



City Council Meeting Agenda

May 23, 2024
5:00 PM – Regular Meeting
Council Chambers
400 N. Douty St.

Council Members will meet in-person in the Council Chambers. The meeting will also be lived streamed on the City's website: <http://livestream.hanford.city/>

5:00 PM CALL TO ORDER SPECIAL SESSION :

ROLL CALL:

PUBLIC COMMENT:

*This meeting is a Special Meeting under the Brown Act; accordingly, comments from the public are limited to items listed on the agenda (GC 54954.3a). Public Comment will be accepted during each agenda item. A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

GENERAL BUSINESS:

- A. Discussion of the revised resignation from Council Member Morrow and direction from the City Council related to the upcoming vacant Council seat in District B.

ADJOURNMENT:

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available to public inspection in the City Clerk's Office located at 319 N. Douty Street, Hanford, California 93230, during normal business hours. Such agendas are also available at the city's website, www.cityofhanfordca.com subject to staff's ability to post the agenda before the meeting. If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's office, 559-585-2515, 319 N. Douty Street, Hanford, California 93230, at least 2 days prior to the meeting {28 CFR 35.102.35.104 ADA Title II}



AGENDA STAFF REPORT

MEETING DATE: 5/23/2024

AGENDA SECTION: GENERAL BUSINESS

SUBJECT:

Discussion of the revised resignation from Council Member Morrow and direction from the City Council related to the upcoming vacant Council seat in District B.

RECOMMENDATION:

Recommendation: That the City Council consider the pending resignation of Council member Morrow and discuss the next steps for addressing the Council vacancy in District B via the Appointment process outlined in Section 36512 of the Government Code.

BACKGROUND:

Ms. Kalish Morrow, District B Council member, had previously notified the Council that she intended to resign from Council, effective June 7, 2024. At the May 16, 2024 City Council meeting, the Council discussed the upcoming vacancy in district B, as well as the existing vacancy in District C, and ultimately, the Council reached an impasse and did not provide any formal direction to move forward with filling the seats. In response to the Council impasse, Ms. Morrow rescinded her resignation.

On May 21, 2024, Ms. Morrow submitted the attached updated resignation notice to the City Council and the Clerk's office. Accordingly, staff is bringing the matter back before Council for the council to reconsider how they wish to address the vacant seat that will represent District B in the City of Hanford.

Given that the resignation of Council woman Morrow would leave the Council with only 3 seated members, staff is recommending that Council move forward with a process to fill the vacant seat through an appointment process. Operating with only 3 council members could prove to be problematic for the purpose of conducting City business in that some matters require 3 affirmative votes, regardless of the number of Council members. Resolutions, Ordinances and Expenditures of funds all require 3 affirmative votes to pass. Additionally, the quorum number for Council business does not change with a vacant seat. As a result, any absence by a single Council member would prohibit the Council from taking action and would result in the need to cancel that meeting.

Upon notification by Ms. Morrow that she would be tendering her resignation, she also asked to be a part of the appointment process. Government Code Section 36512(e)(1) indicates that, if the Council decides to fill the vacancy by appointment, Council member Morrow may vote on her replacement if her resignation will go into effect upon the successor's appointment. If Council member Morrow votes on her replacement, pursuant to Code Section 36512(e)(2), she would be prohibited from engaging in certain activities for two years following the appointment. The exact wording of those sections from

the Government Code is as follows:

(e) (1) If the city council of a city that elects city council members by or from districts elects to fill a vacancy on the city council by appointment as a result of a city council member resigning from office, the resigning city council member may cast a vote on the appointment if the resignation will go into effect upon the appointment of a successor. A city council member shall not cast a vote for a family member or any other person with whom the city council member has a relationship that may create a potential conflict of interest.

(2) If a city council member elects to cast a vote under this subdivision, the city council member shall be prohibited from the following actions for a period of two years after the appointment of a successor:

(A) Advocating on any measure or issue coming before the city council in which the city council member may have a personal benefit.

