DATE: July 15, 2025

TO: City Council

FROM: Pam Caronongan, City Administrator

RE: DISCUSS, CONSIDER, AND SELECT OPTION REGARDING VACANT CITY COUNCIL MEMBER SEAT

RECOMMENDATION

Staff recommends that the City Council discuss and consider the following:

1. Accept this staff report addressing options to fill the Council seat vacancy resulting from the resignation of Council Member Isabel Moncada on July 1, 2025.

2. Select an Option as outlined below on how to fill the vacancy.

3. Should Option 3 be selected, City Council may decide to select a nominee (or nominees) for appointment during the next City Council meeting.

BACKGROUND

Prior to the City Council convening for Closed Session on July 1, 2025, Council Member Isabel Moncada verbally informed the City Council that she was resigning from her position. This event was followed by a July 4, 2025 Facebook posting from Council Member Moncada informing the community of her resignation.

A. Composition of City Council

Ms. Moncada's resignation has created a vacant City Council seat, with a term that is set to expire in November 2026. Upon Ms. Moncada's resignation, the following City Council composition and terms are outlined below:

Name	Elected OR Appointed?	Official Position	Ceremonial Position	Term
Scott Behiel	Elected	Council Member		2024-2028
Alvin Broglio	Elected	Council Member		2022-2026
Michael Chimente	Elected	Council Member	Mayor	2024-2028

Name	Elected OR Appointed?	Official Position	Ceremonial Position	Term
Caroline Schirato	Elected	Council Member	Vice Mayor	2024-2028
Vacant Seat – formerly occupied by Isabel Moncada	Elected	Council Member		2022-2026

Government Code 36512 states that an appointment shall not be made to fill a vacancy with the City Council if the appointment would result in a majority of the members serving on the council having been appointed. However, since all members of the Council have been elected, the Council has several options for filling the vacancy.

B.   Filling a Vacancy

State law controls the filling of a vacant elective office, and since all current members of the Council have been elected, the Council may appoint someone to fill the vacancy or call a special election (see Options 1 and 2 below).

Leaving the seat vacant until the next regularly established election is not an option in this case. This is because keeping the seat vacant until the next regularly established election is permitted under Government Code section 36512(d)(3) only when an appointment to the vacancy would cause the Council to be majority-appointed. As an appointment to fill Ms. Moncada's now-vacated Council Member seat would not make the Council majority-appointed, doing nothing and allowing the seat to be filled in the next regularly established election is not an available option.

Staff has provided four options which are outlined below under Section C. Regardless of whatever option is selected, the City will follow the standard procedure as it pertains to any scheduled or unscheduled vacancy – post a vacancy notice at City Hall, on the City website, and in other appropriate places, with the City Clerk or his or her designee having the additional option to advertise the vacancy in the local newspaper (Calaveras Enterprise).

Since the vacancy of Ms. Moncada's previous Council Member seat is occurring during the second half of her term in office, any person appointed to fill the vacancy shall hold office for the balance of the seat's unexpired term, or until November 2026 pursuant to Government Code § 36512(b)(2)(B). That Section states:

> If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent.

If the Council cannot come to a consensus to appoint a new member via Options 1, 2, or 3 outlined below (or should they select to do so), then the City Council must call for a special election to fill the vacancy (Option 4).

C.   Options to Fill Vacancy

If a vacancy occurs in an elective office, the City Council shall, within 60 days of commencement of the vacancy (in this case by August 29, 2025), either fill the vacancy by appointment or call a special election to fill the vacancy (Gov. Code § 36512(b)).

1.   Option 1 – Appoint a Successor by Application and Interviews

In accordance with Government Code section 36512(b), the Council may appoint a successor from the public at large within 60 days of the vacancy. The appointment process could include giving notice of the vacancy and requesting interested persons to apply.

The City Council could schedule interviews of the applicants at a special or regular meeting (date and time to be determined) and then make its selection at a meeting before August 30, 2025. There is precedence for this approach since the City utilized this process following the respective resignations of former Council Members Gretel Tisconia and Jeremy Leonard.

Staff recommends for applications to be made available via the City's website and at City Hall's customer service counter.

Proposed Schedule for Appointment Under Option 1 (subject to modifications):

Proposed Steps and Timelines for Appointing a New Council Member		Days Remaining to Appoint
Resignation of Council Member Moncada	Tuesday, July 1, 2025	60
Obtain Council Direction	Tuesday, July 15, 2025	46
Advertise on Social Media	Wednesday, July 16, 2025	45
Advertise in Calaveras Enterprise	Thursday, July 24, 2025	37
Application Cut-Off at 4:00 p.m.	Wednesday, August 6, 2025	24
Special Meeting to interview candidates	Tuesday, August 12, 2025	18
Swearing in of new Council Member	Tuesday, August 19, 2025	11
Note: (Vacancy must be filled before August 30, 2025)		

The proposed schedule shown above will allow for an advertising period of 22 days and will allow for an additional 11 days should Council decide additional time is needed.

