



# CITY OF DEL REY OAKS

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**DATE:** February 9, 2023

**TO:** Honorable Mayor and City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** Action to Make an Appointment to Fill the Vacancy for the Remaining Term and Administer the Oath of Office to the Newly Appointed Councilmember (Continued from January 24, 2023 City Council Meeting) or Call a Special Election for November 7, 2023, Pursuant to Government Code §36512

**CEQA:** Enactment of this resolution is not subject to the California Environmental Quality Act (CEQA) as it is not a project pursuant to Guidelines Section 15378 (b)(5) because it is an organizational or administrative activity of the City that will not result in direct or indirect physical changes in the environment.

## **Recommended Action**

Continue the appointment process from the meeting on January 24, 2023, deliberate and possible action to appoint one person to fill the City Council vacancy, and potentially administer the oath of office for the newly appointed Councilmember.

## **Background**

When a vacancy occurs on the City Council, the Council has two options and 60 days to decide how to act. The Council may either appoint a successor or call a special election to fill the vacant seat. February 10, 2023, is the last day for the Council to act to appoint or call a special election.

On January 24, 2023, the Council interviewed six candidates for the vacancy. After deliberation, the Council was unable to reach consensus on a candidate and continued the discussion to this Special Meeting of the Council.

## **Discussion**

### *Appointment:*

On January 5, 2023, the City Council selected an appointment process for filling the vacant seat on the City Council. The City Clerk advertised the vacant seat and accepted applications up until January 18, 2023, at 12:00 p.m. Six (6) applications meeting the minimum requirements to move forward in the process were received.

On January 24, 2023, the City Council interviewed each applicant and deliberated the merits of each. During the deliberations, four (4) of the candidates withdrew their applications leaving two candidates for Council consideration. The Council was unable to reach a consensus on appointment of one of the two remaining candidates. Council directed staff to schedule a Special Meeting of the City Council for continued discussion of the two remaining candidates, potential action to appoint and installation of the appointed Councilmember.

*Special Election:*

Should the Council be unable to agree on an appointment, it shall be necessary for the City Council to call for a special election to be held on Tuesday, November 7, 2023, for the election of an unexpired term of one City Council seat, which will expire in December 2024.

It is desirable that the City election be consolidated with any other election to be held on the same date to take advantage of any possible reduction in election costs. It is also desirable that the Registrar of Voters of the County of Monterey administer the elections and all duties necessary.

**Fiscal Impacts**

An appointment would have no additional financial impact other than those already incurred for staff and consultant time associated with preparing for and staffing meetings and advertising the appointment applications. No funding is currently budgeted in the FY 2022-23 budget for a special election. The estimated cost for a standard, stand-alone election on November 7, 2023, would be \$17,164 to \$24,520 (1,226 registered voters at \$14 to \$20 each), subject to change. This cost does not include staff workload impacts, legal fees, or miscellaneous expenses.

**Attachments:**

- Resolution No. 2023-01

Respectfully Submitted,

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John Guertin  
City Manager