



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Discussion Regarding Election and/or Appointment of City Councilmembers and City Treasurer

MEETING DATE:

August 22, 2022

SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk

PURPOSE OF REPORT: ☐ Information only ☒ Discussion ☐ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to provide direction on whether to appoint nominated councilmembers to serve another term in lieu of holding an election for those seats and provide direction on whether to appoint an elector to serve as City Treasurer in lieu of holding an election for that seat.

BACKGROUND/DISCUSSION:

On August 12, 2022, the deadline to file nomination papers for those interested in running for City Council and City Treasurer expired. The terms of two Council seats and one City Treasurer are expiring this November, and Administrative Services Director/City Clerk Swanson received complete nomination papers from two candidates for City Council; incumbents Dirk Slooten and Russ Cremer. Because there are the same number of available offices and candidates, Elections Code § 10229 gives the City the option to appoint these candidates in lieu of holding an election.

Government Code 36512(d) prohibits an appointment that would result in a majority of councilmembers serving by way of appointment. For this reason, if the Council chooses to appoint the incumbents in lieu of election, if any future seat would become unfilled before the next election, the City Council would not have the option to fill the available council seat via appointment and would have to hold a special election at that time.

Additionally, there were no nominations for City Treasurer. The City has the option to appoint a qualified elector to the City Treasurer seat in lieu of holding an election or authorize the election for City Treasurer to move forward, which allows for a candidate to be nominated during the write-in candidate period of September 12 through October 25, 2022.

According to Section 2-5.3 of the Clearlake Municipal Code, whenever a vacancy occurs in the office of City Treasurer, the City Manager is automatically appointed to fill the vacancy until a successor is appointed or elected. There has been no elected City Treasurer filling the vacancy since 2006.

Appointments to the seats must be made before the 75th day before the election, which is August 25, 2022.

The primary options before the Council are:

1. Hold the election for all three seats.

If the Council votes to hold the election for the two Council seats and the City Treasurer, it need not adopt any of the attached resolutions and it need not take any further action. The absence of making any appointments by August 25, 2022 will result in the election being held for all three seats. Under this scenario, the two qualified candidates would be on the ballot and the City Treasurer would be voted upon by the write-in candidate who gets the most votes, provided a write-in candidate qualifies. If a write-in candidate does not qualify, the Council could then make an appointment or hold a special election for that vacancy.

2. Appoint the two qualified candidates to office, while holding an election in November for the City Treasurer.
3. Appoint a qualified elector to the City Treasurer seat and appoint the two qualified City Council candidates to the Council seats.

The three resolutions attached to this staff report should be taken up separately. In any instance where an election is held, write in candidates will be permitted as allowed by State law, including City Councilmember and City Treasurer.

OPTIONS:

1. Move to adopt resolutions appointing qualified candidates and/or electors
2. Take no action and, by Elections Code, the November election will move forward as scheduled
3. Other direction

FISCAL IMPACT:

☐ None ☐ \$ Budgeted Item? ☒ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☒ No If yes, amount of appropriation increase: \$

Affected fund(s): ☒ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments: If no election is held, there are potential savings in the General Fund.

STRATEGIC PLAN IMPACT:

- ☐ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☐ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☐ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Direction to staff.

- ☐ **Attachments:** 1) Resolutions appointing qualified candidates and/or elector to the City Council seats and/or City Treasurer seat