

**RESOLUTION**

TO CITY CLERK FOR PLACEMENT ON NEXT REGULAR COUNCIL AGENDA TO BE POSTED #52

**WHEREAS**, on September 11, 2016, the Office of Member of the Council from the Seventh (7th) Council District was vacated when former Councilmember Felipe Fuentes resigned and vacated the office; and,

**WHEREAS**, Charter Section 409 requires the Council to fill vacancies in the City's elective offices, but gives the Council discretion to decide whether to fill a vacancy by appointment or election; and,

**WHEREAS**, the affairs of the Council Office for the Seventh (7th) Council District are now being overseen by the office of the Council President, along with the assistance of the staff of the former Councilmember; and,

**WHEREAS**, the current term of office of Member of the Council from the Seventh (7th) Council District will end on June 30, 2017, and a new Member will be elected by the voters of the district to take office starting on July 1, 2017, and,


**WHEREAS**, voters will elect a new Member of the Council for the 7th Council District at the City's Primary Nominating Election already scheduled for March 7, 2017, or the General Municipal Election already scheduled for May 16, 2017; and,

**WHEREAS**, requiring the City Clerk to conduct special elections (primary and runoff) would create unreasonable time demands on the staff of the Election Division of the Clerk's office that would make it more difficult for the Clerk's office to complete all of the work needed in order to hold the already scheduled elections in a timely and accurate manner and could additionally result in voter confusion; and,

**WHEREAS**, the Council has the option to fill the current vacancy by appointing the person who wins the election in March or May, as soon as the winner's identity is known, and that person would serve the amount of time remaining in the unexpired term; and,



**WHEREAS**, for the reasons stated above, the Council believes that following that course of action would provide the most benefit to the City and specifically to the residents of the Seventh (7th) Council District.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council intends to exercise the discretion given it by the Charter in filling the vacancy in the 7th Council District to appoint the person elected to the office by the voters at the primary nominating election on March 7, 2017, or, if a runoff election is needed to elect a person to that office, then to appoint the person elected at the general municipal election on May 16, 2017. The Council further resolves that it is its intention to make that appointment at the first Council meeting after the identity of the person who is elected to the Council from the 7th District is known.

**PRESENTED BY:**   
HERB J. WESSON, JR.  
Councilmember, 10<sup>th</sup> District

SEP 16 2016



**SECONDED BY:**   


ORIGINAL