

AMENDMENT NO. 1

Dated: January 31, 2019

City Council Special Meeting Agenda



FEBRUARY 1, 2019

10:00 a.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor
Amy Bublak

Council Members
Nicole Larson **Andrew Nosrati**
Gil Esquer
Vice Mayor

City Manager
Robert C. Lawton
City Clerk
Jennifer Land
Interim City Attorney
Jose M. Sanchez

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. **A. CALL TO ORDER**
- B. SALUTE TO THE FLAG**

2. **PUBLIC PARTICIPATION – LIMITED TO ITEMS DESCRIBED IN THE NOTICE FOR THIS MEETING**
Pursuant to California Government Code Section 54954.3(a), this is the time set aside for citizens to address the City Council concerning any item that has been described in the notice for this meeting, including Consent Calendar items, before or during consideration of that item. You will be allowed five (5) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

3. **DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

4. SCHEDULED MATTERS:

- A. Request to appoint _____ to fill the City Council seat vacancy for District 4 pursuant to California Government Code section 36512 (*Lawton*)

Recommended Action:


Resolution: Appointing _____ to fill the City Council seat vacancy for District 4 pursuant to California Government Code section 36512

5. CLOSED SESSION:

- A. Conference with Legal Counsel – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(2)
"For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency."
Potential Cases: (1 case)

6. ADJOURNMENT

The foregoing meeting is hereby called by Mayor Amy Bublak at the above mentioned date and time pursuant to California Government Code §54956.



AMY BUBLAK, Mayor

City Council Staff Report

February 1, 2019



4A



From: Robert C. Lawton, City Manager

Prepared by: Jose M. Sanchez, Interim City Attorney
Jennifer Land, City Clerk

Agendized by: Robert C. Lawton, City Manager

1. ACTION RECOMMENDED:

Resolution: Appointing _____ to fill the City Council seat vacancy for District 4 pursuant to California Government Code section 36512

2. SYNOPSIS:

The City Council will appoint one (1) of the six (6) applicants to fill the City Council seat vacancy for District 4 pursuant to California Government Code section 36512.

3. DISCUSSION OF ISSUE:

On November 6, 2018, District 4 Council Member Amy Bublak was elected Mayor of the City of Turlock. This has created a vacancy in the position of District 4 Council Member for the remainder of the term, expiring in November 2020.

California Government Code section 36512(b) requires the City Council, within sixty (60) days from the commencement of the vacancy, to either fill the vacancy by appointment or call a special election to fill the vacancy.

There are no state laws or Turlock Municipal Code provisions establishing specific procedures to make an appointment. No formal application process is required, and the City Council may appoint any eligible person to the vacancy.

The City Council may fill any vacant elective office in the City, including a vacant Council seat, by appointment. The only requirement is that the person appointed must be eligible to hold office. A person is eligible to hold office as a Council Member only if he or she is an elector of the City and a registered voter. An elector of the City is a United States citizen, eighteen (18) years of age or older, who is a resident of the City.

Turlock Municipal Code section 2-1-06 also requires that "all persons appointed to fill vacancies on the City Council and all persons elected to fill vacancies on the

City Council at a special municipal election shall reside within the district to which they are appointed or elected.”

The appointment of a new Council Member requires the vote of a majority of a quorum at a properly noticed meeting.

On December 11, 2018, at their regularly scheduled meeting, the City Council voted to fill the vacancy by appointment and solicit applications from interested citizens desiring to fill this vacancy and serve the community in this capacity. The Council also established an application filing deadline of January 7, 2019 at 5:00 p.m. and directed staff to transmit to the Council, no later than January 8, 2019, any applications received by the filing deadline. Eight (8) applications were received by the filing deadline.

