

## REPORT TO CITY COUNCIL

**DATE:** AUGUST 24, 2022

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** NATHAN HAMBURGER, CITY MANAGER

**BY:** RAMIRO ADEVA, ASSISTANT CITY MANAGER  
KIMBERLY RODRIGUES, CITY CLERK  
CANDICE LEE, CITY ATTORNEY

**SUBJECT:** VACANCY OF COUNCIL SEAT AND CONSIDERATION OF APPOINTMENT OR SPECIAL ELECTION TO FILL VACANCY OF OFFICE

---

On August 15, 2022, Councilmember Linda Northrup submitted a resignation letter (see Attachment 1), creating a vacancy for her position on the City Council with the unexpired term through December 2024. The resignation requires the City Council to consider available options under State law for filling the vacancy resulting from Councilmember Linda Northrup's resignation. California Government Code Section 36512(b) provides that the City Council shall fill the vacancy within 60 days of the vacancy (i.e., no later than October 14, 2022) through either of the following two options:

1. The City Council may appoint someone to complete the unexpired term of former Councilmember Northrup's office; or
2. Call a special election to fill the vacancy, which "...shall be held on the next regularly established election date not less than 114 days from the call of the special election."

If the City Council decides to fill the vacancy by appointment, staff recommends a process that includes an application (see Attachment 2) and public interview for individuals interested in filling the vacant Council seat.

Additionally, to be eligible for appointment, an applicant must:

1. Be 18 years of age or older,
2. Be a resident of the incorporated area of the City of Agoura Hills,
3. Be a registered voter at the applicant's current place of residence in Agoura Hills,
4. Be able to certify that he/she meets the eligibility criteria requirements and is willing to serve in the office for the remainder of the unexpired term, and
5. Not be a certified candidate for the November 8, 2022, General Municipal Election.

Furthermore, based on the October 14, 2022, deadline to fill the vacancy, the City Council may consider the following two schedule options for the appointment process:

***Schedule Option #1 (two-week application period)***

1. August 24, 2022: Announce the application/interview process for filling the vacancy.
2. August 25, 2022 through September 8, 2022: Open application period.

Staff will promote the application process using all communication outlets which includes, but is not limited to, a press release, social media posts on all City platforms, as well as the City's website.

At the conclusion of the application period, and upon confirming qualified candidates, the City Clerk will randomly draw names to determine the order of candidate interviews, and include the order in the staff report for the September 14, 2022, City Council meeting.

*(Special note: Labor Day is Monday, September 5, 2022)*

3. September 14, 2022: City Council interviews all qualified prospective candidates at the regularly scheduled general meeting of the City Council. The City Council can choose to appoint immediately following interviews during this same meeting or at the next Council meeting as noted below.
4. September 28, 2022: Selected candidate is announced and sworn into office at the regularly scheduled meeting of the City Council.

***Schedule Option #2 (four-week application period)***

1. August 24, 2022: Announce the application/interview process for filling the vacancy.
2. August 25, 2022 through September 22, 2022: Open application period.

Staff will promote the application process using all communication outlets which includes, but is not limited to, a press release, social media posts on all City platforms, as well as the City's website.

At the conclusion of the application period, and upon confirming qualified candidates, the City Clerk will randomly draw names to determine the order of candidate interviews, and include the order in the staff report for the September 28, 2022, City Council meeting.

*(Special note: Labor Day is Monday, September 5, 2022)*

3. September 28, 2022: City Council interviews all qualified prospective candidates at the regularly scheduled general meeting of the City Council. The City Council can choose to appoint immediately following interviews during this same meeting or at the next council meeting as noted below.
4. October 12, 2022: If the selected candidate is not announced at the September 28, 2022, meeting, the selected candidate is announced and sworn into office at the regularly scheduled meeting of the City Council.

There would be no fiscal impact to the approved budget for Fiscal Year 2022-23 if the City Council chooses to fill the vacancy by appointment.

Should the City Council decide not to fill the vacancy by appointment and instead choose to fill the vacancy by calling a special election, State law requires the election date to be "on the next regularly established election date not less than 114 days from the call of the special election." Since the election on November 8, 2022 would be less than 114 days from a call of a special election, the November 8, 2022, election does not meet this criterion. The next eligible regularly established election date would be March 7, 2023, (which would be at least 114 days from a call of special election) which is the first Tuesday after the first Monday in March of each odd-numbered year, pursuant to the California Elections Code.

Typically, the City incurs a fair-share cost in a consolidated election which is approximately \$60,000-\$70,000. However, at this juncture, there would be no other public agency's items on the ballot and the entire cost would be solely borne by the City which would be an estimated \$200,000. This cost could be reduced if other items are added to the ballot by other public agencies, but would not be known until a later date. This was not included in the approved budget for Fiscal Year 2022-23 and would need to be paid for using General Fund dollars out of the City's General Fund Reserve.

