

**TO:** City Council  
**FROM:** James L. App, City Manager  
**SUBJECT:** City Council Vacancy  
**DATE:** December 2, 2008

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**NEEDS:** For the City Council to consider filling a vacant City Council seat.

- FACTS:**
1. Upon certification of the November 2008 general election results, the Paso Robles City Council will have one vacant seat.
  2. The vacancy may be filled by appointment, special election, or by appointment until a special election can be held.
  3. The California Government Code requires that the City Council fill a Council vacancy by appointment or call a special election within 30 days of its occurrence.
  4. The successor serves until the expiration of the predecessor's term; in this case, two years.
  5. In order to hold the office of Councilmember, a person must be at least 18 years of age, a resident and registered voter of the City at least 29 days prior to the November 2008 general election and at the time of assuming office.

**ANALYSIS &**

**CONCLUSION:** By majority vote, the City Council may appoint a new Councilmember for the remainder of the vacant seat term, i.e., two years, or they may call for a special election. There are no special requirements of the successor to hold office save those cited for any person seeking to hold similar elected office.

Should the Council consider calling a special election, the City may need to contract with an elections administration firm to conduct said election. The approximate cost for a special election would be \$30-40,000.

The City Council may appoint or make the decision to call a special election immediately, or consider options for a period of up to 30 days following the date of election certification.

**POLICY**

**REFERENCE:** California Government Code Section 36512 & 36502.

**FISCAL**

**IMPACT:** Holding a special election would cost approximately \$30-40,000.

- OPTIONS:**
- A. City Council Determine Selection Process, and,**
    - 1) If Special Election is the Chosen Methodology, Direct Staff to Engage Elections Firm to Schedule and Administer Election, OR**
    - 2) If Appointment is the Chosen Methodology, Select Appointee.**
  - B. Defer Consideration to the Regular Meeting of December 16, 2008.**
  - C. Amend, Modify or Reject Options Above.**