



CITY OF MENIFEE

SUBJECT: Filling the District 2 City Council Seat Vacancy

MEETING DATE: December 17, 2024

TO: Mayor and City Council

PREPARED BY: Stephanie Roseen, City Clerk

REVIEWED BY: Jeffrey T. Melching, City Attorney

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Discuss options and provide direction to staff whether to fill the vacancy of City Council District 2 by appointment or by special election.

DISCUSSION

Ricky Estrada was elected to serve as Mayor in the November 2024 general municipal election, creating a vacancy in the District 2 City Council seat. Councilmember Estrada's current District 2 term began on December 15, 2022, and was set to end with the certification of the November 2026 election results. The District 2 seat will become vacant on December 17, 2024, upon Councilmember Estrada's transition to the Mayor's seat. The City Council must act in accordance with Government Code (GC) §36512 to address the vacancy.

Per GC §36512(b), the Council must either appoint a replacement or call a special election within 60 days of the vacancy. Because the 60th day from the commencement of the vacancy falls on Saturday, February 15, 2025, staff advises that the City Council should consider Friday, February 14, 2025, as the deadline to either make an appointment or call a special election.

Based upon GC §36512(b) and (c), the City Council has the following options.

Appointment

The City Council has the authority to appoint a qualified resident from District 2 to serve as Councilmember for the remainder of the term, ending December 2026. The City Council also has the authority to determine the process for making an appointment. This process could be as straightforward as appointing an individual selected by the Council, requiring a majority vote for approval. Alternatively, the Council may opt for a different approach, such as implementing an application and interview process, or any other method directed by the Council.

The deadline for filling the District 2 vacancy by appointment is February 15, 2025. If a majority vote is not received by the deadline, the City Council must call a special election.

Special Election

Alternatively, the City Council could choose to fill the vacancy by a special election. The special election must be held at the next regularly established election, but not less than 114 days after the election was called.

Elections Code §1000 outlines the established election dates allowed. The City's only option would be to hold a special election on November 4, 2025. Given the 114-day deadline between calling an election and the election date, the City is unable to hold an election in March 2025. Election days in April and June are only available in even-numbered years.

Appointment and Special Election

Lastly, the City Council has the option to adopt an ordinance that allows for both an appointment and a special election. Under this arrangement, the Council would appoint a qualified District 2 resident to temporarily fill the vacancy until a special election is held and its results are certified, which would be in December 2025. Concurrently, the Council would call a special election for November 2025 to elect a successor who would serve the remainder of the District 2 term, concluding with the certification of the November 2026 election results in December 2026.

If the Council adopts an ordinance, it would remain in effect until it is repealed. This means that for any future vacancies, the City Council would follow the same process outlined in the ordinance to fill the seat.

Following Council's direction, staff will be prepared to bring back a staff report for formal action at the January 15, 2025, City Council meeting.

STRATEGIC PLAN OBJECTIVE

Regular City Business

FISCAL IMPACT

The fiscal impact would depend on the election or appointment option decided on. If the City Council provides direction to move forward with a special election on November 4, 2025, the estimated cost provided by the Riverside County Registrar of Voters (ROV) is \$68,000. The ROV has stated they are undergoing a comprehensive user fee study. Final costs may vary based on the ROV's upcoming user fee study. Special election costs would be budgeted for the upcoming Fiscal Year 2025/2026 budget.