The appointment and swearing-in of the new Council Member may occur at the special meeting at which the selection is made, or as requested by City Council. The proposed schedule for Option 1 anticipates the swearing-in of the newly appointed Council Member at the regular City Council meeting on August 19, 2025.

Option 2 – Appoint a Successor via Straight Nomination Without Undergoing Application and Interview Process

As it was earlier mentioned, in accordance with Government Code section 36512(b), the Council may appoint a successor from the public at large within 60 days of the vacancy. Another process of appointment is for City Council Members to provide their respective candidates to fill the vacancy, and for the City Council to nominate and appoint a candidate to fill the vacancy.

In this Option, any member of City Council can nominate a member of the public who meets the qualifications of becoming a City Council Member. Then a motion can be made to nominate the individual, and if said nomination receives a majority vote then the person will be appointed.

Staff proposes the schedule shown below (subject to modifications):

Proposed Steps and Timelines for Appointing a New Council Member (Option 2)		Days Remaining to Appoint
Resignation of Council Member Moncada	Tuesday, July 1, 2025	60
Obtain Council Direction	Tuesday, July 15, 2025	46
Staff to post Notice of Vacancy	Friday, July 11, 2025	50
City Council earliest date to select nominee	Tuesday, July 15, 2025	46
Earliest Opportunity to fill vacant seat	Friday, July 25, 2025	36
Earliest Opportunity to administer Oath of Office, and appoint nominee to fill vacant City Council Seat	Friday, July 25, 2025	36
Note: (Vacancy must be filled before August 30, 2025)		

This proposed schedule above allows for the required noticing period as stipulated per California Government Code Section 54974, which states that notices should be duly posted no later than twenty (20) days after the vacancy occurred as required by law; and that final appointment to a vacant seat shall not be made for at least ten (10) working days after posting this notice.

3. Option 3 – Use the Last Election Result, and Appoint the Candidate with the Most Votes to Fill the Vacant City Council Seat

The City Council may choose to appoint the candidate who received the second highest number of votes during the November 5, 2024 municipal election, based on the certified election results.

Below is information regarding two out of the five candidates who ran for office during the November 5, 2024 election season that remain unappointed (**see Attachment 1**):

Unappointed Candidate	Total Votes per Calaveras County Registrar of Voters (Official Count)	Percentage of Votes
Michael Fish	769	16.60%
Mary F. Kelly	827	17.85%

Should the City Council choose Option 3, based on the results shown above as reflected on the Calaveras County Registrar of Voter records, Ms. Mary F. Kelly would be the appointee to fill the vacant City Council seat, assuming she is still willing and able to occupy the seat.

4. Option 4 – Special Election

If the City Council chooses to fill the vacancy through a special election, or fails to reach a consensus in selecting Option 1, 2, or 3 as the method of filling the vacancy – or if the Council seeks to fill the position by appointment but does not do so within 60 days of the vacancy – the special election must be held on the next regularly established election date not less than 114 days from the call of the special election. A person elected to fill a vacancy holds office for the unexpired term of the former incumbent, again, until November 2026. (Gov. Code § 36512(b)(1).)

The last day that the City Council may call for a special election is August 30, 2025. The next regular election not less than 114 days from August 30, 2025 is November 3, 2026. Thus, if the City Council decides to call for a special election to fill the vacancy by August 20, 2025, it must hold the special election no earlier than December 23, 2025.

Upon determining its preferred course of action, the Council may (1) move forward with interviewing applicants and select one applicant for appointment, or (2) adopt a resolution pursuant to Elections Code Section 12001 to call a special election to fill the vacancy.

There are a few drawbacks to calling for a special election as follows:

1. The cost to conduct a special election is approximately $7,500 if it is held on June 2, 2026 – June Primary Election (**see Attachment 2**).

2. The cost to conduct a special election on a non-Primary Election date would be $35,000 with an April 14, 2026 special election date (**see Attachment 2**).

3. A vacancy on the City Council will result in an even number of City Council members for months. This potentially could result in decisions not being made because of a split 2-2 vote.

FINANCIAL CONSIDERATIONS

Option 1, 2, and 3

Cost to advertise vacancy notice (or combined vacancy notice and calls for applications) in Calaveras Enterprise estimated at $200-$300.

<u>Option 4</u>
In addition to the $200-$300 cost to advertise vacancy notice in Calaveras Enterprise, cost to conduct a special election varies, with an estimated amount ranging from $7,500 to $35,000 depending on special election date.

ENVIRONMENTAL CONSIDERATION

The City has determined that the deliberation on whether the City should hold an appointment process or a special election to fill the vacancy on the City Council has no environmental matters to consider and is exempt from review under the California Environmental Quality Act, Public Resources Code Section 15061(b)(3) where it can be seen with certainty that the action has no potential for causing a significant effect on the environment.

ALTERNATIVES

Provide directions for staff.

ATTACHMENTS

1. Page 5 of General Election – November 5, 2024 Official Results for Angels Camp City Council – from Calaveras County Registrar of Voters

2. 2025-2026 Election Dates and Estimated Costs – from Calaveras County Registrar of Voters