

CITY OF LOS ALAMITOS
Via videoconference
Participation via Phone: (301) 715-8592
Meeting ID: 839 4339 5073

CITY COUNCIL AGENDA
SPECIAL MEETING

Monday, September 26, 2022 – 6:00 PM

SAFETY ALERT – NOTICE REGARDING COVID-19

Due to COVID-19, the above meeting of the City of Los Alamitos City Council will be conducted by videoconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20. The public may access the meeting electronically or telephonically.

Pursuant to Executive Orders and given the current health concerns, members of the public may not attend the meeting in person. Members of the public can access the meeting by phone by dialing **+1 (301) 715-8592** and enter the **Meeting ID: 839 4339 5073**. Your microphone will be disabled upon entry for the duration of the meeting.

The public can submit comments to cityclerk@cityoflosalamitos.org with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM." Comments **received by 3:00 p.m.** will be compiled, provided to the City Council, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via the telephone conference can submit their requests to cityclerk@cityoflosalamitos.org **until the start of the meeting**. The City Clerk will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the City Clerk will announce each speaker, enable the speaker's microphone, and begin the three minute timer. The speaker's microphone will automatically be disabled at the end of three minutes.

NOTICE TO THE PUBLIC – This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "for information" or "for discussion" may also be the subject of an "action" taken by the City Council at the same meeting.

Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection online at www.cityoflosalamitos.org.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Mayor Hasselbrink
Mayor Pro Tem Doby
Council Member Chirco
Council Member Nefulda

3. SPECIAL ORDER OF THE DAY

A. Consideration of the City Council Vacancy

On September 6, 2022, Council Member Ron Bates passed away creating a vacancy on the Council. Per Section 502 of the City Charter and Government Code (GC) Section 36512, Council has two options to fill the vacancy: (1) appoint a registered voter from the City, or (2) hold a special election.

Recommendation:

Discuss and provide direction to staff regarding the filling of the City Council vacancy.

Roll Call

Mayor Hasselbrink
Mayor Pro Tem Doby
Council Member Chirco
Council Member Nefulda

4. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 24 hours prior to the meeting.



Windmera Quintanar, MMC, City Clerk
Dated: September 22, 2022

City of Los Alamitos

CITY COUNCIL AGENDA REPORT

MEETING DATE: September 26, 2022

ITEM NUMBER: 3A

To: Mayor Shelley Hasselbrink & Members of the City Council

Presented By: Windmera Quintanar, City Clerk

Subject: Consideration of the City Council Vacancy

SUMMARY

On September 6, 2022, Council Member Ron Bates passed away creating a vacancy on the Council. Per Section 502 of the City Charter and Government Code (GC) Section 36512, Council has two options to fill the vacancy: (1) appoint a registered voter from the City, or (2) hold a special election.

RECOMMENDATION

Discuss and provide direction to staff regarding the filling of the City Council vacancy.

BACKGROUND

As stated above, the City Council has two options in order to fill a vacancy: (1) appoint a registered voter from the City, or (2) hold a special election. The processes for these two options are presented below.

Appointment

If the City Council opts to make an appointment in order to fill the current vacancy, it must occur within 60 days of the date of vacancy. If the City Council elects to make an appointment, it must be made prior to November 4, 2022. The Council may also decide the manner and methodology used in order to make such an appointment. Any appointee would need to meet the following criteria:

1. Must be a registered voter in Los Alamitos
2. Must reside within the District where the vacancy has occurred

The City of Los Alamitos has had City Council vacancies in the past, both in 2017 and 2019. In both cases, the City Council opted to appoint and to have the appointee serve until the next General Municipal election. In the event the City Council wishes to pursue an appointment to fill the current vacancy, staff recommends a similar methodology as used in the past. This would entail the City Clerk publishing a vacancy notice inviting applicants to apply, accepting applications/resumes/letters of interest from interested parties, and scheduling the applicants for interviews with the City Council at an open meeting. Following the interviews, the City Council would vote to make an appointment. Per the City's Charter, since there are two years,

the person appointed to fill the vacancy shall serve for the entire unexpired term of the former incumbent, which would be until November 2024.

Special Election

The Government Code states “If the council calls a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election.” Election Code Section 1000 establishes the allowed dates for elections. The next established date for a Special Election would be March 7, 2023.

