

Capitola City Council

Agenda Report



Meeting: June 12, 2025

From: City Manager's Department

Subject: Appointment of Successor to Vacant City Council Seat

Recommended Action: 1) By motion, appoint a successor to fill the Council vacancy; and 2) direct the City Clerk to administer the oath of office to the newly appointed Council Member.

Background: On May 8, 2025, Alexander Pedersen announced his resignation from the City Council. The requirements to fill a City Council vacancy are defined by Government Code Section 36512.

Section 36512(b) states if a vacancy occurs in an elective office, the Council shall, within 60 days from the commencement of the vacancy, either call a special election to fill the vacancy or fill the vacancy by appointment. The Council is required to fill the vacancy by July 7th.

At the May 22, 2025 meeting, the City Council declared a vacancy and announced its intent to fill the vacant City Council seat by appointment. The City Council directed staff to open an application period from May 27, 2025 through June 3, 2025 at 5:00 PM. The application (Attachment 1) included a request for basic information from the applicant, a request for a resume/CV, and four questions. Council requested that, if it were legally permitted, the City Clerk request proof of residency. After a review of State law and applicable cases, staff included a question offering each candidate the option of providing proof of residency.

The application period closed on June 3, 2025 at 5:00 PM. The City Clerk received 15 applications during the application period. Under State law the qualifications for the City Council appointment are: 1) to be a resident in Capitola, 2) to be a registered voter in Capitola, and 3) to be at least 18 years of age. Of those applications, two did not meet the qualifications for the appointment. However, one applicant was able to meet the qualifications on June 5th (marked by an asterisk in table below).

Alla Mia Basaldua

Camilla J. Corvin

Chris Amsden

Daniel E. Castagnola

Enrique Dolmo Jr

Justin Maffia

Kevin Maguire

Laura Jane Alioto

Lunamar Harter

Narendra Dev

Peter George Wilk

Rodney Sellers

Susan Westman

Trevor Whitcomb*

Discussion: The appointment will require a motion and an affirmative vote from a majority of the City Council. The motion by Council Member Jensen on May 22 included using ranked choice voting as the method for selecting applicants, the same tool that was presented to fill the last vacancy.

The tool Council agreed to utilize for the last vacancy was a modified version of ranked choice voting, sometimes called "order of merit". Following an opportunity for public comment, each Council Member can provide their top applicant choice. If there is a consensus (at least three Council Members in favor of one candidate), the Council may proceed to appoint the applicant by a motion and a vote.

If there is less than a majority for a candidate, the Order of Merit process would begin, and the Council would provide their second-choice applicant. Candidates will be given three points for a first choice, two for second. If, after two rounds, a top applicant can be identified, the Council should proceed with a motion to appoint (Table 1).

	Table 1				
	<i>Council Member 1</i>	<i>Council Member 2</i>	<i>Council Member 3</i>	<i>Council Member 4</i>	
3 points	Applicant 1	Applicant 1	Applicant 3	Applicant 3	Tied
2 points	Applicant 3	Applicant 2	Applicant 1	Applicant 1	
	Results				Points
	Applicant 1				10
	Applicant 2				2
	Applicant 3				8
	Applicant 1 wins				

If a third round is needed, one point would be assigned for third place, and Council could appoint the top candidate by motion (Table 2).

	Table 2				
	<i>Council Member 1</i>	<i>Council Member 2</i>	<i>Council Member 3</i>	<i>Council Member 4</i>	
3 points	Applicant 1	Applicant 1	Applicant 3	Applicant 3	Tied
2 points	Applicant 3	Applicant 2	Applicant 4	Applicant 1	Tied
1 point	Applicant 2	Applicant 4	Applicant 1	Applicant 2	
	Results				Points
	Applicant 1				9
	Applicant 2				4
	Applicant 3				8
	Applicant 4				3
	Applicant 1 wins				

It should be noted this process, along with any other, could still potentially yield a tie given there are only four Council Members. If that were to occur, Council will need to consider how best to proceed to fill the vacancy.

Notwithstanding the above, the Council may select a candidate using whatever approach the majority prefers. Regardless of the process the City Council uses to come to agreement, in the end there must be a motion and at least three votes for a candidate to assume the seat.

The Council must either appoint a successor to the vacant seat or call a special election no later than 60 days from the commencement of the vacancy, pursuant to Government Code Section 36512 (b). The appointment deadline is July 7, 2025, following the commencement of the vacancy on May 8, 2025.

Public Outreach: Following the Council's decision to accept applications, staff prepared the application form and an associated webpage, which was promoted on the City's website (cityofcapitola.org). In addition, staff issued and distributed a press release on May 22, 2025, a special edition of the Capitola

Waves Newsletter, a social media post and story in English and in Spanish, and hard copy flyers in English and in Spanish to the business community and City-owned kiosks.

Fiscal Impact: There would be no fiscal impact of appointing a replacement Councilmember to fill the vacancy. The current adopted budget does not include funding for a special election. Should Council direct staff to prepare documentation for such an election, staff would work with the County Clerk to determine estimated election costs and prepare a budget amendment.

Attachments:

1. Application
2. Submitted Applications from Qualified Applicants
3. Public Comment Received Prior to Agenda Publication

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Samantha Zutler, City Attorney

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