



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Patty Rodriguez, Manager of the Office of Mayor and City Council/City Clerk

**AGENDA DATE:** August 6, 2024

**TITLE:** RESCIND RESOLUTION CALLING THE SPECIAL MUNICIPAL ELECTION TO FILL THE VACANCY OF DISTRICT 3 COUNCILMEMBER (REPORT OF: CITY CLERK)

**TITLE SUMMARY:** Cancellation Of Special Municipal Election Only On November 5, 2024

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### **Recommendation(s)**

That the City Council:

1. Adopt the attached Resolution rescinding Resolution No. 2024-18 calling the Special Municipal Election to fill the vacancy of District 3 Councilmember.

### **SUMMARY**

On May 7, 2024, the City Council called a Special Municipal Election on November 5, 2024, to fill the vacancy of District 3 Councilmember only until the election of the District 3 Councilmember at the General Municipal Election, also on November 5, 2024. Subsequently, the Registrar of Voters Office contacted the City Clerk Department conveying their opinion that the District 3 Special Municipal Election seat should not be on the ballot, and instead the vacancy could remain open until the General Municipal Election for the full, four-year term. They are requesting that this revision be approved to remove the Special Municipal Election designation.

### **DISCUSSION**

Due to the resignation of District 3 Councilmember David Marquez on April 16, 2024, the

City Council considered options to fill the vacancy on May 7, 2024, pursuant to Government Code Section 36512(b). The options were to fill the vacancy either by appointment or by calling a special election within 60 days of the resignation. At that time, the City Council voted unanimously to allow the eligible voters of the District 3 voters to elect who shall serve the remaining term of the vacancy, expiring December 2024 by adoption of Resolution No. 2024-18 calling a Special Municipal Election on November 5, 2024.

On June 25, 2024, the City Council adopted Resolution No. 2024-34 calling the General Municipal Election on November 5, 2024 for the Mayor, full two-year term; District 1, full four-year term; and District 3, full four-year term.

On July 15, 2024 the Registrar of Voters Office notified the City Clerk Department that both the short-term District 3 seat (Special Municipal Election with term expiring November 5, 2024) and full-term District 3 seat (General Municipal Election) should not be on the ballots due to the fleeting nature of the short-term vacancy. Both the Special Election and General Municipal Election results will be certified basically simultaneously so the individual successfully elected to the short term (if there is one), would be seated only momentarily until and upon certification of the results of the General Municipal Election full-term seat. The result is the vacancy is left open until the General Municipal Election, similar to other cities in the County. Further the City Council may have been in the position of having to consider canceling the Special Municipal Election if no candidates sought the short-term seat by close of nominations on August 9, 2024. Therefore, the ROV is requesting that this revision be approved to remove the Special Municipal Election designation.

Although technically, the appropriate State codes provide that a Special Municipal Election be called to fill the remaining term of District 3 (which technically lasts until the newly elected District 3 full-term candidate is installed). However, under these unusual circumstances, the City Attorney and my office concur with the direction and guidance of the Registrar of Voters to cancel the Special Municipal Election for the vacancy by rescinding the Resolution calling the Special Municipal Election on November 5, 2024.

By rescinding the Resolution calling the Special Election, the City will not incur additional costs.

The General Municipal Election scheduled on November 5, 2024 is unaffected and will be held as scheduled to fill the full, two-year term for Mayor; full, four-year term for District 1; and full, four-year term for District 3.

## **ALTERNATIVES**

1. The time for the City Council to make an appointment to fill the short-term vacancy on June 15, 2024, 60 days following the resignation.

## **FISCAL IMPACT**

Although the May 7, 2024 Staff Report indicated there would not be any significant additional fiscal impact because the Special Election would be consolidated with the November 5, 2024 General Municipal Election, any actual costs will be saved by cancelling the Special Election.

## **NOTIFICATION**

Posting and distribution of the agenda.

## **PREPARATION OF STAFF REPORT**

Prepared By:  
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Department Head Approval:  
Patty Rodriguez  
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## **CITY COUNCIL STRATEGIC PRIORITIES**

1. Beautification, **Community Engagement**, and Quality of Life

## Report Approval Details

Document Title:	STAFFREPORT_RESCINDSPECIALELECTION .docx
Attachments:	- Reso Rescinding 2024-18 and Cancelling Special Election.doc - Reso. 2024-18.pdf
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This report and all of its attachments were approved and signed as outlined below:

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