



Agenda Report

Fullerton City Council

MEETING DATE: JANUARY 29, 2019

TO: CITY COUNCIL

SUBMITTED BY: KENNETH A. DOMER, CITY MANAGER

PREPARED BY: LUCINDA WILLIAMS, CITY CLERK

SUBJECT: CITY COUNCIL VACANCY APPLICATIONS AND APPOINTMENT

SUMMARY

At the January 15, 2019 City Council meeting, City Council directed Staff to accept applications from persons interested in filling a vacant City Council seat for a term expiring December 2020. City Council will hear brief presentations from the applicants and consider filling the vacant seat at this meeting or call for a special election to fill the vacancy.

RECOMMENDATION

Hear applicant presentations, public comments and appoint one applicant to fill the vacant at-large City Council seat for the remainder of the term expiring December 2020.

Should City Council not make an appointment at this meeting, Staff recommends City Council adopt the following resolutions to call a Special Municipal Election on November 5, 2019 to fill the City Council vacancy:

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION TUESDAY, NOVEMBER 5, 2019

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REQUESTING THE REGISTRAR OF VOTERS OF

THE COUNTY OF ORANGE TO CONDUCT A SPECIAL MUNICIPAL ELECTION ON
NOVEMBER 5, 2019 ON BEHALF OF THE CITY OF FULLERTON, CALIFORNIA

BUDGET POLICY PRIORITY STATEMENT

This item matches the following Budget Policy Priority Statement/s:

- Fiscal and Organizational Stability.

FISCAL IMPACT

Not applicable if City Council fills the vacancy by appointment. If City Council opts to fill the appointment by special election, the estimated cost of a stand-alone election is \$391,532 - \$428,150. Funding will be budgeted with the Fiscal Year 2019-20 operating budget.

DISCUSSION

In the November 2018 General Municipal Election, Council Member Silva won the election for the Member of the City Council – District 3 seat for a four year term expiring December 2022. This required Council Member Silva to resign mid-term from his at-large City Council seat which expires December 2020 and created a vacant seat on the City Council. The vacancy became effective with Council Member Silva's oath of office for the District 3 seat on December 4, 2018.

Government Code Section 36512(b) states that City Council must fill the vacancy by appointment or call a special election to fill the vacancy within 60 days from the commencement of the vacancy. In this case, City Council should make its determination regarding filling the City Council vacancy no later than February 2, 2019.

Whether filled by appointment or special election, the person selected to fill the vacancy will hold office for the remainder of Council Member Silva's at-large term which expires December 2020 (Government Code Section 36512(b)(1), (b)(2)(B)).

At the January 15, 2019 City Council meeting, City Council directed Staff to accept applications from persons interested in filling the vacant City Council seat. Applicants must be registered Fullerton voters and submit a fully completed application, Statement of Economic Interest (Form 700) and an essay regarding the applicant's qualifications, not to exceed 400 words.

The application process schedule was as follows:

- January 16, 2019 – Applications available
- January 23, 2019 – Application deadline (5:00 p.m.)
- January 24, 2019 – January 29, 2019 Special Meeting Agenda posted
- January 28, 2019 – Optional "Applicants Forum"
- January 29, 2019 – Special City Council meeting to make appointment.

City Council also voted to allow applicants up to three minutes each to make a presentation to the City Council at the January 29, 2019 meeting.

The list of qualified applicants (listed in CA Secretary of State random alphabet order) is as follows:

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|---------------------|---------------------------|
| 1. Sonia Carvalho | 14. Michael Pascual |
| 2. Ryan Cantor | 15. Damion Lloyd Planchon |
| 3. Shana Charles | 16. Kevin Pendergraft |
| 4. Ryan Alcantara | 17. Roger Kim |
| 5. Fred Jung | 18. Leland Wilson |
| 6. Roberta Reid | 19. Robert Schoonmaker |
| 7. Larry Lloyd | 20. Rudy J. Salazar |
| 8. Robert Freeman | 21. Greg Sebourn |
| 9. Kenneth Fuller | 22. Omar Siddiqui |
| 10. Scott Funk | 23. Chris Gaarder |
| 11. Jan Flory | 24. Curtis Gamble |
| 12. Joshua Ferguson | 25. Larry Bennett |
| 13. Arnel Dino | |

Staff recommends that applicants make presentations in the order above which is based on the CA Secretary of State's randomized alphabet order for the November 6, 2018 General Election ballot.

City Council will hear brief presentations from the applicants and consider filling the vacant seat at this meeting.

Should council be unable to come to a decision for appointment, Staff recommends City Council adopt the necessary resolutions to call a special election for November 5, 2019 per Government Code Section 36512(b)(1). All candidates must be registered Fullerton voters at the time they pull nomination papers to run in the special election.

Attachments:

- Attachment 1 – City Council Vacancy Applications
- Attachment 2 – Draft Resolution No. 2019-XX (call election)
- Attachment 3 – Draft Resolution No. 2019-XX (candidate statements)
- Attachment 4 – Draft Resolution No. 2019-XX (request election services)