



## CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Monday, August 22, 2022

Special Meeting 3:30 PM

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The City Council meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel ([https://www.youtube.com/channel/UCTyifT\\_nKS-3woxEu1ilBXA](https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA)) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. The public can submit comments and questions in writing for City Council consideration by sending them to the Administrative Services Director/City Clerk at [mswanson@clearlake.ca.us](mailto:mswanson@clearlake.ca.us). To give the City Council adequate time to review your questions and comments, please submit your written comments prior to 4:00 p.m. on the day of the meeting.

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### AGENDA

**MEETING PROCEDURES:** *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Mayor has the discretion of limiting the total discussion time for an item.*

#### AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at [mswanson@clearlake.ca.us](mailto:mswanson@clearlake.ca.us) at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

#### AGENDA REPORTS

Staff reports for each agenda item are available for review at [www.clearlake.ca.us](http://www.clearlake.ca.us). Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at [www.clearlake.ca.us](http://www.clearlake.ca.us).

**Zoom Link:** <https://clearlakeca.zoom.us/j/81875584390>

**A. ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. BUSINESS**

1. Discussion Regarding Election and/or Appointment of City Councilmember and City Treasurer  
Recommended Action: Discuss and provide direction to staff and/or adopt resolutions appointing qualified electors or candidates
2. Consideration of Contract with Executive Recruitment Firm for Finance Director  
Recommended Action: Authorize the City Manager to Select and Hire an Executive Recruitment firm for up to \$30,000

**D. ADJOURNMENT**

POSTED: August 19, 2022

BY:

A handwritten signature in blue ink that reads "Melissa Swanson". The signature is written in a cursive, flowing style.

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Melissa Swanson, Administrative Services Director/City Clerk

# CITY OF CLEARLAKE

City Council



<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Discussion Regarding Election and/or Appointment of City Councilmembers and City Treasurer	<b>MEETING DATE:</b> August 22, 2022
<b>SUBMITTED BY:</b> Melissa Swanson, Administrative Services Director/City Clerk	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Action Item	

**WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:**

The City Council is being asked to provide direction on whether to appoint nominated councilmembers to serve another term in lieu of holding an election for those seats and provide direction on whether to appoint an elector to serve as City Treasurer in lieu of holding an election for that seat.

**BACKGROUND/DISCUSSION:**

On August 12, 2022, the deadline to file nomination papers for those interested in running for City Council and City Treasurer expired. The terms of two Council seats and one City Treasurer are expiring this November, and Administrative Services Director/City Clerk Swanson received complete nomination papers from two candidates for City Council; incumbents Dirk Slooten and Russ Cremer. Because there are the same number of available offices and candidates, Elections Code § 10229 gives the City the option to appoint these candidates in lieu of holding an election.

Government Code 36512(d) prohibits an appointment that would result in a majority of councilmembers serving by way of appointment. For this reason, if the Council chooses to appoint the incumbents in lieu of election, if any future seat would become unfilled before the next election, the City Council would not have the option to fill the available council seat via appointment and would have to hold a special election at that time.

Additionally, there were no nominations for City Treasurer. The City has the option to appoint a qualified elector to the City Treasurer seat in lieu of holding an election or authorize the election for City Treasurer to move forward, which allows for a candidate to be nominated during the write-in candidate period of September 12 through October 25, 2022.

According to Section 2-5.3 of the Clearlake Municipal Code, whenever a vacancy occurs in the office of City Treasurer, the City Manager is automatically appointed to fill the vacancy until a successor is appointed or elected. There has been no elected City Treasurer filling the vacancy since 2006.

Appointments to the seats must be made before the 75<sup>th</sup> day before the election, which is August 25, 2022.

The primary options before the Council are:

- 1. Hold the election for all three seats.

If the Council votes to hold the election for the two Council seats and the City Treasurer, it need not adopt any of the attached resolutions and it need not take any further action. The absence of making any appointments by August 25, 2022 will result in the election being held for all three seats. Under this scenario, the two qualified candidates would be on the ballot and the City Treasurer would be voted upon by the write-in candidate who gets the most votes, provided a write-in candidate qualifies. If a write-in candidate does not qualify, the Council could then make an appointment or hold a special election for that vacancy.

- 2. Appoint the two qualified candidates to office, while holding an election in November for the City Treasurer.
- 3. Appoint a qualified elector to the City Treasurer seat and appoint the two qualified City Council candidates to the Council seats.

The three resolutions attached to this staff report should be taken up separately. In any instance where an election is held, write in candidates will be permitted as allowed by State law, including City Councilmember and City Treasurer.

**OPTIONS:**

- 1. Move to adopt resolutions appointing qualified candidates and/or electors
- 2. Take no action and, by Elections Code, the November election will move forward as scheduled
- 3. Other direction

**FISCAL IMPACT:**

None       \$      Budgeted Item?  Yes    No  
 Budget Adjustment Needed?  Yes    No      If yes, amount of appropriation increase: \$  
 Affected fund(s):  General Fund    Measure P Fund    Measure V Fund    Other:  
 Comments: If no election is held, there are potential savings in the General Fund.

