



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

# Agenda

## City Council Special Meeting

City Council Chambers | 50 Natoma Street, Folsom CA 95630

June 15, 2020

6:30 PM

## Welcome to Your City Council Meeting

We welcome your interest and involvement in the city’s legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

### Participation

If you would like to provide comments to the City Council, please:




- Fill out a blue speaker request form, located at the back table.
- Submit the form to the City Clerk before the item begins.
- When it’s your turn, the City Clerk will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the mayor) changes that time.

### Reasonable Accommodations

In compliance with the Americans with Disabilities Act, if you are a person with a disability and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk’s Office at (916) 461-6035, (916) 355-7328 (fax) or [CityClerkDept@folsom.ca.us](mailto:CityClerkDept@folsom.ca.us). Requests must be made as early as possible and at least two full business days before the start of the meeting.

### How to Watch

The City of Folsom provides three ways to watch a City Council meeting:

In Person	Online	On TV
		
City Council meetings take place at City Hall, 50 Natoma Street	Watch the livestream and replay past meetings on the city website, <a href="http://www.folsom.ca.us">www.folsom.ca.us</a>	Watch live and replays of meetings on Sac Metro Cable TV, Channel 14

**More information about City Council meetings is available at the end of this agenda**



## City Council Special Meeting

Folsom City Council Chambers  
50 Natoma Street, Folsom, CA  
[www.folsom.ca.us](http://www.folsom.ca.us)

Monday, June 15, 2020 6:30 PM

Sarah Aquino, Mayor

Ernie Sheldon, Vice Mayor  
Kerri Howell, Council Member

Mike Kozlowski, Council Member

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### SPECIAL CITY COUNCIL AGENDA

*Pursuant to Governor Newsom's Executive Order N-29-20, members of the Folsom City Council and staff may participate in this meeting via teleconference.*

*Due to the coronavirus (COVID-19) public health emergency, the City of Folsom is allowing for remote public input during City Council meetings. Members of the public are encouraged to participate by emailing comments to [CityClerkDept@folsom.ca.us](mailto:CityClerkDept@folsom.ca.us). Emailed comments must be received no later than thirty minutes before the meeting and will be read aloud at the meeting during the agenda item. Please make your comments brief. Written comments submitted and read into the public record must adhere to the principles of the three-minute speaking time permitted for in-person public comment at City Council meetings. Members of the public wishing to participate in this meeting via teleconference may email [CityClerkDept@folsom.ca.us](mailto:CityClerkDept@folsom.ca.us) no later than thirty minutes before the meeting to obtain call-in information. Each meeting may have different call-in information. Verbal comments via teleconference must adhere to the principles of the three-minute speaking time permitted for in-person public comment at City Council meetings.*

*Members of the public may continue to participate in the meeting in person at Folsom City Hall, 50 Natoma Street, Folsom, CA while maintaining appropriate social distancing.*

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### **CALL TO ORDER**

### **ROLL CALL:**

**Council Members:** Kozlowski, Sheldon, Howell, Aquino

The City Council has adopted a policy that no new item will begin after 10:30 p.m. Therefore, if you are here for an item that has not been heard by 10:30 p.m., you may leave, as the item will be continued to a future Council Meeting.

### **PLEDGE OF ALLEGIANCE**

## **NEW BUSINESS:**

1. Filling Council Vacancy by Appointment and/or Direction to Staff

## **ADJOURNMENT**

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**NOTICE:** *Members of the public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address Council on an issue, which is on this agenda, please complete a blue speaker request card, and deliver it to a staff member at the table on the left side of the Council Chambers prior to discussion of the item. When your name is called, stand to be recognized by the Mayor and then proceed to the podium. If you wish to address the City Council on any other item of interest to the public, when the Mayor asks if there is any "Business from the Floor," follow the same procedure described above. Please limit your comments to three minutes or less.*

**NOTICE REGARDING CHALLENGES TO DECISIONS:** *Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.*

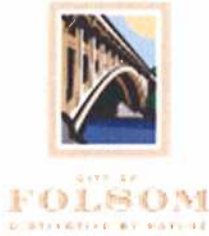
*As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council, and to enforce the rules of the Council.*

**PERSONS INTERESTED IN PROPOSING AN ITEM FOR THE CITY COUNCIL AGENDA SHOULD CONTACT A MEMBER OF THE CITY COUNCIL.**

*The meeting of the Folsom City Council is being telecast on Metro Cable TV, Channel 14, the Government Affairs Channel, and will be shown in its entirety on the Friday and Saturday following the meeting, both at 9 a.m. The City does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14. The City of Folsom provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the online services page of the City's website [www.folsom.ca.us](http://www.folsom.ca.us).*

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# Folsom City Council Staff Report

<b>MEETING DATE:</b>	6/15/2020
<b>AGENDA SECTION:</b>	New Business
<b>SUBJECT:</b>	Filling Council Vacancy by Appointment and/or Direction to Staff
<b>FROM:</b>	City Attorney's Office

### **RECOMMENDATION / CITY COUNCIL ACTION**

Staff respectfully requests that the City Council fill a vacancy on the City Council by appointment. If, however, the Council desires to fill vacancy through a special election, Staff will prepare the necessary documents to bring back to the Council at a future Council meeting for consideration and action.

