procedures and Protocols sets forth that all appointments to City boards, commissions, and advisory committees shall be made in accordance with the City Charter and Council Policy 000-06 – Appointments to Boards/Commissions/Committees.

Council Policy 000-06 sets forth the process for appointments by the full Council to boards, commissions and committees. Currently, the boards, commissions and committees to which the full Council appoints members are the Personnel Board, the Board of Building Regulation Appeals, the Housing Authority, the Santa Rosa Tourism Business Improvement Area Advisory Board, Waterways Advisory Board, and two members of the Bicycle and Pedestrian Advisory Board. The process is as follows:

- a. Appointments may be made from among all applicants by a process of elimination or by motion.
- b. If selection is by process of elimination, each Council Member votes for a number of applicants equal to the number of vacant positions, plus two. If there are an insufficient number of applicants to vote for a number of applicants equal to the number of vacant positions plus two, the Council may vote for a fewer number as recommended by the City Attorney.
- c. Those applicants receiving 0-1 votes are eliminated.
- d. Subsequent votes are taken with each Council Member voting for one fewer applicant than voted for in the previous round. Only applicants not eliminated may be voted upon.

3. Current Process for Appointment of Mayor and Vice Mayor

Under Sections 4 and 15 of the Santa Rosa City Charter, the Council elects one of its members to serve a two-year term as Mayor following the swearing in of new Council Members. Charter Section 15 also provides that Council annually elect one of its members to serve as Vice Mayor for a one-year term.

Section XII of the City Council Manual of Procedures and Protocols (“Section XII”) provides the following process for the election of Mayor and Vice Mayor:

- a. The Presiding Officer calls for nominations from the floor.
- b. Each nomination must receive a second and be accepted by the nominee prior to a vote on the nomination.

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- c. If only one Council Member has been nominated, the Presiding Officer declares that individual to be elected unanimous consent.
- d. If two or more Councilmembers have been nominated, election is by process of eliminations as follows: Each Council Member votes by roll call for a number of nominees that equals one fewer than the total number of nominees. Nominees receiving one vote or fewer are eliminated. Subsequent votes are taken by roll call with each Council Member voting for one fewer nominee than voted for in the previous round. Only nominees not eliminated may be voted upon.
- e. Once a single nominee receives a majority vote, the Presiding Officer declares that nominee elected.

PRIOR CITY COUNCIL REVIEW

At the May 7, 2024, City Council meeting, Council Member C. Rogers requested a future agenda item to discuss amending the voting process related to City Council appointed positions including Mayor, Vice Mayor, vacant Council seats, and board/commission appointments made by the full City Council. Mayor N. Rogers concurred with the request.

On May 21, 2024, Council voted to place on a future agenda a discussion to amend the City's current voting process related to the City Council appointed positions of Mayor, Vice Mayor, vacant Council seats, and full Council board/commission appointments.

ANALYSIS

To the extent Council wishes to modify its existing processes for making appointments to vacant Council Seats, boards, commissions and committees appointed by the full Council, and the positions of Mayor or Vice Mayor, staff has set forth recommended options below.

1. Appointment to Vacant Council Seats

Council has not delineated a process for how Council will select from among the pool of applicants interviewed for a vacant Council seat in the situation in which Council decides not to call a special election.

If Council wants to delineate a selection process, staff recommends that the Council consider the following process:

- a. The Presiding Officer calls for nominations and seconds.
- b. If only one applicant is nominated with a second, the Presiding Officer declares the person to be selected by unanimous consent.

- c. If more than one person is nominated with a second, staff recommends that Council consider whether to adopt one of the following voting options:

- i. Ranked-Choice Voting.**

Ranked-choice is used by some jurisdictions in their election of city council members or an at large mayor. Staff is not aware of any City that uses ranked-choice voting for decision making by the city council.

In a ranked-choice voting process each Council Member to rank their applicant preferences from first to last choice to fill a vacant Council seat. If one applicant does not have a majority vote as the first choice applicant, applicants with the lowest votes are eliminated and the second choices of the Councilmembers voting for the eliminated applicants are applied to the tallies of the remaining applicants until one applicant achieves a majority vote as the retallied first choice. The attachment illustrates how this process works.

Should Council decide to use ranked-choice voting, the City's IT department would need to assist by developing a systematic way to facilitate a real-time ranked-choice voting process that provide transparency for the public and Council.

- ii. Process of Elimination with Tied Votes Decided By Lot**

Alternatively, Council may wish to consider making appointments to fill vacant Council seats by process of elimination, similar to the process currently used for the Council to make appointments to certain boards, commissions and committees. Elimination would require successive rounds of Council Members voting where there are multiple nominees, with one applicant eliminated each time until a winner is selected.

Council may consider adopting a rule providing that to break a tied vote, the new Councilmember will be selected by lot (random selection). That process would mirror the process set forth in Charter section 4 which provides that, "[i]n the case of a tie vote of the electorate, the person elected [to the Council] shall be decided by lot."

- iii. By Motion, in Reverse Order of Nomination**

Alternatively, Council may wish to consider adopting a rule providing for Council's appointment to fill a Council vacancy by motion, with motions taken one at a time, nominee-by-nominee.

Some jurisdictions follow Rosenberg's Rules of Order and take motions on nominations in the reserve order in which the nominations were received; others take motions in the order in which nominations were received. Staff recommends following Rosenberg's approach should the Council wish make appointments by motion.

2. Appointments to Boards, Commissions and Committees Appointed by the Full Council

As explained above, current process for appointing members to boards, commissions and committees whose members are appointed by the full Council is either by motion or by process of elimination.

Should Council wish to adopt a different process for such appointments, Council may wish to consider:(a) establishing that any tied votes following a process of elimination will be decided by lot; (b) expressly provide that when appointing by motion, motions are taken in the reverse order of nominations as set forth in Rosenberg's Rules, or (b) changing to ranked-choice voting.

3. Appointments to the positions of Mayor and Vice Mayor

If more than one nominee, the current process for appointing a Mayor and Vice Mayor is by elimination through successive rounds of voting, with one nominee eliminated during each round. If Council wants to adopt a different process, staff recommends that Council consider one of the following options:

a. By Elimination with Any Tied Vote Decided by Lot

Council may consider keeping its current process of elimination approach for selecting Mayor and Vice Mayor but provide that a tied vote will be decided by lot.

b. By Motion, in Reverse Order of Nomination

Alternatively, Council could consider adopting a rule providing for appointment of Mayor and Vice Mayor by motion rather than by elimination. If Council adopts this approach, once again staff recommends following Rosenberg's Rules and hearing motions in the reverse order of the nominations.

c. Ranked-Choice Voting

Council could consider whether to adopt a ranked-choice voting process for the selection of Mayor and Vice Mayor.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

This action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no

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possibility that the implementation of this action may have significant effects on the environment, and no environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – Manual of Procedures and Protocols
- Attachment 2 – Council Policy 000-06 – Appointments to Boards/Commissions/Committees
- Attachment 3 – Council Policy 000-23 – Council Vacancies, Procedure for Filing
- Attachment 4 – Ranked-Choice Voting explanation

PRESENTER

Teresa Stricker, City Attorney