

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Council/Authority Members

District 1 - Luis Uribe

District 2 - Rachel Hernandez

District 3 - **Vacant**

District 4 - Darlene Barber-Martinez



CITY OF RIVERBANK

Regular City Council and Local Redevelopment Authority Board Meetings

Council Chambers, 6707 Third Street,
Suite B
Riverbank, CA 95367



SPECIAL MEETING

WEDNESDAY, OCTOBER 2, 2024 – 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

This meeting will be held via teleconference

Teleconference Location:

Tru by Hilton Goodyear Phoenix West
1430 N. Bullard Ave. #312
Goodyear, AZ 85338

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. ROLL CALL**
- 4. AGENDA CHANGES**

5. CONFLICT OF INTEREST

Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

6. PUBLIC COMMENTS (No action can be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

**Refer to the last page of this agenda for the Public Comment Procedures via ZOOM.
IN PERSON COMMENTS- Please fill out a Comment Card & Return to the City Clerk**

7. SPECIAL BUSINESS

- Item 7.1** **Provide Direction to City Staff Regarding Filling the District Three City Council Vacancy Due to the Resignation of Councilmember Leanne Jones Cruz-** It is recommended that the City Council establish a procedure to appoint a City Councilmember to fill the District Three City Council office vacancy created by the resignation of Councilmember Leanne Jones Cruz.

8. ADJOURNMENT

The Next Regular City Council Meeting will be on: **Tuesday, October 8th, 2024**

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted at the meeting location, on the North City Hall public exterior bulletin board, South City Hall public exterior Bulletin, Riverbank Community Center exterior bulletin, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 1st Day of October, 2024

/s/ *Gabriela Hernandez, CMC, City Clerk*



ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at cityclerk@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

NOTICE REGARDING NON-ENGLISH SPEAKERS

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.



TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT

PUBLIC “LIVE” VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – City of Riverbank
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 5:00 p.m. on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 pm, please call the City Clerk's Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS **BEFORE THE 5:00 PM DEADLINE**

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Call 209-863-7198 / 209-863-7122 to ensure they were received.)
- **Via Email:** Mail to cityclerk@riverbank.org *(Note: This technology is not a guaranteed method.)*
 - Indicate Agenda Item # in the **subject line**. (Call 209-863-7198 /209-863-7122 to ensure receipt)
- **Oral Comments In-Person:** The Mayor will ask the public if anyone wishes to comment, at that time you may approach the podium.
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on the agenda item being considered, at which time you will:
(please make sure the volume on your video device or any nearby device is turned down.)
 - **Using a computer** – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
 - **Using a Phone** – press ***9** to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the **teleconference phone number (209) 863-7151** so that Council may receive your comments. Council will be waiting for your call. Thank you

JOIN THE MEETING VIA ZOOM PLATFORM

Join by this link: <https://us02web.zoom.us/j/89087909701>

Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 890 8790 9701**

Join by telephone: **1 669 444 9171 OR 1 669 900 9128, plus Webinar ID: 890 8790 9701**

Learn about using ZOOM - Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 7.1

SECTION 7: SPECIAL BUSINESS

Meeting Date: **October 2, 2024**

Subject: **Provide Direction to City Staff Regarding Filling the District
Three City Council Vacancy Due to the Resignation of
Councilmember Leanne Jones Cruz**

From: **Marisela Garcia, City Manager**

Submitted by: **Tom Hallinan, City Attorney**

RECOMMENDATION

It is recommended that the City Council establish a procedure to appoint a City Councilmember to fill the District Three City Council office vacancy created by the resignation of Councilmember Leanne Jones Cruz.

BACKGROUND:

Councilmember Leanne Jones Cruz informed City Staff that she is resigning from the office of District Three of the City Council, effective September 30, 2024. Upon Councilmember Jones Cruz's resignation, her seat as District Three Councilmember is vacant.

ANALYSIS

When there is a vacancy on the City Council, the City Council must fill the vacancy by appointment or call a special election within sixty (60) days of the vacancy.¹ Since Councilmember Cruz's resignation is effective September 30, 2024, the City Council must fill the vacancy no later than November 29, 2024, either by calling a special election or by appointment.

If the City Council calls the special election to fill the vacancy, the election must be held on the next established election date pursuant to Election Code section 1000, not less

¹ Gov. Code, § 36512.

than one hundred fourteen (114) days after the calling of the special election.² Accordingly, the earliest date that the City Council can hold the special election is March 4, 2025. The City must bear the cost of the special election. The Councilmember elected at the special election will serve until November 2026, the remainder of Councilmember Jones Cruz's term as Councilmember. If the City Council chooses to call a special election City staff will prepare a resolution and any other materials needed to call the special election.

If the City Council chooses to fill the vacancy by appointment, the appointed councilmember will serve until November 2026, the remainder of Councilmember Jones Cruz's term.³ If the City Council desire to fill the vacancy by appointment, City staff recommends opening an application process and soliciting applications. Applicants must be eligible to serve as the District Three City Councilmember. To be eligible to service as the District Three City Councilmember, all applications must be at least eighteen (18) years old and a resident of the district which they represent, which in this case is District Three.⁴

To avoid the cost to conduct a special election, and fill the vacancy as soon as possible, City staff recommends the City Council fill the City Council vacancy by appointment. City staff recommends that the City solicit applications from interested persons between **October 3, 2024 through November 12th 2024**, with appointment to the City Council to occur within sixty (60) days from September 30, 2024, but no later than November 29, 2024. City staff have prepared an application for City Council consideration and approval.

