



## City of Colusa California

### STAFF REPORT

**DATE:** January 31, 2024

**TO:** Mayor Vaca and Members of the City Council

**FROM:** Jesse Cain, City Manager; Ryan Jones, City Attorney; and Shelly Kittle, City Clerk

**AGENDA ITEM:** Consider Appointment of Councilmember for Vacancy Position

**Recommendation:** Council to consider three applicants and make an appointment to fill the council vacancy; then pass the Resolution appointing a member to the Council.

#### **BACKGROUND ANALYSIS:**

On December 20, 2023, Council Member Julie Garofalo announced her resignation from the City Council. At the January 2, 2024, Council meeting the Council decided to take applications to consider filling the vacancy by appointment.

The City has received three applications. The applicants are Richard Raguda, Jr., David Markss, and Josh Hill. Their applications are attached and have been provided to the Council for consideration.

Government Code (GC) Section 36512 sets forth the procedures for filling elected city office vacancies in general law cities. Specifically, GC Section 36512(b) states: "If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy." Regardless of whether the vacancy is filled by appointment or special election, the person elected/appointed only holds office for the unexpired term of the former incumbent.

The Council has the ability to appoint a new Council Member by motion, majority vote, and Resolution of the Council, and this appointee would serve until the General Municipal Election in November 2024. If the Council decides not to make the appointment, the seat would remain open until November 2024, at which point a Special Election would be held for that open seat for a term of two years.

#### **BUDGET IMPACT:**

There are no costs to appoint a replacement Council Member. Although there are

normally costs associated with calling a Special Election, because the earliest date upon which a Special Election could occur under the Government Code requirements would not be until November 2024, which is the same date the City would have held an election for a Council position, there would be minor costs associated with a Special Election.

**RECOMMENDATION**

Council to make an appointment and pass a Resolution naming the appointee, or call for a Special Election to be held in November 2024.

**ATTACHMENT**

Resolution appointing a new council member to fill the vacancy.