

Capitola City Council

Agenda Report



Meeting: January 9, 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 Mayor Yvette Brooks, 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 January 3rd, Mayor Yvette Brooks announced her resignation from the City Council effective January 15, 2025. 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.

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 Mayor Brook's seat, until December 2026, pursuant to Section 36512(b)(2)(B). In order to be appointed to fill the vacancy, 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. The following are a few of the processes that have been used in other cities:

- Accepting applications/letters of interest from the public for a period of time decided upon by the City Council and interviewing applicants in an open session before voting for the appointment
- Selecting the individual who received the next highest number of votes below the candidates most recently elected to the Council in the most recent election
- Allowing Council Members to nominate candidates to the full Council, which votes on the appointment.

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 March 16, 2025 following the commencement of the vacancy on January 15, 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.

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager