

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: April 11, 2024

PREPARED BY: Anthony J. Mejia, City Clerk

REQUEST: RESOLUTION ESTABLISHING PROCEDURES FOR THE APPOINTMENT
OF THE MAYOR AND MAYOR PRO TEM

RECOMMENDATION:

Adopt a Resolution entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ESTABLISHING PROCEDURES FOR THE APPOINTMENT OF THE MAYOR AND MAYOR PRO TEM AND RESCINDING RESOLUTION NO. 2021-61."

BACKGROUND/ANALYSIS:

On March 26, 1976, the City Council adopted Resolution No. 76-39, amended by Resolution Nos. 80-44, 82-22, and 84-41, establishing a one-year term and setting forth a rotating appointment process for the positions of Mayor and Mayor Pro Tem.

On October 11, 2001, the City Council adopted Resolution No. 01-110, amended by Resolution Nos. 2013-14, 2015-91, and 2021-61, formalizing the practice of appointing the Mayor and Mayor Pro Tem on a seniority rotating basis. Resolution No. 2021-61 included provisions addressing situations in which two or more Members in the same district are sworn into office on the same day as well as when two or more Members are sworn into office on the same day from different districts. These provisions no longer apply to a five-district electoral system; therefore, it is necessary to establish new procedures.

On February 15, 2024, the City Council confirmed the appointment of Mayor Pro Tem Harnik and Mayor Quintanilla to a City Council Ad Hoc Committee on the appointment procedures for the Mayor and Mayor Pro Tem.

On March 11, 2024, the Ad Hoc Committee met with City staff to discuss potential options for the selection of the Mayor and Mayor Pro Tem. The Committee reviewed methods for appointing a Mayor and Mayor Pro Tem and recommended a district-based rotation process.

On March 28, 2024, the City Council considered the recommendation; however, the City Council voted 4-0 (with Mayor Quintanilla abstaining) to direct staff to prepare a resolution establishing a seniority-based rotation process (based on the responses in the Q&A Memo, dated March 28, 2024) and requested that the City Clerk evaluate and notify the City Council regarding any unanswered questions/situations not covered by the proposed process.

In evaluating the proposed process, the City Clerk identified that in the event of a tie, there is a need to identify who will call the coin toss or the order of drawing straws. Therefore, the City Clerk has proposed that the order be determined by alphabetical order of the Members' last name.

Procedure Highlights:

- **Term of Appointment:** Members shall be appointed for a one-year term, commencing at the first regular City Council meeting in December of each year.
 - If a Member serving as Mayor served a partial term of six months or less, that Member shall continue to serve as Mayor for an additional year.
 - If a Member serving as Mayor Pro Tem served a partial term, that Member shall continue to serve unless there is an outgoing Mayor, in which case the Member shall be appointed to serve as Mayor.
- **Eligibility:** A Member must serve on the City Council for at least one year prior to serving as Mayor Pro Tem or two years prior to serving as Mayor. In the absence of this occurrence, a Member having served at least one term on the Planning Commission will be sufficient for appointment.
- **Rotation Priority:** In appointing the Mayor Pro Tem, priority shall be given to the Member with the longest continuous service since last serving as Mayor, if ever. In appointing the Mayor, priority will be given to the immediately preceding Mayor Pro Tem.
- **Tie Breakers:** If two Members are tied, ties shall be broken a coin toss; if three Members are tied, ties shall be broken by drawing straws; and the winner shall be inserted first into the Mayor Rotation. The order of calling the coin toss or selection of straws shall be determined by alphabetical order of the Members' last name.
- **Declining to Serve:** If a Member declines service as Mayor or Mayor Pro Tem, then that Member's future placement in the rotation will be as if they served in the year for which service is waived.
- **No Option:** If these procedures result in no Member being eligible to fill either position, then the City Council may vote to appoint anyone of its Members to serve.
- **Removal:** The Mayor and Mayor Pro Tem may be removed by 4/5^{ths} vote of the City Council.

Legal Review:

This report has been reviewed by the City Attorney's office.

FINANCIAL IMPACT:

There is no fiscal impact associated with this action.

ATTACHMENT:

1. Draft Resolution