



CITY COUNCIL MEETING

Tuesday, January 02, 2024

Regular Meeting - 6:00 PM

City Hall – City Council Chambers

425 Webster Street, Colusa, CA 95932

AGENDA

Zoom Information:

<https://us06web.zoom.us/j/89890717467>

Meeting ID: 898 9071 7467 Passcode: 726926

Mobile: 669-444-9171, ID 89890717467

Mayor – Daniel Vaca

Mayor Pro Tem – Ryan Codorniz

Council Member – Denise Conrado

Council Member – Greg Ponciano

Council Member – vacant

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENTS *(The public to address any item of City business NOT appearing on this Agenda. Speakers must limit their comments to three (3) minutes each. Please note that per Government Code Section 54954.3(a), the City Council cannot take action or express a consensus of approval or disapproval on any public comments regarding matters that do not appear on the printed agenda)*

PRESENTATION

Colusa County Partnership

COUNCIL MEMBER /CITY MANAGER REPORTS AND STAFF COMMENTS

COUNCIL CONSIDERATION

1. Council Member Vacancy: Council to pass a Resolution to call for an appointment or a Special Election

Recommendation: Listen to public comment and decide whether to appoint a new Council Member or call for a Special Election

DISCUSSION ITEMS

2. 2024 Council Assignments

FUTURE AGENDA ITEMS

ADJOURNMENT



SHELLY KITTLE, CITY CLERK

Notice of Meetings and Agendas

The Regular Colusa City Council meetings are held the first and third Tuesdays of each month at 6:00 pm in the Colusa City Council Chambers located at 425 Webster Street, Colusa California unless otherwise noted above. Copies of open session agenda packets, which are distributed to the City Council, are on file at the front desk of the City at 425 Webster Street, Colusa, California, and are available for public inspection beginning 72 hours in advance, during normal business hours (7:00 am – 5:00 pm., Monday through Thursday except for City holidays). Additionally, if any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports and documents will also be available for public inspection at the front desk of the City and on the day of the meeting in the Council Chambers.

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the City Clerk at least 48 hours prior to the meeting at (530) 458-4740 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.

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City of Colusa California

STAFF REPORT

DATE: December 26, 2023
TO: Mayor Vaca and Members of the City Council
FROM: Jesse Cain, City Manager, and Ryan Jones, City Attorney

AGENDA ITEM:

Council member vacancy: Council to pass a resolution to call for an appointment or a special election

Recommendation: Listen to public comment and decide whether to appoint a new council member or call for a special election

BACKGROUND ANALYSIS:

On December 19, 2023, Council Member Julie Garofalo announced her resignation from the City Council. Council Member Garofalo was elected in November 2022, and her term expires November 2026.

Government Code (GC) Section 36512 sets forth the procedures for filling elected city office vacancies in general law cities. Specifically, GC Section 36512(b) states: "If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy." Regardless of whether the vacancy is filled by appointment or special election, the person elected/appointed only holds office for the unexpired term of the former incumbent.

If the Council wants to make an appointment, the Council can determine what the process looks like. For example, they can take applications and conduct interviews, or perhaps set up an ad hoc committee. The new Council Member would then be appointed by motion, majority vote, and resolution of the Council to hold office until the next general municipal election in November 2024. GC Section 36512(b)(2)(A) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

GC Section 36512(1) states: "If the council calls a special election, the special election shall

be held on the next regularly scheduled regularly established election date not less than 114 days from the call of the special election. A person elected fill a vacancy holds office for the unexpired term of the former incumbent.”

The next regularly established election date not less than 114 days from the call of the special election would be November 2024. Therefore, if the Council votes to fill the vacant seat by calling a special election, the practical effect will be to leave the seat vacant until a new Council Member is elected at the November 2024 regular election. If the Council votes to appoint someone to fill the vacancy, that appointee would serve until November 2024, and then at that point an election would be held for the person elected to serve the remaining two years on the term of office – which is until November 2026

BUDGET IMPACT:

There are no costs to appoint a replacement Council Member. Although there are normally costs associated with calling a special election, because the earliest date upon which special election could occur under the Government Code requirements would not be until November 2024, which is the same date the City would have held an election for a Council position, there would be minor costs associated with special election.

RECOMMENDATIONS

Take direction from Council and pass one of the two resolutions attached.

ATTACHMENTS

Attachment A- Resolution to give City Clerk direction to create an appointment process
Attachment B – Resolution Electing to Leave Seat Vacant Until November 2024, and call for a special election.

