



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: November 19, 2024

SUBJECT: District 3 Upcoming Vacancy

Recommendation

Discuss and direct the City staff to agendize at a future meeting filling the upcoming vacancy Council District 3 pursuant to the options found in Charter Section 410:

- (a) APPOINTMENT. If the vacancies are filled by appointments, the appointments shall be effective until the end of the unexpired term of office, December 31, 2024.
- (b) ELECTION. If the vacancies are to be filled by election, the election will be for the entire unexpired term of the office. The election will either be conducted at a Regular Municipal Election, a General Election or at a Special Municipal Election, as determined by the Council. The election will be conducted in accordance with Section 1600.
- (c) INTERIM APPOINTMENT. If a vacant office is to be filled by election, the Council may make an interim appointment to fill the office until a candidate has been duly elected and the results of the election have been officially certified. A person who is appointed during the interim period shall meet the eligibility requirements to hold office under Section 404 of this Charter.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Jimenez)

[Rules Committee referral 11/13/2024 - Item C.2]



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Jimenez

SUBJECT: Filling District 3 Council Vacancy

DATE: November 6, 2024

Approved

A handwritten signature in cursive script, appearing to read "Sergio Jimenez".

Date 11/06/2024

RECOMMENDATIONS

1. Direct the City Clerk to agendaize for the November 19, 2024, City Council Meeting a conversation on an appointment process for replacing resigned Councilmember Omar Torres.
2. Direct the City Clerk to schedule a special Council meeting on or before December 27, 2024, for the Council to interview qualified candidates and make an appointment.

Analysis

After the 2022 election, the City of San Jose deliberated extensively on the process for filling a vacant Council seat. After careful analysis the Council chose to proceed with the most efficient, cost-effective process - an appointment. With the recent resignation of Omar Torres, it is crucial that constituent services and representation of District 3 residents be addressed and restored as soon as possible. Having a new councilmember in place at the start of the new year will be essential for residents and businesses alike. Therefore, the City Council must act as swiftly as possible to establish a process to select a new councilmember.