(B) Entering into a contract of any kind with the city or a city vendor.

(C) Accepting a position of employment with the city or a city vendor.

(D) Applying for a permit that is subject to the approval of the city council.

(3) This subdivision shall not apply to any city council member who is resigning from the city council due to charges of, or conviction for, corruption or criminal behavior, or who is subject to a recall election.

Appointment

Normally, if the City Council were to decide to appoint a new Council member, it must be done within 60 days. In this case, because Ms. Morrow has requested to be a part of an appointment process, her resignation would become effective with the date of the appointment of the replacement. This timeline does not apply.

Govt Code section 36512 is silent in regard to an appointment process and, therefore, the Council may choose any selection process at their disposal and, in the interest of time, staff would recommend any process, along with any necessary Special City Council meetings, which would allow the appointment to take place in early June.

Potential candidates must be registered voters and reside within the geographical boundaries of District B, within the Hanford City limits. The City Clerk will need to verify voter registration status of any potential candidate. The successful applicant would serve from time of appointment until the results of the November 5, 2024 General Municipal Election are certified by the City Council.

FISCAL IMPACT:

There is no cost involved if the City Council decides to appoint a candidate to fill the vacant seats.

ATTACHMENTS:

1. Updated Morrow Resignation
2. GOV_36512. Special Election Guidelines

Mario Cifuentez

From: Kalish Morrow
Sent: Tuesday, May 21, 2024 11:26 AM
To: City Council
Cc: Natalie Corral; Mario Cifuentez
Subject: Resignation

Council et al.,

After having just spoken with the Mayor, and seeing as there is willingness to revisit the appointment process I would like to resign from City Council District B Seat upon appointment of my replacement for the reasons I've mentioned previously.

I feel the appointment to be in the best interest of the city given certain voting minimums, to include various four-fifths voting requirements - such as Emergency Procedures - in our municipal code that would otherwise have negative impacts to vital city operations.

Thank you all again,
Kalish Morrow

36512. (a) If a vacancy occurs in an appointive office provided for in this chapter, the council shall fill the vacancy by appointment. A person appointed to fill a vacancy holds office for the unexpired term of the former incumbent.

(b) 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.

(1) If the council calls a special election, 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. A person elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(2) If the council fills the vacancy by appointment, the person appointed to fill the vacancy shall hold office pursuant to one of the following:

(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.

(B) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent.

(c) Notwithstanding subdivision (b) and Section 34902, a city may enact an ordinance that does any of the following:

(1) Requires that a special election be called immediately to fill every city council vacancy and the office of mayor designated pursuant to Section 34902. 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.

(2) Requires that a special election be held to fill a city council vacancy and the office of mayor designated pursuant to Section 34902 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. A governing body that has enacted such an ordinance may also call a special election pursuant to subdivision (b) without waiting for the filing of a petition.

(3) Provides 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.

(d) (1) Notwithstanding subdivision (b) and Section 34902, an appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the council having been appointed. The vacancy shall be filled in the manner provided by this subdivision.

(2) The city council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.

(3) If the city council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.

(e) (1) If the city council of a city that elects city council members by or from districts elects to fill a vacancy on the city council by appointment as a result of a city council member resigning from office, the resigning city council member may cast a vote on the appointment if the resignation will go into effect upon the appointment of a successor. A city council member shall not cast a vote for a family member or any other person with whom the city council member has a relationship that may create a potential conflict of interest.

(2) If a city council member elects to cast a vote under this subdivision, the city council member shall be prohibited from the following actions for a period of two years after the appointment of a successor:

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(3) This subdivision shall not apply to any city council member who is resigning from the city council due to charges of, or conviction for, corruption or criminal behavior, or who is subject to a recall election.

(Amended by Stats. 2015, Ch. 185, Sec. 1. (AB 952) Effective January 1, 2016.)