### **BACKGROUND / ISSUE**

A vacancy on the City Council exists due to the recent resignation of former City Councilmember Roger Gaylord on June 10, 2020. Councilmember Gaylord was elected in 2016 for a 4-year term.

The purpose of this agendized item is to provide information to the Council on the methods of filling a vacancy on the City Council, and to request that the vacancy be filled by appointment due to timing (5 months to the next Municipal Election) and cost considerations.

### **POLICY / RULE**

Pursuant to Section 2.08 of the Folsom City Charter, in the event of a vacancy on the Council due to a member's resignation, the method to fill the vacancy shall be as provided by state law.

## ANALYSIS

The Folsom City Council is comprised of five Councilmembers elected at large, and once elected, each Councilmember represents all citizens throughout the City.

California Government Code section 36512 establishes the state law procedure for filling City Council vacancies. Section 36512(b) provides that, in the event a City Council vacancy occurs, the Council is authorized to fill the vacancy either by: (1) appointment; or (2) call a special election to fill the vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

### A. Filling Vacancy by Appointment

If the City Council desires to appoint an individual to fill a vacant City Council seat, the person appointed must be eligible to hold a seat on the Council pursuant to Sections 2.01(A) and 2.07(A) of the Folsom City Charter, i.e., the person must be a registered voter residing in the City of Folsom, and not hold any other City office or City employment. Additionally, if the Council wishes to conduct an interview of potential appointees, the interview must be conducted by the entire City Council in open session under the Brown Act.

As the appointment is by majority vote of the City Council, the Council may decide to have each Councilmember present a short list of potential appointees for the entire Council vote on, similar to and in accordance with its standard practice for making appointments to boards and commissions.

### B. Filling Vacancy by Special Election

If the City Council desires to fill the vacancy through special election, the Council must call a special election within 60 days of the commencement of the vacancy, and the special election must be held on the next regularly scheduled election date not less than 114 days from the call of the special election (i.e., November 3, 2020). Government Code section 36512(b)(1).

Additionally, Government Code section 36512(c) allows the City Council to adopt any of the following special requirements in a special election to fill a Council vacancy:

- (1) Require that a special election be called to fill every City Council vacancy. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election; or
- (2) Require that a special election be held to fill a City Council vacancy when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the filing of the petition. The City Council that has enacted such an ordinance may also call a special election without waiting for the filing of a petition; or

- (3) Provide that a person appointed to fill a vacancy on the City Council holds office only until the date of a special election, which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the City not less than 114 days from the call of the special election.

The foregoing options are entirely optional; the City Council is not required to adopt any of those special requirements pertaining to special elections for purpose of filling a Council vacancy.

### **FINANCIAL IMPACT**

There is no financial impact associated with this Council presentation. According to the Sacramento County Voter Registration and Elections Office, the estimated cost of calling a local special election varies between \$418,000 and \$837,000, depending on a number of variables, including the number of ballots to be printed and mailed to the registered voters and staffing cost for conducting the election.

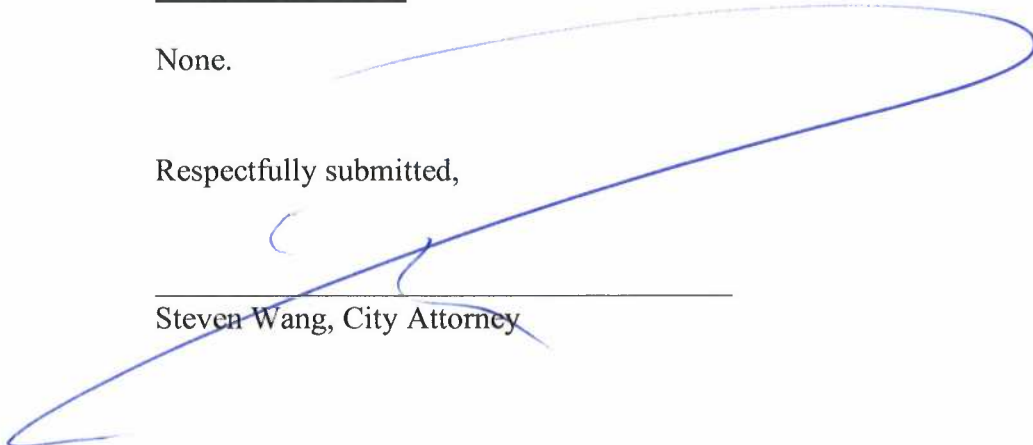
### **ENVIRONMENTAL REVIEW**

This Council presentation is not a “project” under CEQA and is therefore exempt from CEQA review.

### **ATTACHMENTS**

None.

Respectfully submitted,

  
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Steven Wang, City Attorney

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