



STAFF REPORT

April 8, 2026

TO: Honorable Mayor Pro Tem and City Council Members
FROM: City Attorney
SUBJECT: Process to Fill Mayoral Vacancy

RECOMMENDED ACTION:

Discuss the available options for filling the vacancy of Mayor and provide direction to staff. The City Council may fill the vacancy by either appointing an eligible resident to serve as Mayor or by calling a special election.

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

BACKGROUND:

On March 24, 2026, a vacancy was created on the City Council due to Mayor Steven Hernandez pleading guilty to one felony count of violating Government Code section 1090. The Council must act within 60 days of the effective date of the vacancy to determine whether to fill the Mayoral 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 within the 60-day period, or before May 23rd. Council may wish to nominate an eligible resident for appointment and may make such nomination for appointment at a future 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. The level of formality is up to Council, provided the Council takes action within the 60-day period.

The Council may appoint a sitting Council Member to be the Mayor. If the Council appoints one of its members to fill the Mayoral vacancy, an immediate vacancy will then occur in the seat of the Council Member appointed to Mayor.

Under Government Code section 34902(a), an appointment to fill a Mayoral vacancy is effective for the remainder of the unexpired term, regardless of when the vacancy occurs. In this case, the appointment will be effective until the November 2026 election. At that time, the seat will stand for election for a standard two-year term.

B. SPECIAL ELECTION PROCEDURE

The Council may call a special election to fill the vacancy. If a special election is called, it must 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 the general election on November 3, 2026. Thus, Council may take no action, as any special election would simply be absorbed into the currently scheduled general election.

Alternatively, for general law cities, there is a discretionary option to conduct an all-mailed ballot election as permitted under Elections Code section 4004 if certain conditions are met. Specifically, the election must be for a City with a population less than 100,000, cannot be consolidated with another election, and must be used to fill a vacancy. The next available date for an all-mailed ballot election is August 25, 2026. The resident elected would serve the approximate three-month remainder of the term.

FISCAL IMPACTS

The potential cost of holding an all-mailed ballot election to fill the current Mayoral vacancy is approximately \$70,000.

CONCLUSIONS AND RECOMMENDATIONS

Staff recommends that the City Council discuss the available options for filling the vacancy and provide direction to staff.

ATTACHMENT

None.