The need to have a County-approved location for a voting center for eleven (11) consecutive days also poses a logistical challenge for a special election to be held. The only City-controlled facility that staff anticipates could serve as an acceptable County vote center would be the Agoura Hills Recreation and Event Center (AHREC). However, each weekend that would fall within the required 11-day timeframe prior to March 7, 2023, is already booked with private events. The City would first need to cancel the existing reservations before designating the AHREC as a vote center.

## **RECOMMENDATION**

Staff respectfully recommends the City Council discuss the options and provide direction to staff for filling the vacancy of office.

### Attachments:

1. Letter of Resignation from Linda Northrup
2. Draft application (if staff is directed to proceed with the appointment process)

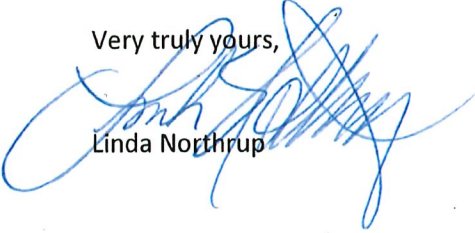
August 15, 2022

To: Mayor Deborah Klein Lopez, City Manager Nate Hamburger  
and Members of the Agoura Hills City Council

It has been the honor of my life to serve the City of Agoura Hills, where I grew up and raised my own family, as a Planning Commissioner and Member of the City Council. Serving as Mayor was a privilege for which I am grateful and was a year I will never forget. As you all know, the past two years have been particularly difficult for me and my family as I fought cancer during the global pandemic. My prognosis remains very positive; however, recovery has been a much greater challenge than I ever could have imagined. My work with all of you gave me inspiration and hope and was just one more reason I was determined to win the biggest fight of my life. I am pleased to have made it through the important work started over a year ago as we worked through the challenges faced by our City as a result of the dramatic increase by the State in our RHNA allocation. August 10 was a difficult meeting and was my last as a Member of the Council. In consultation with my family and after much consideration and prayer, I am stepping down from the Council effective immediately to focus on my health and my family. I know I leave the City I love in great hands moving forward.

Thank you for your support and all your hard work and dedication during my time on the Council.

Very truly yours,



Linda Northrup



**CITY OF AGOURA HILLS**  
**APPLICATION FOR CITY COUNCIL APPOINTMENT**  
**Term begins upon appointment and ends December 2024**

**INSTRUCTIONS:** Complete this application and return it to the City Clerk's Office, 30001 Ladyface Court, Agoura Hills, CA 91301. Emailed and faxed applications will not be accepted. If you have any questions please contact the City Clerk's Office at 818-597-7303. Please TYPE or PRINT clearly in ink. If you wish to submit additional information, please attach to this application. All information contained herein (except residential street addresses, email addresses, and telephone number(s)) is a public record.

**APPLICATIONS ARE DUE BY THURSDAY, SEPTEMBER , 2022, AT 5:00 P.M.**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone: ( ) \_\_\_\_\_ Cell Phone: ( ) \_\_\_\_\_

Email: \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_

Business Name: \_\_\_\_\_ Occupation: \_\_\_\_\_

Business Address: \_\_\_\_\_

Why do you wish to serve the City? \_\_\_\_\_

What experience or education have you had relative to this field? \_\_\_\_\_

In your opinion what are the most important issues facing the City of Agoura Hills? \_\_\_\_\_

What vision do you have for the future of the City of Agoura Hills? \_\_\_\_\_

Please provide any additional information or comments you feel would assist City Council in considering your application. \_\_\_\_\_

- |  |                |
|--|----------------|
| Will you be able to attend all meetings of the City Council?   | Yes ___ No ___ |
| Are you a registered voter (City of Agoura Hills)?   | Yes ___ No ___ |
| Are you willing to file a Statement of Economic Interests (Form 700), as required?                   | Yes ___ No ___ |
| Are you willing to complete the AB 1234 Ethics Training, as required?                                | Yes ___ No ___ |
| Are you willing to agree to abide by the Provisions of Code of Fair Campaign Practices, as required? | Yes ___ No ___ |

If NO, to any of the above, please explain:

**ELIGIBILITY REQUIREMENTS:** 1) be 18 years of age or older, 2) be a resident of the incorporated area of the City of Agoura Hills, 3) be a registered voter at the applicant's current place of residence in Agoura Hills, 4) be able to certify that he/she meets the eligibility requirements and is willing to serve in the office for the remainder of the unexpired term, and 5) not be a certified candidate for the November 8, 2022, General Municipal Election.

By signing, I hereby certify that I meet all (5) eligibility requirements above. Dated: \_\_\_\_\_

CITY CLERK ONLY  
 Voter Registration Verified  
 Date: \_\_\_ Initials: \_\_\_