ENVIRONMENTAL DETERMINATION:

Not applicable.

FINANCIAL IMPACT:

If the City Council calls a special election to fill the vacancy, the City must bear the cost of the special election. The costs associated with the appointment will be staff time and costs of publication of the notice of the vacancy.

ATTACHMENTS:

1. Resolution Establishing Filling the Vacancy by Appointment
2. Application for Appointment

² Id.

³ Since the vacancy occurs in the first half of Councilmember Cruz's term, but is less than 130 days prior to the next general municipal election, the appointed Councilmember serves the remainder of Councilmember Jones Cruz's term (Gov. Code, § 36512)

⁴ Gov. Code, § 36502

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
ESTABLISHING THE PROCEDURE TO FILL A VACANCY FOR DISTRICT THREE
ON THE CITY COUNCIL RESULTING FROM THE RESIGNATION OF FORMER
COUNCILMEMBER LEANNE JONES CRUZ BY APPOINTMENT**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS
THE “CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

WHEREAS, in November 2022, the City of Riverbank’s (the “City”) District Three voters elected Councilmember Leanne Jones Cruz to a four (4) year term as Councilmember, expiring on the election of a successor at the November 2026 general election; and

WHEREAS, former Councilmember Jones Cruz resigned from the City Council, effective September 30, 2024, creating a vacancy on the City Council as of that date; and

WHEREAS, Government Code section 36512, provides that the City Council, within sixty (60) days from the commencement of the vacancy, may fill the vacancy by appointment; and

WHEREAS, under Government Code section 36512, because the vacancy occurred during the first half of former Councilmember Jones Cruz’s term, but less than one hundred thirty (130) days from the next general municipal election, the individual appointed to fill the vacancy will hold the District Three City Council office until the next general municipal election that is scheduled one hundred thirty (130) or more days after the date the City Council was notified of the vacancy; and

WHEREAS, the City Council desires to establish the procedure it will follow to fill the vacancy by appointment of a Councilmember to the District Three City Council office for the remainder of Councilmember Jones Cruz’s term pursuant to Government Code section 36512.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIVERBANK
RESOLVES THAT:**

Section 1. Pursuant to Government Code section 36512, the City Council shall initiate the appointment process by soliciting applications of interested persons between October [REDACTED], 2024, and November [REDACTED], 2024.

Section 2. The City Council hereby approves the application for candidates to fill the vacancy, attached hereto as **Exhibit A**.

Section 3. Notice of the vacancy shall be posted in the City Clerk's office, the City website and social media links, and published once in a local newspaper.

Section 4. Applicants must be at least eighteen (18) years or older and must be a resident of the City of Riverbank District Three.

Section 5. This appointment to the City Council will occur no later than sixty (60) days from the date of the vacancy.

PASSED AND ADOPTED by the Riverbank City Council at a special meeting thereof held on the 2nd Day of October, 2024, motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez, CMC
City Clerk/Elections Official

Richard D. O'Brien
Mayor

For Appointment to Fill Vacancy RIVERBANK CITY COUNCIL, DISTRICT 3

OFFICE USE ONLY

BY CITY CLERK/ELECTIONS OFFICIAL

Applicant Name: _____
Last First Middle Initial

Current Address: _____
Street City Zip

Primary Phone (____) _____ Alternate Phone (____) _____ (optional)

Email _____

Birthdate (for voter registration verification purposes only) _____

How long have you been a resident of Riverbank? _____

Are you currently a registered voter in Riverbank? _____

Do you have previous experience as a City Council Member? _____
 If yes, how much? _____ Terms served _____
 _____ Terms served _____

Are you currently serving or have you served on a City of Riverbank board or commission?_____

If yes, which one?	Term
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Current Employment Information

Employer _____

Address _____

Position _____ Dates of Employment _____

Responsibilities _____

Questionnaire

(A separate sheet may be attached)

Please explain why you want to serve/be appointed to the City Council:

Please describe your education, training, and/or any special certifications or experience that demonstrates your ability to effectively serve the City:

Have you attended a City Council, board or commission meeting? If so, please describe what you learned and what improvements you would suggest the city consider:

Describe your involvement in community activities, volunteer and civic organizations. **Do not list party affiliation, memberships or activities in partisan political organizations.:**

Please provide any additional information you wish which covers your qualifications, interests, or training related to this appointment:

IMPORTANT NOTICE

All information provided on this application becomes a public record after it is officially filed. This document will be published to the City website with the interview materials. Personal contact information will be redacted.

City Council Members, Candidates for Appointment and Candidates for Elective Office are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record.

I have sufficient time to devote to this responsibility and will attend the required meeting(s) if I am appointed. I am also aware that this application is a public document. If appointed, I will file the necessary disclosure documents as required under the Political Reform Act.

Signature _____ Date _____

Please return your application in person or by mail to:

**Office of the City Clerk/Elections Official
City of Riverbank
6707 Third Street
Riverbank, CA 95367
Phone: (209) 863-7198 Email: cityclerk@riverbank.org**

Applications will not be accepted after _____p.m. on _____2024. Postmarks not accepted.

For Official Use

Resident of Riverbank Yes ____ No ____

Registered Voter Yes ____ No ____

District 3 Resident Yes ____ No ____

18 Years of Age or older Yes ____ No ____