

RESOLUTION NO. 63-2005

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME
ESTABLISHING PROCEDURES FOR APPOINTMENT TO
VACANCIES IN THE OFFICE OF CITY COUNCILMEMBER OR CITY CLERK**

RESOLVED, by the City Council of the City of Burlingame:

WHEREAS, the Government Code provides that in case of a vacancy in the office of City Councilmember or City Clerk, the Council may call a special election or appoint a person to fill the vacancy for the balance of the term of the office; and

WHEREAS, the time limits imposed on the City Council to make such a decision are very short; and

WHEREAS, the City should have an adopted procedure in place to use in case an appointment is to be considered,

NOW, THEREFORE, IT IS RESOLVED AND ORDERED:

1. The Procedures for Appointments to Vacancies in the Office of City Councilmember or City Clerk contained in Exhibit A hereto are approved.


MAYOR

I, DORIS MORTENSEN, City Clerk of the City of Burlingame, do hereby certify that the foregoing resolution was introduced at a regular meeting of the City Council held on the 19th day of September, 2005 and was adopted thereafter by the following vote:

AYES: COUNCILMEMBERS: BAYLOCK, GALLIGAN, NAGEL, O'MAHONY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE


CITY CLERK

PROCEDURES FOR APPOINTMENTS TO VACANCIES IN THE OFFICE OF CITY COUNCILMEMBER OR CITY CLERK

1. *Application Determination and Dates.*

- a. Upon receipt of a resignation letter or document from a City Councilmember or a City Clerk or other notice of a vacancy in the office, the City Manager will report the resignation or vacancy to the City Council and schedule discussion of the vacancy or pending resignation at the next regularly scheduled City Council meeting or with the approval of the Mayor or the request of two (2) Councilmembers, at a special Council meeting.
- b. At the Council meeting, the City Council will determine whether to call a special election or make an appointment to the vacant office, or take other action.
- c. If the City Council determines to make or consider an appointment to the vacant office, the City Council will then determine what deadlines for applications will apply for the vacancy. Generally, deadlines will be ten (10) days following the Council's determination because of the short period of time allowed to make an appointment under the Government Code. The City Council may extend the deadlines as the Council may deem appropriate.

2. *Advertisement.* The City Clerk will post notice of the vacancies and deadlines at City Hall, the Main Library, and such additional places as the City Clerk determines may be helpful. The City Clerk will also post notices as required by Government Code section 54974. The City Clerk shall also publish a notice of the vacancies and deadlines in at least one newspaper of general circulation in the City.

3. *Applications.*

- a. A standard application form together with supplemental questions as determined by the City Council will be provided by the City Manager to persons interested in appointment to a vacant office.
- b. Any person seeking appointment to the vacant office of Councilmember will complete the application forms and return them to the City Clerk by the designated deadline in order to be considered for appointment. Any person seeking appointment to the vacant office of City Clerk will complete the application forms and return them to the City Manager by the designated deadline in order to be considered for appointment.
- c. Applications will only be accepted for the specific vacancy involved. Previous applications will not be considered for the pending vacancy.

4. *Interviews.*

- a. The Council will schedule interviews of the applicants to be held at a public meeting. In the case of the resignation of a City Councilmember, the interviews shall occur after the actual vacancy takes effect.
- b. The Council will interview all applicants who have submitted application forms by the designated deadline. If an applicant is unable to interview with the Council at the public meeting, the applicant will be dropped from consideration.
- c. Following the interviews, the Council will receive public comment on the applicants.

5. *Appointments.*

- a. Appointments are made at regular or special meetings of the City Council by open motion and voting. Ballots will not be used.
- b. The City Clerk will call on each Councilmember in turn to state the name of the candidate that the Councilmember is voting to appoint, and each Councilmember shall have one vote to cast. If the Council is unable to reach a majority vote to fill the office on a voting cycle, the following process will be used:
 - (1) The City Clerk will then again call on each Councilmember in a different order to state the name of the candidate the Councilmember is voting to appoint;
 - (2) The voting cycle will be repeated until an appointment is made by a majority, affirmative vote of the Council;
 - (3) Between voting cycles, the Council may discuss the appointment and candidates further.
- c. If the Council is unable to reach a majority vote on the appointment, the Council may then proceed to seek additional applicants, continue the appointment process, or take such other action as the Council may deem appropriate. However, if at the end of the period of time allowed by the Government Code to make an appointment, the Council has been unable to reach a majority vote on the appointment, the Council shall proceed to call a special election as provided in the Government Code.