**STRATEGIC PLAN IMPACT:**

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

**SUGGESTED MOTIONS:**

Direction to staff.

- Attachments:** 1) Resolutions appointing qualified candidates and/or elector to the City Council seats and/or City Treasurer seat

**RESOLUTION NO. 2022-51**

**A RESOLUTION OF THE CLEARLAKE CITY COUNCIL PROVIDING FOR THE APPOINTMENT TO CITY OFFICE THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2022**

**WHEREAS**, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on Friday, August 12, 2022, there are not more candidates than offices to be elected and that § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person or persons who have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

**WHEREAS**, a Notice of these facts was posted in three public locations in the city pursuant to § 10229 of the Elections Code.

**NOW, THEREFORE**, the City Council of the City of Clearlake does resolve, declare, determine and order as follows:

Section 1: DIRK SLOOTEN is appointed to the office to which he was nominated pursuant to § 10229(a)(1) of the Elections Code.

Section 2: The person appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office pursuant to § 10229(a)(3) of the Elections Code.

Section 3: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and Clearlake held on the 22<sup>nd</sup> day of August, 2022, by the following vote:

AYES:  
 NOES:  
 ABSENT OR NOT VOTING:

\_\_\_\_\_  
Mayor, City of Clearlake

ATTEST:

\_\_\_\_\_  
City Clerk, City of Clearlake

**RESOLUTION NO. 2022-52**

**A RESOLUTION OF THE CLEARLAKE CITY COUNCIL PROVIDING FOR THE APPOINTMENT TO CITY OFFICE THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2022**

**WHEREAS**, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on Friday, August 12, 2022, there are not more candidates than offices to be elected and that § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person or persons who have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

**WHEREAS**, a Notice of these facts was posted in three public locations in the city pursuant to § 10229 of the Elections Code.

**NOW, THEREFORE**, the City Council of the City of Clearlake does resolve, declare, determine and order as follows:

Section 1: RUSSELL CREMER is appointed to the office to which he was nominated pursuant to § 10229(a)(1) of the Elections Code.

Section 2: The person appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office pursuant to § 10229(a)(3) of the Elections Code.

Section 3: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and Clearlake held on the 22<sup>nd</sup> day of August, 2022, by the following vote:

AYES:  
 NOES:  
 ABSENT OR NOT VOTING:

\_\_\_\_\_  
Mayor, City of Clearlake



ATTEST:

\_\_\_\_\_  
City Clerk, City of Clearlake

**RESOLUTION NO. 2022-53**

**A RESOLUTION OF THE CLEARLAKE CITY COUNCIL PROVIDING FOR THE APPOINTMENT TO CITY OFFICE THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2022**

**WHEREAS**, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on Friday, August 12, 2022, there are not more candidates than offices to be elected and that § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person or persons who have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

**WHEREAS**, a Notice of these facts was posted in three public locations in the city pursuant to § 10229 of the Elections Code.

**NOW, THEREFORE**, the City Council of the City of Clearlake does resolve, declare, determine and order as follows:

Section 1: \_\_\_\_\_ is appointed to the office of City Treasurer pursuant to § 10229(a)(2) of the Elections Code.

Section 2: The person appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office pursuant to § 10229(a)(3) of the Elections Code.

Section 3: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and Clearlake held on the 22<sup>nd</sup> day of August, 2022, by the following vote:

AYES:  
 NOES:  
 ABSENT OR NOT VOTING:

\_\_\_\_\_  
Mayor, City of Clearlake

ATTEST:

\_\_\_\_\_  
City Clerk, City of Clearlake

# CITY OF CLEARLAKE

Successor Agency



<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Consideration of Contract with Executive Recruitment Firm for Finance Director	<b>MEETING DATE:</b> Aug. 22, 2022
<b>SUBMITTED BY:</b> Alan D. Flora, City Manager	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

**WHAT IS BEING ASKED OF THE CITY COUNCIL:**

The City Council is being asked to consider hiring an executive recruiter to fill the upcoming Finance Director vacancy.

**BACKGROUND/DISCUSSION:**

Earlier this week the City’s current Finance Director accepted a position out of state. Staff would like to move forward expeditiously to fill the upcoming vacancy. I request authorization to select and contract with an executive recruiting firm to fill the vacancy, up to \$30,000.

**OPTIONS:**

1. Authorize the City Manager to Select and Hire an Executive Recruitment firm for up to \$30,000
2. Provide Direction to Staff.

**FISCAL IMPACT:**

None  \$30,000 Budgeted Item?  Yes  No

Budget Adjustment Needed?  Yes  No If yes, amount of appropriation increase: \$

Affected fund(s):  General Fund  Measure P Fund  Measure V Fund  Other: Capital Projects Fund

Comments:

**STRATEGIC PLAN IMPACT:**

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City

Goal #6: Update Policies and Procedures to Current Government Standards

Goal #7: Support Economic Development

**SUGGESTED MOTIONS:**

Motion to authorize the City Manager to select and hire an executive recruitment firm for up to \$30,000.

**Attachments:**