

RESOLUTION 2018-166

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ACKNOWLEDGING A CITY COUNCIL VACANCY RESULTING FROM THE RESIGNATION OF COUNCILMEMBER CECILIA VALDEZ; AND ESTABLISHING A PROCESS TO FILL THAT VACANCY PURSUANT TO GOVERNMENT CODE SECTION 36512

WHEREAS, on December 18, 2018, the City Clerk's Office received a letter of resignation from City Councilmember Cecilia Valdez with an effective date of January 2, 2019; and

WHEREAS, pursuant to State Government Code section 1750(e) and *Meeker v. Reed* (1924) 70 Cal. App. 119, 123), the City Council does not need to act on the resignation for it to become effective; and

WHEREAS, given the Government Code timelines, the estimated potential cost of a special election of \$38,000-\$55,000, and the fact that the appointee will only serve through November 2020, the City Manager recommends proceeding with an interview and appointive process for the vacant City Council seat for the remainder of Councilmember Valdez' four-year term; and

WHEREAS, pursuant to State Government Code Section 36512, the City Council acknowledges receipt of the letter of resignation and determines to move forward with an interview and appointive process to fill the vacancy rather than call for a special election; and

WHEREAS, once approved by Resolution, the City Clerk will publicize the vacancy and seek applications to fill the vacancy. All applicants must be 18 years old, registered to vote in San Pablo, and provide proof of San Pablo residency within City incorporated limits.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of San Pablo determines to fill the vacancy due to Council Member Valdez' resignation by an appointment process and to follow the general timeline set forth below:

Dates/Timeline:

Action:

**December 21, 2018 -
January 10, 2019**

Accept applications for a 3-week period due to upcoming holiday season and City Administrative Office holiday closure (December 24, 2018 – January 1, 2019)

January 14, 2019

Conduct open and public interviews of qualified applicants at Special City Council meeting;

Upon affirmative vote of at least three Council Members, appoint a qualified San Pablo resident to fill the City Council vacancy for the remainder of Councilmember Valdez's term, which expires in November 2020; and

Administer Oath of Office to newly appointed City Councilmember.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

ADOPTED this 20th of December, 2018, by the following vote:

AYES:	COUNCILMEMBERS:	Pabon-Alvarado, Xavier, Cruz and Kinney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Valdez
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:

/s/ Patricia Ponce
Patricia Ponce, City Clerk

/s/ Rich Kinney
Rich Kinney, Mayor