

ORDINANCE NO. 8-07 N.S.

**AN ORDINANCE OF THE CITY OF RICHMOND WHICH
AMENDS CHAPTER 2.16 OF THE MUNICIPAL CODE OF THE
CITY OF RICHMOND TO ESTABLISH A PROCEDURE FOR
FILLING VACANCIES ON THE CITY COUNCIL**

The Council of the City of Richmond do ordain as follows:

Section I. Amendment of Chapter 2.16.

Chapter 2.16 of the Municipal Code of the City of Richmond is hereby amended by adding a Section 2.16.090 which reads as follows:

“2.16.090 Procedure for filling vacancies on the City Council.

Whenever a vacancy occurs on the City Council, the City Council shall abide by the following procedure for the filling of the vacancy:

- (a) Once a vacancy has occurred, the City Council shall announce that a vacancy has arisen; specify the date that the City Council shall hold a public meeting to fill the vacancy; and specify the date on which persons interested in filling the vacancy shall be required to file a statement of interest.
- (b) Every person who is interested in filling the vacancy shall be required to file a candidate’s statement as set forth in Section 2.16.080(a), but without payment of any fee.
- (c) The City Clerk shall distribute the candidates’ statements to the City Council and shall make the statements available to the public.
- (d) At the meeting designated by the City Council for filling the vacancy, the City Council shall call forward, by last name alphabetical order, each candidate to make a public statement not exceeding eight (8) minutes in length concerning their interest in the position and the qualification for the position that said candidate possesses.
- (e) After the candidate has made his or her public statement of interest in, and qualifications for, the position, each City Councilmember shall be allowed to publicly interview and question the candidate as to said candidate’s interest and qualifications.
- (f) After all the candidates have been allowed to make their statements, and after each of the candidates has been interviewed by the City Council, the City Council shall allow the public to make public comments pursuant to the procedure set forth in the Council Rules and Procedures for commenting upon a City Council agenda item.
- (g) After the public has been given an opportunity to make comments, each Councilmember shall be allowed an opportunity to comment upon the candidate’s statements and qualifications. Each candidate shall be allowed a two (2) minute rebuttal.
- (h) After each Councilmember has been afforded an opportunity to speak concerning the candidates’ qualifications, the Mayor shall entertain motions for the appointment of individual candidates for the vacancy.
- (i) After a motion has been made and seconded, the motion shall be voted on by the City Council.
- (j) The City Council will continue to entertain and vote on motions for appointments until a candidate obtains a majority vote in favor of his or her appointment.
- (k) Once a candidate has obtained a majority vote, the appointment voting process comes to an end and the Mayor shall announce the date when the new Councilmember will be sworn in, but in no event shall the swearing in occur later than the next regularly scheduled City Council meeting.
- (l) If no candidate obtains a majority vote, the City Council may reopen the appointment process to all interested electors provided that the process does not go beyond the time

limit set forth in Article III, Section 10 of the City Charter.

Section II. Severability.

The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

Section III. Effective Date.

This Ordinance shall take effect thirty (30) days after its final passage and adoption by the City Council.

I certify that the foregoing ordinance was passed and adopted by the Council of the City of Richmond at a meeting held on March 20, 2007, by the following vote:

AYES: Councilmember Butt, Lopez, Marquez, Rogers, Sandhu, and Viramontes

NOES: Councilmember Bates and Mayor McLaughlin

ABSTENTIONS: Councilmember Thurmond

ABSENT: None

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

APPROVED:

GAYLE McLAUGHLIN
Mayor

APPROVED AS TO FORM:

JOHN EASTMAN
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 8-07 N.S., finally passes and adopted by the Council of the City of Richmond at a meeting held on March 20, 2007, and published in accordance with law.