



**AGENDA MEMORANDUM**  
for the City Council Meeting of March 20, 2018

**DATE:** March 20, 2018

**TO:** Mayor and Council

**FROM:** Rebecca L. Huerta, City Secretary  
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<b>Discussion &amp; Possible Action Regarding Process to Fill a Vacancy in the Office of Council Member</b>
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**CAPTION:**

Discussion and possible action regarding the process to fill a vacancy in the office of council member.

**PURPOSE:**

The purpose of this item is to discuss the process to fill a vacancy in the office of council member.

**BACKGROUND AND FINDINGS:**

Article II, Section 13 of the City Charter provides that, in the event a vacancy exists in the office of council member, "...the then remaining members of the council by majority vote shall forthwith fill such vacancy by appointment of a new council member having the qualifications for such vacancy or vacancies as established by law, and the appointed council member shall hold office until the next regular city election and until his or her successor has been elected and qualified...".

Black's Law Dictionary defines "forthwith" as "immediately, without delay, directly, within a reasonable time under the circumstances of the case; promptly with reasonable dispatch".

The qualifications for the position of city council member are:

1. Must be a citizen of the United States.
2. Must be 18 years of age or older on the date of appointment.
3. Must have not been determined by a final judgment of a court to be mentally incapacitated.
4. Must not have been finally convicted of a felony from which he/she has not been pardoned or otherwise released from the resulting disabilities.
5. Must have resided continuously in this state for the twelve (12) months and in City Council District 1 for the six (6) months immediately preceding the date the appointment is made.
6. Must be registered to vote in City Council District 1.
7. Must maintain residence in City Council District 1 throughout the term of office.
8. Must not owe delinquent taxes to the city.

**OTHER CONSIDERATIONS:**

Historically, an application process has been used to fill the vacancy, which has included submission of an application packet consisting of the following:

1. Application for Appointment to the City Council;
2. Resume;
3. Questionnaire;
4. Report of Financial Information; and
5. A Background Check.

These documents were reviewed by the City Council in executive session, the Council determined the finalists, conducted public interviews, and then made a decision in open session. Typically, the process has been completed in a three- to four-week period.

**DEPARTMENTAL CLEARANCES:**

Legal Department

**OPTIONS:**

- 1) Appoint an individual; or
- 2) Approve a process to fill the vacant City Council position, including a timeline setting the application deadline, a date to interview candidates and a date on which the final selection, appointment and swearing-in is completed.

**LIST OF SUPPORTING DOCUMENTS:**

Sample Application Packet  
Presentation