RESOLUTION 24-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA DIRECTING THE CITY CLERK TO PREPARE THE PROCESS TO FILL THE VACANCY IN THE CITY COUNCIL BY APPOINTMENT

WHEREAS, in November 2022 Julie Garofalo was elected to the City Council for a four (4) year term, which expires in November 2026; and

WHEREAS, on December 19, 2023, Council Member Garofalo announced her resignation from the City Council effective immediately; and

WHEREAS, California Government Code Section 36512 (b) sets forth the procedure for filling vacancies in an elective office and provides that the City Council shall, within sixty (60) days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy; and

WHEREAS, the City Council has determined that it is in the City's best interest to fill the position of Council Member by appointment; and

WHEREAS, such appointment must be made by February 19, 2024;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clearlake as follows:

1. The City Council hereby directs the City clerk to prepare the appointment process for an appointee to serve until November 2024. The appointment shall be made before February 18, 2024. The appointment process was outlined by the City Council at the January 2nd Council meeting;
2. The City Council hereby authorizes and directs the City Manager, City Attorney, and City Clerk ("City Officers"), and each of them, to do any and all things and to execute and deliver any and all documents that they may deem necessary or advisable, and allocate and expend funds necessary and proper to comply with the intent of this Resolution. All actions heretofore taken by City officers and designees that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.
3. This Resolution shall take effect immediately after its passage.

Passed and adopted this 2nd day of January 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

DANIEL VACA, MAYOR

ATTEST:

City Clerk, Shelly Kittle

RESOLUTION 24-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA
CALLING A SPECIAL ELECTION TO FILL THE VACANCY IN THE OFFICE OF
CITY COUNCIL AND MERGING THE SPECIAL ELECTION WITH THE
REGULAR ELECTION OF NOVEMBER 2024

WHEREAS, in November 2022 Julie Garofalo was elected to the City Council for a four (4) year term, which expires in November 2026; and

WHEREAS, on December 19th, Council Member Garofalo announced her resignation from the City Council effective December 21st; and

WHEREAS, California Government Code Section 36512 (b) sets forth the procedure for filling vacancies in an elective office and provides that the City Council shall, within sixty (60) days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy; and

WHEREAS, California Government Code Section 36512 (b)(2) (A) If the vacancy occurs in the first half of a term of office and at least 130 days before the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

WHEREAS, the City Council has determined that it is in the City's best interest to allow the voters of the City to elect the Council Member to replace Council Member Garofalo;

WHEREAS, the next general municipal election that is scheduled 130 or more days after this date is November 5, 2024. Thus, the special election for this vacancy will occur on November 5, 2024. The person elected will serve the remaining two years of the term.

WHEREAS, the City Council desires to defer to the voters of the City of Colusa for their choice of Council Member rather than to appoint a member to the City Council who would not necessarily reflect the positions of the electorate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Colusa as follows:

1. Pursuant to the requirements of Government Code Section 36512, the City Council hereby calls a special election to fill the vacancy to the City Council; and
2. Since such special election cannot legally be held until the November 5, 2024 regularly established election date, the special election for this vacancy will be held on this day, and the person voted in will serve the remaining two years left on the term.

3 This Resolution shall take effect immediately after its passage.

Passed and adopted this 2nd day of January 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk

COUNCIL MEMBER ASSIGNMENTS

(January 2024- December 2024)

COMMISSIONS, COMMITTEES and DEPARTMENT LIASONS	COUNCIL MEMBER(s)	COUNCIL ALTERNATE
County County Board of Supervisors		
CDBG Loan Committee		
Christmas Tyme in Colusa		
Economic Development / Chamber of Commerce		
Colusa Unified School District		
Colusa County Partnership One-Stop		
GSA Groundwater Authority		
Local Agency Formation Commission (LAFCO)		
League of CA Cities Committee		
Regional Housing Board Authority Commission		
Transit & Transportation Commission		
Colusa Industrial Properties (CIP)		
City Hall Liaison		
Fire Department Liaison		
Police Department Liaison		
Public Works Liaison		
Water/Sewer Department Liaison		
Airport Committee		
Planning Commission		
Indian Gaming		
Parks, Recreation & Tree (PRT)		
Levitt AMP Concert Series		
Code Enforcement / City-wide Recruitment		
City-Sponsored Events Ad-Hoc		
Flood/FEMA Ad-Hoc		
Homelessness Ad-Hoc		
Budget Ad-Hoc		
Cannabis Standing Committee		
Measure B Citizens Oversight Committee		