



## STAFF REPORT

May 13, 2026

**TO:** Honorable Mayor and City Council Members

**FROM:** Gabriel A. Gonzalez, Interim City Manager

**PREPARED BY:** Ryan Guiboa, City Attorney

**SUBJECT:** Consideration of Filling Council Vacancy

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### **RECOMMENDED ACTION:**

Discuss and take potential action to fill the Council vacancy. The City Council may fill the vacancy by appointing an eligible resident before June 22, 2026, or by leaving the seat vacant until the General Municipal Election scheduled for November 3, 2026, at which time the seat will be filled for a new four-year term.

If the Council elects to make an appointment, it should discuss at this meeting what processes, if any, it wishes to adopt for soliciting applications, interviewing candidates, nominating and voting on an appointment.

### **BACKGROUND:**

On April 22, 2026, a vacancy was created on the City Council due to Mayor Pro Tem Dr. Frank Figueroa's appointment to Mayor. The Council must act within 60 days of the effective date of the vacancy to determine whether to fill the Council seat by appointment or to call a special election.

#### **A. APPOINTMENT PROCEDURES**

If the Council decides to fill the vacancy by appointment, Council may appoint an eligible resident by majority vote (three affirmative votes) within the 60-day period, or before June 22<sup>nd</sup>. Council may wish to nominate an eligible resident for appointment and may make such nomination for appointment at this Council meeting. Alternatively, the Council may adopt more formal procedures to fill the vacancy, which could include directing the City Clerk to advertise the vacancy, establish an application process, and provide Council with the opportunity to interview candidates for consideration and appointment. A sample application is attached for Council consideration. The level of formality is up to Council, provided the Council takes action within the 60-day period.

The vacant City Council seat has a term through November 2026. Any appointed resident will serve only until November 2026. At that time, the Council seat will stand for election for a new four-year term at the November 3, 2026 General Municipal Election.

## B. SPECIAL ELECTION PROCEDURE

The statute provides that the Council may technically call a special election to fill the vacancy in lieu of appointment. If a special election is called, it must normally be held on the next regularly established election date not less than 114 days from the call of the election, consistent with Elections Code section 1000. However, the next regularly established election date is also the scheduled General Municipal Election on November 3, 2026. Thus, at this late date, any possible special election will simply be absorbed into the currently scheduled General Municipal Election, so no separate special election need be called. For practical purposes, if the Council does not appoint to fill the vacancy, the seat will simply remain vacant until filled by the November 3, 2026 General Municipal Election.

### **FISCAL IMPACTS**

Should the City Council choose to fill the seat by an appointment application process, there would be nominal staff and material costs.

### **CONCLUSIONS AND RECOMMENDATIONS**

Staff recommends that the City Council discuss and take potential action to fill the Council vacancy.

### **ATTACHMENT**

Sample Application for City Council Appointment.