



CITY COUNCIL AGENDA REPORT

CITY

HALL

CITY OF SONORA 94 N. WASHINGTON STREET, SONORA, CA 95370 P: (209) 532-4541
SERVICE, INNOVATION, INTEGRITY, COLLABORATION, RESPECT, LEADERSHIP

DATE: January 6, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Douglas L. White, City Attorney

SUBJECT: Discussion and Action to Select a Method to Fill a City Council Vacancy Due to the Resignation of Councilmember Suzanne Cruz, and Potential Action on an Immediate Appointment to Fill the Vacancy.

RECOMMENDATION

Discuss and establish a procedure to appoint a City Councilmember to fill the vacancy created by the resignation of Councilmember Suzanne Cruz. If the Council elects to fill the vacancy via appointment, the Council may establish a selection process or make an immediate appointment of an eligible individual.

DISCUSSION

Councilmember Suzanne Cruz has informed City staff of her intent to resign from the City Council, effective immediately following the January 6, 2025, regular meeting. Following her resignation, her position on the City Council will become immediately vacant.

ANALYSIS

Pursuant to California law, when a City Council seat becomes vacant, the City Council must either appoint an individual to serve on the City Council or call a special election, within sixty (60) days of the vacancy.¹ For Councilmember Cruz's resignation date of January 6, 2025, the deadline to fill the vacancy by appointment or a call for a special election is March 7, 2025.

Whether the City Council chooses to fill the vacancy by appointment or through a special election, the new Councilmember will serve until November 2026, the remainder of Councilmember Cruz's term.² The City Council adopted Ordinance 899 earlier this year changing the date of the City's general municipal election date to coincide with the November statewide general election in even numbered years. In doing

¹ Gov. Code, § 36512.

² Id.

so, the City Council, as authorized under the Government Code, extended the terms of office for Councilmembers elected in March of 2022 until the certification of the November 2026 election. Since Councilmember Cruz was elected in March of 2022, her term of office expires following the November 2026 election.

If the City Council desires to fill the vacancy by appointment, the City Council should establish a selection process. The City Council can establish an application process and solicit applications from interested individuals, or alternatively can make a selection and appointment of any eligible individual without a formal application process. To be eligible to serve as a Councilmember, all interested parties must be at least eighteen (18) years old and a registered voter in the City of Sonora.³

If the City Council calls for a special election to fill the vacancy, the election must be held on the next established election date pursuant to Election Code section 1000, not less than one hundred fourteen (114) days after the calling of the special election.⁴ Accordingly, the earliest date that the City Council can hold the special election is November 2025. The City must bear the cost of the special election, which will be set by the County Elections department which conducts elections on behalf of the City. If the City Council chooses to call a special election City staff will prepare a resolution and any other materials needed to call the special election.

To avoid the cost of conducting a special election, and fill the vacancy as soon as possible, City staff recommends the City Council fill the vacancy by appointment. The Council may make an immediate appointment or alternatively establish an application process. Included with this staff report is a resolution for an immediate appointment for the Council's consideration. If otherwise directed, City staff will prepare an application and bring back a proposed selection timeline for City Council consideration and approval.

FISCAL IMPACT

If the City Council calls a special election to fill the vacancy, the City must bear the cost of the special election. The costs associated with the appointment will be staff time and costs of publication of the notice of the vacancy.

ATTACHMENT

Resolution 01-06-2025-A

³ Gov. Code, § 36502

⁴ Id.