Should the City Council desire to hold a special election or fail to appoint someone within 60 days, the staff would work with the County of Orange to conduct the special election. If the City Council desires to conduct a special election, a separate staff report would be presented at a later date to formalize the City Council's direction.

DISCUSSION

Council should discuss and provide direction to Staff on the following options:

Option 1: Advertise for applications of interested parties; conduct interviews of all applicants, and then appoint an applicant to fill the vacancy; or,

Option 2: Each Council Member submit the name of a person they think should be considered for appointment to the vacancy to be interviewed and appointed; or,

Option 3: Hold a Special Election on the next established Election Date, March 7, 2023.

FISCAL IMPACT

Cost will depend on the action that Council takes. There will be minimal staff cost to appointment a Council Member. The cost for a special election would be an unbudgeted amount and Council would need to appropriate funds accordingly.

- Attachment:
1. California Government Code 36512
 2. Los Alamitos Charter Section 502 - Vacancies

36512. (a) If a vacancy occurs in an appointive office provided for in this chapter, the council shall fill the vacancy by appointment. A person appointed to fill a vacancy holds office for the unexpired term of the former incumbent.

(b) If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy.

(1) If the council calls a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(2) If the council fills the vacancy by appointment, the person appointed to fill the vacancy shall hold office pursuant to one of the following:

(A) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(B) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent.

(c) Notwithstanding subdivision (b) and Section 34902, a city may enact an ordinance that does any of the following:

(1) Requires that a special election be called immediately to fill every city council vacancy and the office of mayor designated pursuant to Section 34902. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election.

(2) Requires that a special election be held to fill a city council vacancy and the office of mayor designated pursuant to Section 34902 when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the filing of the petition. A governing body that has enacted such an ordinance may also call a special election pursuant to subdivision (b) without waiting for the filing of a petition.

(3) Provides that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election.

(d) (1) Notwithstanding subdivision (b) and Section 34902, an appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the council having been appointed. The vacancy shall be filled in the manner provided by this subdivision.

(2) The city council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.

(3) If the city council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.

(e) (1) If the city council of a city that elects city council members by or from districts elects to fill a vacancy on the city council by appointment as a result of a city council member resigning from office, the resigning city council member may cast a vote on the appointment if the resignation will go into effect upon the appointment of a successor. A city council member shall not cast a vote for a family member or any other person with whom the city council member has a relationship that may create a potential conflict of interest.

(2) If a city council member elects to cast a vote under this subdivision, the city council member shall be prohibited from the following actions for a period of two years after the appointment of a successor:

(A) Advocating on any measure or issue coming before the city council in which the city council member may have a personal benefit.

(B) Entering into a contract of any kind with the city or a city vendor.

(C) Accepting a position of employment with the city or a city vendor.

(D) Applying for a permit that is subject to the approval of the city council.

(3) This subdivision shall not apply to any city council member who is resigning from the city council due to charges of, or conviction for, corruption or criminal behavior, or who is subject to a recall election.

(Amended by Stats. 2015, Ch. 185, Sec. 1. (AB 952) Effective January 1, 2016.)

Los Alamitos, California Municipal Code

Charter

Article V. Elective Officers.

Sec. 502. Vacancies.

A vacancy in the City Council from whatever cause arising shall be filled either by appointment of the City Council or by election. The City Council shall determine whether to fill a vacancy by election or by appointment; provided, however, if the City Council determines to fill a vacancy by appointment but fails to do so within sixty (60) days after the vacancy occurs, the Council shall forthwith cause an election to be held to fill the vacancy.

A person elected to fill a vacancy shall hold office for the entire unexpired term of the former incumbent.

A person appointed to fill a vacancy shall serve for the entire unexpired term of the former incumbent unless there remain two (2) years or more of said unexpired term on the date of appointment. In such case, the City Council shall decide by majority vote prior to such appointment whether the appointment shall be for the entire unexpired term or only until the next general municipal election. If the seat is filled by appointment only until the next general municipal election, then at said election the seat shall be filled by vote of the people.

If at said next general municipal election there are four (4) or more council seats to be filled, the three (3) persons each receiving the largest number of votes shall each serve a term of four (4) years while the person(s) elected to fill the remaining seat(s) shall serve for a term of two (2) years.

If a member of the City Council is absent from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such members, unless by permission of the City Council expressed in its official minutes or as provided in Section 1404, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of his/her district, his/her office shall become vacant and shall be so declared by the City Council.

Contact:

City Clerk: 562-431-3538

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