

City of Piedmont  
COUNCIL AGENDA REPORT

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DATE: June 20, 2016

TO: Mayor and Council

FROM: Paul Benoit, City Administrator

SUBJECT: Consideration of the Process for Filling the Council Seat Vacated by the  
Impending Resignation of Mayor Margaret Fujioka

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RECOMMENDATION

1. Direct the City Administrator and City Clerk to solicit applications for the Council vacancy that will be created when Mayor Margaret Fujioka's resignation becomes effective on June 21, 2016.
2. Set the deadline for applications at 5:00 p.m. on Wednesday, July 13<sup>th</sup>
3. Schedule a Special City Council meeting to interview applicants and consider the appointment for Tuesday, July 19<sup>th</sup>.

BACKGROUND

On June 8, 2016, Mayor Margaret Fujioka delivered a letter addressed to the City Council and City Administrator announcing her intent to resign from the City Council effective June 21, 2016.

When a seat on the City Council is vacated for any reason, the City Charter spells out the way in which the unexpired vacancy is filled. Within thirty (30) days from the date of a vacancy, the City Council must take action to appoint a successor who serves until the people vote for a new Councilmember at the next regular municipal election. If the Council fails to act within 30 days, the Mayor is empowered to name a successor. To be eligible to serve on the City Council, a person must meet three requirements. First, the person must be a qualified voter in the City. Second, the person must not hold any other office or employment with the City. Third, due to the Charter's term limits provision, the person must not be a former Councilmember who served two full terms and left office in either 2012 or 2014.

Given Mayor Fujioka's declared resignation date, the Council appointment of a successor must take place no later than Thursday, July 21, 2016. The appointee will serve until the results of the General Municipal Election of November 2016 are certified, which likely will take place at the first Council meeting in December. If the appointee desires, they will be eligible to run for two full terms on the Council, as they will have served fewer than eighteen months as an appointee.

The Charter specifies that any person who serves as a Councilmember for more than 18 months is considered to have served a full term under the city's two term limit.

The Charter also addresses the issue of a vacancy in the office of the Mayor, as will occur in this instance. It states, "The Vice-Mayor shall act as mayor during the absence or disability of the Mayor." This means that Vice Mayor Wieler will act as Mayor until the Council selects a new Mayor and Vice Mayor after it certifies the results of the November election. Once Mayor Fujioka's resignation is effective, the Council may wish to take action to elect a Vice Mayor to serve until the certification of the November election.

Considering the July 21<sup>st</sup> deadline for Council action on an appointment, I would recommend that the Council consider moving forward with a public process for filling the vacancy similar to the process used to fill vacancies on Commissions and Committees. Specifically, I would suggest that the Council authorize the City Clerk to issue an Official Notice of Vacancy and solicit applications for the open position, with an application deadline of 5:00PM on Wednesday, July 13<sup>th</sup>.

In order to dedicate sufficient time to meet with prospective candidates, I would recommend that Council hold a special meeting to conduct interviews. Given the benefit of notifying candidates of the interview schedule as a part of the application materials, Council should set an interview date at tonight's meeting. I would recommend the special meeting for interviews on Tuesday, July 19<sup>th</sup>. With this schedule, applicants will have an ample period to complete and submit their applications. In addition, if Council needed additional time to consider the applications, additional meetings could be held on the 20<sup>th</sup> and 21<sup>st</sup>.



# July 2016

## Council Appointment Timeline

| Sun | Mon                            | Tue  | Wed   | Thu  | Fri | Sat |
|-----|--------------------------------|--|---|--|-----|-----|
| 26  | 27                             | 28   | 29  | 30   | 1   | 2   |
| 3   | 4 Independence Day             | 5 Regular Council Meeting                          | 6   | 7  | 8   | 9   |
| 10  | 11 Planning Commission Meeting | 12   | 13 Council Vacancy Application Deadline               | 14   | 15  | 16  |
| 17  | 18 Regular Council Meeting     | 19 Proposed Special Council Meeting for Interviews | 20 Possible Special Council Meeting for Deliberations | 21 Deadline for Council Appointment to Vacancy<br>Possible Special Council Meeting for Deliberations | 22  | 23  |
| 24  | 25                             | 26   | 27  | 28   | 29  | 30  |
| 31  | 1                              | 2  | 3   | 4  | 5   | 6   |