



Town of Yountville

6550 Yount Street
Yountville, CA 94599

Staff Report

Agenda Item #: {{section.number}}{{item.number}}

Yountville Town Council Staff Report

DATE: January 11, 2022

TO: Mayor and Town Council

FROM: Steve Rogers, Town Manager

PREPARED BY: Steve Rogers, Town Manager

SUBJECT:

Discussion and possible direction regarding process to fill vacant Council seat resulting from the resignation of Vice Mayor Kerri Dorman.

DISCUSSION/BACKGROUND

Vice Mayor Dorman submitted a letter of resignation effective as of January 6, 2022. However, the decision on how to fill the vacancy rests with the remainder of the council.

Staff is presenting to the Town Council the options for filling a vacant Council seat pursuant to Yountville Municipal Code Section 2.04.080 which states "Vacancies in the Council shall be filled in accordance with Government Code Section 36512".

The Town Council has 60 days from the effective date of Vice Mayor Dorman's resignation to either appoint a council member or call for a special election to fill her unexpired term which is through December 2022. The 60-day deadline is Monday, March 7, 2022. (Gov. Code, § 36512, subd. (b).)

Calling a Special Election

If the Town Council calls a special election, it must be held on the next regularly established election date at least 114 days after the call of the election. (Gov. Code, § 36512, subd. (b)(1).) Therefore, the next regularly established election date meeting this criteria is: (1) June 7, 2022 if the special election is called on or before February 13, 2022, or (2) November 8, 2022 if the special election is called after February 13, 2022. Because the Council has until March 7, 2022 to call an election, if it chooses this option, the special election would be held on one or the other election dates depending on the date the special election is called. for the spring primary election.

If the special election is held on June 7, 2022, the person elected holds office for the unexpired term of Vice Mayor Dorman until the November 2022 election. (Gov. Code, § 36512, subd. (b)(1).) If the special election is held on November 8, 2022, the Council seat would remain vacant until that time.

The cost from the Napa County Elections Department to the Town for its last election was approximately \$45,000. In the event a special election is called, the Town will be responsible for reimbursing the full cost to the County, which may be more or less than previous estimates but likely close.

All Mail Ballot Option

In addition to the standard election options, the Election Code authorizes the Town to conduct an election using an all-mail ballot under certain conditions. While this procedure generally reduces the cost of an election, it is not available if the election is on the same date as a statewide primary or general election. June 7, 2022 is the statewide primary and November 8, 2022 is the general election. Therefore, an all-mail ballot procedure is not available for the special election.

Appointment Process

If the Town Council appoints a qualified elector on or before March 7, 2022, that person holds office for the unexpired term of former Vice Mayor Dorman (i.e., until an eligible person is qualified and takes office following the November 8, 2022 General Municipal Election). (Gov. Code, § 36512, subd. (b)(2)(B).)

Should the Council decide to fill the vacancy by appointment, the Council may adopt procedures for advertising, interviewing, and appointing of the new councilmember. Staff recommends that a "Notice of Intention to Fill Vacancy for the Member of the Town Council" be published in the Yountville Sun and on the Town's website, as has been done in the past. Candidates would then be interviewed at a special or regular meeting of the Town Council and appointed on or before March 7, 2022.

Application Interview Process

In order to meet the 60-day requirement provided for in Government Code Section 36512, subject to Council selecting the appointment process to fill the vacant Council Member seat as outlined in the staff report, the Town Manager and Town Clerk developed the following timeline:

January 6, 2022	Council Member Vacancy is effective January 6, 2022
January 11, 2022	Council to review options and determine process to fill the vacant Council Member Seat
January 13 & 20, 2022	Run Ad in Yountville Sun – Notice of Intention to Fill a Vancy for Member of the Town Council by Appointment, Post in Legal Posting Locations and on Town website. Application materials officially available.
January 24 or 25 or 26, 2022	Pre-Candidate Orientation – Department Overview of what it entails when serving on the Town Council. Town staff to finalize date.
January 28, 2022	Filing period closes for Council Member Applications at 4:00 p.m.
January 31, 2022	Verify Applicants meet requirements in Notice of Intention
February 1, 2022	Town Council will interview Applicants and appoint one individual to fill the Vacant Council Member seat at the regular Town Council Meeting on February 1, 2022 at 3:00 p.m.

Staff is seeking Council direction regarding the proposed pre-Candidate Orientation.

Deadline for Action

The Council must either call for a special election or fill the vacancy by appointment on or before March 7, 2022.

The Council will operate with four members until Council either makes an appointment to fill the vacant Council seat or until the special election is completed.

ENVIRONMENTAL REVIEW

Not Applicable

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? Yes

Where is it Budgeted? Town Council Budget

Is it Mandatory or Discretionary? Mandatory

Is there a Staff Resource Impact? Yes

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Responsible Fiscal Policy:** The Town maintains its fiscal health through policies designed to maximize economic opportunities, manage expenses, and ensure prudent reserves. **Visionary Leadership:** The Town's leadership maintains an open-minded, forward-thinking decision-making process. We value engagement and participation from all members of the community as we work together to create policies and plan for the future.

Briefly Explain Relationship to Strategic Plan Goal and Objective. By deciding whether to make an appointment or call a special election, the Town Council will consider the interests of the whole community in reaching this decision.

RECOMMENDATION

Receive staff report and direct questions to staff.

Receive public comment.

Conduct Council discussion on proposed options below:

- A)** By Motion, provide Minute Order direction to staff to begin the application process to fill the Council vacancy by Appointment and direct staff to publish the Notice of Intent to Fill Vacancy and schedule interviews at the Town Council Regular Meeting on February 1, 2022; **OR**
- B)** By Motion, provide Minute Order direction to staff to prepare the appropriate resolution and coordinate with Napa County Register of Voters to call a special election, which staff will agendize for Council approval on or before March 7, 2022