On January 8, 2019, at their regularly scheduled meeting, the City Council received applications from the eight (8) applicants. Two (2) applicants withdrew from the consideration process prior to being interviewed. On January 28, 2019, at a Special City Council meeting, the Council interviewed the remaining six (6) applicants:

Myrna Wachs
Fredrick Isaac
Samuel Sharpe
Donald Babadalir
Rebecca Arellano
Pamela Franco

Following the interviews, the City Council provided direction regarding the selection and appointment process. At a Special City Council meeting, to be held on February 1, 2019, each member of the Council will provide a list of their top three applicants. Following the ranking, the Council will have an opportunity to discuss nominations and ultimately appoint a qualified and eligible individual to fill the Council seat vacancy for District 4 for the remaining term, expiring in November 2020.

4. BASIS FOR RECOMMENDATION:

- A. The City Council seat for District 4 has become vacant due to District 4 Council Member Amy Bublak being sworn in as the newly elected Mayor on December 11, 2018.
- B. Pursuant to California Government Code section 36512(b), the City Council, within sixty (60) days from the commencement of the vacancy, is required to either fill the vacancy by appointment or call a special election to fill the vacancy.

5. FISCAL IMPACT / BUDGET AMENDMENT:

There will be minimal costs associated with an appointment process to fill the vacancy. No budget amendment would be needed.

6. CITY MANAGER'S COMMENTS:

The City Manager will follow direction as provided by the City Council.

7. ENVIRONMENTAL DETERMINATION:

N/A

8. ALTERNATIVES:

A. The City Council could choose not to move forward with appointing an individual to fill the Council seat vacancy and provide direction to staff to prepare and bring back a Resolution calling a Special Election to fill the Council vacancy for District 4.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF APPOINTING	}	RESOLUTION NO. 2019-
_____ TO FILL	}	
THE CITY COUNCIL SEAT VACANCY	}	
FOR DISTRICT 4 PURSUANT TO	}	
CALIFORNIA GOVERNMENT CODE	}	
SECTION 36512	}	
_____	}	

WHEREAS, on November 6, 2018, District 4 Council Member Amy Bublak was elected Mayor of the City of Turlock; and

WHEREAS, on December 11, 2018, Mayor Bublak’s swearing in as the newly elected Mayor created a vacancy in the District 4 Council seat for the remainder of the term, expiring in November 2020; and

WHEREAS, California Government Code section 36512(b) requires the City Council, within sixty (60) days from the commencement of the vacancy, to either fill the vacancy by appointment or call a special election to fill the vacancy; and

WHEREAS, there are no state laws or Turlock Municipal Code provisions establishing specific procedures to make an appointment. Turlock Municipal Code section 2-1-06 requires that “all persons appointed to fill vacancies on the City Council and all persons elected to fill vacancies on the City Council at a special municipal election shall reside within the district to which they are appointed or elected;” and

WHEREAS, on December 11, 2018, at their regularly scheduled City Council meeting, the Council voted to fill the vacancy by appointment and solicit applications from interested citizens desiring to fill this vacancy and serve the community in this capacity; and

WHEREAS, on January 8, 2019, at their regularly scheduled meeting, the City Council received applications from eight (8) applicants. Two (2) applicants withdrew from the consideration process prior to being interviewed. On January 28, 2019, at a Special City Council meeting, the Council interviewed the remaining six (6) applicants; and

WHEREAS, the City Council has determined that _____ is a qualified individual and is eligible to fill the Council seat vacancy for District 4 for the remaining term, expiring in November 2020.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Turlock does hereby adopt the following:

1. The City Council hereby appoints _____ to fill the City Council seat vacancy for District 4 vacated effective December 11, 2018, with the swearing in of Mayor Bublak to the office of Mayor.

2. In accordance with Government Code section 36512(b), _____ shall carry out all of the duties and responsibilities of a City Council Member of the City of Turlock, representing District 4, and shall serve until the expiration of the term in November 2020.

3. The City Clerk is hereby authorized and directed to administer the oath of office to _____, and to carry out all actions necessary and appropriate to permit _____ to take office as a City Council Member of the City of Turlock, in accordance with applicable law.

4. This Resolution shall take effect immediately after its passage.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Turlock this 1st day of February, 2019, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

Jennifer Land, City Clerk,
City of Turlock, County of Stanislaus,
State of California