

# Capitola City Council

## Agenda Report

**Meeting:** May 22, 2025

**From:** City Manager's Department

**Subject:** Process to Fill Vacant Council Seat



**Recommended Action:** Staff recommends the City Council discuss the options to fill the vacant City Council position left by Vice Mayor Alexander Pedersen, and either 1) direct staff to prepare documentation to call for a special election or 2) outline an appointment process to fill the vacancy.

**Background:** On May 8, 2025, Vice Mayor Pedersen announced his resignation from the City Council. The requirements to fill a vacancy on the City Council are defined by Government Code Section 36512; this staff report is intended to outline these options for the Council's consideration.

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 on or before July 7, 2025.

If the Council should choose to hold a special election, the special election is required to be held at the next regularly established election date not less than 114 days from the call of the special election. If a regularly established election date is not within 114 days from the call of the special election, the Council may hold a special election at any time. The person elected to fill a vacancy holds the office for the unexpired term of the former incumbent.

If the Council fills the vacancy by appointment, the person appointed to fill the vacancy shall serve out the unexpired term of Vice Mayor Pedersen's seat, until December 2026, pursuant to Section 36512(b)(2)(B). In order to be appointed to fill the vacancy under State law, the person being appointed must be a Capitola resident, a registered voter within the City of Capitola, and at least 18 years of age.

**Discussion:** The two options available to fill the vacancy are to hold a special election or for the City Council to make an appointment to fill the vacancy and serve the remainder of the term (December 2026).

If directed, staff will determine estimated election costs and return to Council with a budget amendment and documentation to call for the special election.

There are no statutory requirements that define a specific process for how the Council may decide to appoint the successor.

Following the resignation of Mayor Yvette Brooks in January 2025, the City Council ultimately opted to allow interested members of the public to apply during a two-week application period, then selected a new Council Member at the January 30<sup>th</sup> Council meeting.

The following are a few of the processes that could be used for this vacancy:

- Using the same or similar process as the January vacancy; accept applications from the public for a week or two: utilize the same questions and form as from the prior vacancy; and review and select a successor at the June 12<sup>th</sup> meeting. If the Council opts for an application period, staff recommends a deadline on or before June 4<sup>th</sup>. If this option is selected, staff will reach out to applicants from the prior recruitment.
- Review applications from the prior vacancy in January 2025. Staff would need to contact applicants to determine if they are still interested. Council could hold a public interview process

for those applicants at a special meeting or select a new member at a regular meeting.

- Select the individual who received the next highest number of votes below the candidates most recently elected to the Council in the November 2024 election.
- Designate an alternative selection process.

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). This appointment deadline is July 7, 2025, following the commencement of the vacancy on May 8, 2025.

Fiscal Impact: There would be no fiscal impact to appoint 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. In January, staff determined the likely cost of a special election at that time to be between \$49,364 and \$54,416.

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

Attachments:

1. Correspondence Received from the Public 5/8/2025 – 5/16/2025