



## CITY OF ORLAND STAFF REPORT MEETING DATE: April 7, 2026

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

**FROM:** Scott Drexel, City Attorney

**SUBJECT:** Declaration of Council Vacancy and Process for Filling the Vacancy

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### BACKGROUND

On March 18, 2026, Council Member Matt Romano submitted a written resignation from the Orlando City Council, effective immediately. Mr. Romano was elected to a full four-year term in November 2022 and sworn in December 2022, with his term running through December 2026. At the time of his resignation, approximately nine months remained on his term.

Under Government Code § 36512, the Council must fill the vacancy by appointment or call a special election within 60 days of the vacancy — here, by May 17, 2026. This deadline is not extendable. If the Council does not act by May 17, it is required by law to call a special election. As discussed below, the election option presents significant practical problems given the short remaining term and the City's ongoing transition to district-based elections. Staff recommends that the Council proceed by appointment.

### LEGAL FRAMEWORK

Government Code § 36512 governs vacancies on city councils and provides as follows:

1. **Appointment.** The remaining members of the Council may appoint a qualified person to fill the vacancy. The appointee must be a registered voter of the city and otherwise eligible to hold the office.
2. **Special Election.** Alternatively, the Council may call a special election to fill the vacancy. Under Elections Code § 1000, any such election must be held on an established election date not less than 114 days after the vacancy (i.e., not before July 10, 2026). The June 2026 statewide primary (June 2) does not satisfy this requirement. The only qualifying established election date in 2026 is the November 3 statewide general election.
3. **Failure to Act.** If the Council does not fill the vacancy by appointment within 60 days — by May 17, 2026 — it must call a special election. There is no mechanism to extend this deadline.
4. **Term of Appointee.** Under § 36512(b), because the unexpired term is two years or less (approximately nine months), the Council's appointee serves out the full remainder of the term through December 2026 with no subsequent special election required.

### ELECTION OPTION — PRACTICAL CONSIDERATIONS

While the election option is technically available, it presents serious practical problems that counsel strongly against it.

1. **Six-Week Term.** Because November 3, 2026 is the only qualifying election date and Romano's term expires in December 2026, the winner of a special election would be sworn in and serve for approximately six weeks before the seat would be reorganized in the normal December 2026 council reorganization. The cost and administrative burden of an election for a six-week term is difficult to justify.
2. **Two Elections for the Same Seat on the Same Ballot.** The City is currently in the process of transitioning to district-based elections under Elections Code § 10010. The November 2026 election will include a regular election for the new district seat that will correspond to Romano's former at-large position, with the winner beginning a new four-year district term in December 2026. If the Council also places the vacancy on the November ballot, voters would be asked to vote twice for essentially the same seat on the same ballot — once in an at-large special election for a six-week term, and once in a district-based regular election for the full four-year term beginning immediately after. This would create significant voter confusion and raise questions about the relationship between the two elections.
3. **District Transition Timing.** The special election vacancy would be filled on an at-large basis under the City's current election structure, because the district boundaries have not yet been finalized and would govern only the regular November election for the new four-year term. The simultaneous existence of an at-large special election and a district-based regular election for the same seat further complicates the ballot and could create public confusion about the City's election structure.

## RECOMMENDED APPOINTMENT PROCESS

If the Council elects to fill the vacancy by appointment, the following process is recommended. Given the May 17, 2026 statutory deadline, the Council should initiate the process at this meeting to allow adequate time for applications and interviews before that date:

- a. **Public Notice.** Post notice of the vacancy and the application and interview process consistent with the Brown Act and applicable Council policies.
- b. **Application Period.** Establish an application window of approximately two weeks for interested residents to submit applications to the City Clerk. Applications should open immediately following this meeting, with a deadline of approximately April 18, 2026.
- c. **Interviews.** Conduct public interviews of applicants in open session at the April 21, 2026 regular meeting. Interviews are not required by statute but are recommended as a matter of public transparency. A simple format is suggested: each applicant speaks for five minutes, followed by up to ten minutes of Council questions. Interviews should be calendared at the beginning of the agenda to minimize wait time for applicants and the public.
- d. **Appointment.** Vote to appoint at the April 21, 2026 meeting immediately following interviews, or if additional deliberation is needed, at the May 5, 2026 regular meeting. In either case, the appointment must be completed no later than May 17, 2026. A majority vote of the remaining Council members is required.

## RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt a motion formally **declaring a vacancy** on the City Council resulting from the resignation of Council Member Matt Romano, effective March 18, 2026; and
2. Direct staff to **initiate the appointment process**, including immediate posting of a vacancy notice, preparation of an application form, an application deadline of approximately April 18, 2026, and scheduling of public interviews at the April 21, 2026 regular meeting, with appointment at that same meeting or, if needed, at the May 5, 2026 regular meeting — in all events no later than May 17, 2026.

## FISCAL IMPACT

A Council appointment has minimal direct cost. By contrast, placing the vacancy on the November 2026 ballot would result in the City incurring county election administration costs for a special election in which the winner would serve approximately six weeks.