



**Department:** Administration  
**Cost Center:** 1021  
**For Agenda of:** 10/5/2021  
**Placement:** Business  
**Estimated Time:** 90 Minutes

**FROM:** Greg Hermann, Deputy City Manager  
**Prepared By:** Teresa Purrington, City Clerk

**SUBJECT:** APPOINTMENT TO FILL A COUNCIL VACANCY

### RECOMMENDATION

1. Nominate an applicant to an unexpired Mayor term ending December 1, 2022; and
2. Adopt a Resolution entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, making an appointment to fill the office of Mayor of the city to fill a vacancy created by the resignation of Heidi Harmon"; and
3. If a seated Council Member is appointed, nominate an applicant to an unexpired Council Member term ending December 1, 2022; and
4. Adopt a Resolution entitled, "A Resolution of the City Council of the City of San Luis Obispo, California, making an appointment to fill the office of Council Member of the city to fill a vacancy created by the appointment of XXXX to Mayor."

### DISCUSSION

Due to Mayor Heidi Harmon leaving office effective September 22, 2021, a vacancy currently exists on the City Council. On September 7, 2021, the City Council adopted a process for making an appointment to the mayor position, and if needed, City Council, to fill the unexpired term. At that time a public hearing was scheduled for October 5, 2021, to consider applications for Mayor and, potentially, a Council Member. Applications and written statements of qualifications were received by the City Clerk from 8:00 AM, Friday September 10, 2021, through 5:00 PM, Friday September 24, 2021. These applications and statements were made available on September 28, 2021 to the Council and the public on the City's website (Attachment C).

The City Clerk received statements and/or resumes from 13 citizens requesting appointment to the position(s). All applications are provided in Attachment C. Listed below are the applicant names and whether they are applying for Mayor, Council Member, or both (names are listed alphabetically).

**Mayor only:**

1. Erica A. Stewart
2. Jeffery Conley Specht
3. Matt Ritter

**Mayor and Council Member:**

1. Joshua Cohen
2. Mark Buchman

**Council Member only:**

1. Emily Francis
2. Joe Benson
3. Michael Drazo
4. Michelle Shoresman
5. Mike Multari
6. Mila Vujovich-La Barre
7. Robin Wolf
8. Sharon Whitney

At the October 5, 2021 City Council meeting, each applicant is allotted five minutes to present to the Council and will need to verify their willingness to serve. After all presentations have concluded, public testimony will be heard.

After public testimony, the Vice Mayor will return the discussion to the Council for further consideration. All nominations will be done audibly and recorded by the City Clerk.

The process will be as follows:

- 1) Each Council member will announce, and the City Clerk will record, a list of *up to* three applicants that they nominate, in alphabetical order.
- 2) If three or more Council Members name the same applicant and only one applicant receives three nominations, then the Vice Mayor will call for a motion to appoint that person and adopt the Resolution of Appointment for Mayor (Attachment A).
- 3) If more than one applicant receives three or more nominations, then these applicants should be further discussed until an appointment is made (either via subsequent rounds of votes from each Council Member or consensus from deliberations).
- 4) If no candidate gets three or more nominations, then the Council can expand the list by engaging in additional rounds of nominating applicants.
- 5) At any time during the vote process a Council Member could change their mind regarding an applicant and express support for any applicant. Motions could be made in favor of any applicant at any time.
- 6) If an applicant is voted in by at least three Council Members, then they would be sworn in by the City Clerk and seated immediately after selection by Council.

If an existing Council Member is appointed to Mayor, then the nomination and voting process will repeat steps 1-5 to appoint an applicant to the Council Member position, concluding with a motion for appointment and adoption of the Resolution of Appointment to City Council (Attachment B). The City Clerk will then administer the Oath of Office to all selected applicants.

If Council is unable to reach consensus, Council could adjourn the meeting to a subsequent meeting(s), provided that such meeting could be completed within 30 days of the occurrence of the vacancy (Wednesday, October 22, 2021) or call for a special election.

### **Previous Council Action**

On September 7, 2021, Council adopted a process for the appointment of the vacancy.

### **Policy Context**

Charter Section 406 states:

“... the Council by a majority vote of its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term or new term takes office.”

“If the Council fails to fill the vacancy within thirty (30) days following its occurrence, it shall call a special municipal election to fill the vacancy, to be held not sooner than ninety (90) days or not later than one hundred and fifty (150) days following the occurrence of the vacancy.”

Section 3.3 of Council Policies and Procedures establishes a specific process for conducting an appointment to the City Council, as follows:

1. At least ten days before Council meets the first time to select a replacement member for a vacancy, the City shall advertise the vacancy in a local newspaper.
2. The minimum qualifications for appointment are residency in the City at least 30 days prior to appointment and elector status at the time of appointment.
3. Each applicant shall submit a written statement of 500 words or less affirming the amount of time available each week to devote to the Council; reasons for wanting to be appointed; involvement in community affairs and organizations, especially in the preceding 23-month period; personal qualifications for the position and prior experience in government<sup>1</sup>, or areas associated with or doing business with government.
4. Meetings to consider the selection of an applicant shall be open to the public.
5. Applications shall be given to the Council and be available to the public at least four days before the opening of the meeting.
6. Members of the public may submit written comments regarding an application up to 24-hours before the meeting begins.

7. At the meeting, each applicant is to be given five minutes to make a presentation to Council and will be asked to verify their willingness to serve.
8. Thereafter, all discussion shall be confined to the Council except for questions directed by the Council to staff or to members of the public.
9. Upon conclusion of the discussion, Mayor/Vice Mayor shall open the floor to nominations by the remaining Council Members.

**Public Engagement**

The notice of the vacancy was announced by the Mayor on August 26, 2021. A Notice of Vacancy, indicating the City was accepting applications for Mayor and/or Council Member, was published on September 9, 2021, in the New Times and posted on the City’s website. Members of the public can submit public comment prior to and at the meeting.

**CONCURRENCE**

The City Manager and City Attorney both concur with staff’s recommendation.

**ENVIRONMENTAL REVIEW**

The California Environmental Quality Act does not apply to the recommended action in this report, because the action does not constitute a “Project” under CEQA Guidelines sec. 15378.

**FISCAL IMPACT**

Budgeted: No  
 Funding Identified: No

Budget Year: 2021-22

<b>Funding Sources</b>	<b>Total Budget Available</b>	<b>Current Funding Request</b>	<b>Remaining Balance</b>	<b>Annual Ongoing Cost</b>
General Fund	\$ N/A	\$	\$	\$
State				
Federal				
Fees				
Other:				
<b>Total</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>

If the Council makes an appointment to fill this vacancy, there will be minimal fiscal impacts that can be absorbed in the current budget appropriation.

**ALTERNATIVES**

If Council does not make an appointment by October 22, 2021, a special election would be called and that will result in an unbudgeted expense estimated to be between \$150,000-\$200,000 that would need to be appropriated from unassigned fund balance. This estimate does not include City staff time or additional assistance needed in the City Clerk's Office.

**ATTACHMENTS**

- A – Draft Resolution making an appointment to fill the office of Mayor
- B – Draft Resolution making an appointment to fill the office of Council Member
- C – Applications Received