



---

## OFFICE OF THE CITY CLERK

---

# REPORT

---

**To The Honorable Mayor and City Council**

**DATE:** August 24, 2000

**REPORT NO.:** 00-07

**SUBJECT:** FILLING THE VACANCY IN COUNCIL DISTRICT 5 BY APPOINTMENT

### ISSUE

On Friday, August 11, 2000, Barbara Warden submitted to the City Clerk her resignation from the City Council, effective immediately. 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, my office published a notice of vacancy on Tuesday, August 15, 2000, and opened the applicant filing period on that same day. Applicants have until 5:00 p.m., Friday, August 25, 2000, to file their petitions, statements of qualifications, medical certificate, and other materials required for consideration for appointment.

The Charter and Municipal Code do not specify how soon the appointment to fill a Council vacancy must take place. Once the materials have been submitted to this office, we will request that the nominating petition signatures be verified by the Registrar of Voters and that the Police Department conduct a background check on each applicant. We expect to provide you with copies of the materials for all qualified applicants on Wednesday, August 30, 2000.

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

At the public hearing, 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 Council members 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 Council members 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 on December 4, 2000.

Should you have any questions about this matter, please contact my elections staff at 533-4025.

Sincerely,



Charles G. Abdelnour  
City Clerk

cc: City Attorney  
City Manager