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## OFFICE OF THE CITY CLERK

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# REPORT

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TO THE HONORABLE INTERIM MAYOR AND CITY COUNCIL

DATE: February 28, 2014

REPORT NO.: 14-04

SUBJECT: Filling the Vacancy in Council District 2 by Appointment

### ISSUE

On Tuesday, February 11, 2014, the City of San Diego had the Special Mayor Run-Off election. I will bring the certification of the election results forward to the Legislative Body for adoption on March 3, 2014. At that time, Mayor-elect Faulconer will take his oath of office, which will create the vacancy in Council District 2. Pursuant to Charter Section 12, the City Council is required to appoint a person to fill the vacancy if there is one year or less remaining in the term of office.

### DISCUSSION

The procedures for filling a vacancy in a Council office by appointment are contained in City Charter Section 12, and Divisions 7 and 8 of Chapter 2, Article 7 of the San Diego Municipal Code (SDMC). In accordance with SDMC Section 27.0803(b), my office has published a notice of vacancy. The application period is fourteen calendar days, and will end at close of business (5:00 p.m.) on Monday, March 17, 2014. The application along with all required material must be filed in my office within the fourteen-day application period.

SDMC Section 27.0801 specifies an appointment to fill a vacancy in any *elective office* shall be made within thirty business days of the date of the vacancy. Once the materials have been submitted to this office, we will request that nominating petition signatures be verified by the Registrar of Voters and that the Police Department conduct a background check on each applicant. Upon completion of signature verification and the background check, I will provide you with the list of final candidates.

Before any appointment may be made, SDMC Section 27.0806 requires that the City Council shall hold at least one public hearing within a reasonable time after the period for filing applications has ended. SDMC Section 27.0807 provides that:

At the public hearing required by Section 27.0806, each applicant shall be allowed three minutes to make a presentation to the City *Council* in support of the applicant's candidacy for appointment. At the discretion of the presiding officer, City Councilmembers may ask brief questions for clarification concerning either the presentation or matters contained in the application filed with the City *Clerk*. Applicants shall also be expected to answer questions from City Councilmembers concerning their candidacy. Such questions may concern but need not be limited to the *candidate's* background, philosophy of government, reasons for seeking appointment, and opinions on relevant municipal issues.

At the conclusion of the public hearing or at a later meeting, the City Council may adopt a resolution appointing an applicant to fill the vacancy. The individual appointed to fill the vacancy is prohibited from seeking election to that office for the next term, and will serve until the current term ends in December 2014.

Should you have any question about this matter, please contact me at (619) 533-4080 or Bonnie Stone, Deputy Director, at (619) 533-4060.

  
Elizabeth Maland  
City Clerk

cc: City Attorney  
Chief Operating Officer