



Agenda Item

City Council

Item #: 9.1.

4/13/2021

File #: 21-0147

TO: Honorable Mayor and Members of the City Council

THRU: Rick Otto, City Manager

FROM: Gary A. Sheatz, City Attorney

1. SUBJECT

Discussion and action regarding City Council vacancy.

2. SUMMARY

The District 3 City Council office held by Michael Alvarez is now vacant following his resignation from office effective March 8, 2021. The City Council must now decide how to fill this vacancy for the remainder of the term of office, which expires in November 2024.

3. RECOMMENDED ACTION

City Council discussion regarding filling the vacant District 3 City Council office, and adoption of a Resolution(s) confirming the following options:

If the City Council chooses to fill the vacancy by appointment:

- 1) Adopt Resolution No. 11320. A Resolution of the City Council of the City of Orange appointing a member to fill the vacant District 3 City Council office.

If the City Council chooses to call for a special election:

- 2) Adopt Resolution No. 11321. A Resolution of the City Council of the City of Orange calling for the holding of a special municipal election to be held on Tuesday, November 2, 2021, for the election of one member of the City Council to fill a vacancy in District 3, as required by the provisions of the laws of the State of California relating to general law cities.
- 3) Adopt Resolution No. 11322. A Resolution of the City Council of the City of Orange requesting that the Registrar of Voters of the County of Orange conduct a special municipal election to be held on November 2, 2021, on behalf of the City of Orange
- 4) Adopt Resolution No. 11323. A Resolution of the City Council of the City of Orange adopting regulations for candidates for elective office pertaining to candidate's statements submitted to the voters at a special election to be held on Tuesday, November 2, 2021.

4. FISCAL IMPACT

There is no fiscal impact anticipated with the appointment of a replacement councilmember. If the

City Council chooses to hold a special election the estimated cost is approximately \$150,000, which would be covered by the General Fund (100).

5. STRATEGIC PLAN GOALS

Goal 1: Be a fiscally healthy community

a. Expand fiscal resources responsibly.

6. DISCUSSION AND BACKGROUND

With the resignation of Michael Alvarez from the City Council, the District 3 Councilmember position now becomes vacant. Pursuant to Orange Municipal Code Section 2.02.030 E., Government Code Section 36512(b) governs the options the City Council has in filling this elected position. The City Council is presented with two choices, (1) appoint a replacement, or (2) call a special election. In either event, the person appointed or elected must be:

- a resident and registered voter in District 3; and
- a United States citizen 18 years of age or older.

If the City Council chooses to appoint the replacement to fill the District 3 office, it must be done within 60 days of the vacancy, which is no later than Friday May 7, 2021. Because the vacancy occurred in the first half of the term of office, an appointee would hold office until the next general municipal election, which is November 8, 2022.

The person elected would then hold the office for the remainder of the unexpired term of office, ending in November 2024. Should the Council decide to fill the vacancy by appointment, staff recommends adopting Resolution No. 11320, directing the City Clerk to fill in the name of the successful appointee.

If no appointment occurs within 60 days of the vacancy then the position must be filled by special election. In this case, the special election would be held at the next regularly established election date, which by statute would be November 2, 2021. As this election date is an off-cycle election for the City of Orange, only those voters in District 3 would be participating in an election. The elected candidate would then hold office until November 2024. The estimated cost for the special election for District 3 is approximately \$150,000 and would be covered by the General Fund (100). Staff recommends adopting Resolution Nos. 11321, 11322, and 11323, should the Council decide that the vacancy should be filled at the special election.

7. ATTACHMENTS

- Resolution No. 11320
- Resolution No. 11321
- Resolution No. 11322
- Resolution No. 11323