



AGENDA

SPECIAL CITY COUNCIL MEETING (WORKSHOP) OF THE BANNING CITY COUNCIL CITY OF BANNING, CALIFORNIA

February 6, 2024
5:00 p.m.
In Chambers

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

The following information comprises the agenda for the regular meeting of the Banning City Council, a joint meeting of the City Council and Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.

Per City Council Resolution 2016-44, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a unanimous vote of the council members present and voting. Such an extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.

1. CALL TO ORDER

2. PUBLIC COMMENTS - Agenda Items Only

3. WORKSHOP ITEMS

3.1 Interviews of Candidates for Appointment to Fill City Council District 4 Vacancy

Recommendation: Staff recommend that the City Council interview qualified candidates who have submitted applications to fill the City Council District 4 vacancy by appointment.

3.2 Consideration of Resolution 2024-15, Appointing One Candidate to Fill the City Council District 4 Vacancy until a Successor has been Elected at the November 2024 General Municipal Election and Installed in Office

Recommendation: Staff recommend that the City Council adopt Resolution 2024-15, appointing one candidate to fill the City Council District 4 vacancy, to be effective immediately, until a successor has been elected at the November 2024 General Municipal Election and installed in office.

4. OATH OF OFFICE

5. ADJOURNMENT

AFFIDAVIT • DECLARACIÓN JURADA

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220, at least 72 hours in advance of the meeting.



Caroline Patton, Administrative City Clerk
Secretario adjunto de la ciudad

PUBLIC NOTICE • NOTICIA PÚBLICA

Meeting Agendas and Notices

Interested in receiving email and/or text notifications of upcoming City Council meetings? Sign up for meeting notifications through the City's website. Pursuant to amended Government Code §54957.5(b), staff reports and other public records related to open session agenda items are available on the City's website (www.banningca.gov/).

Public Comment

Agenda Items

Any member of the public may address this meeting of the City Council on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person.

Non-Agenda Items

Any member of the public may address this meeting of the Council on any item which does not appear on the regular meeting agenda but is of interest to the general public and is an item upon which the Council may act. A three-minute limitation shall apply to each member of the public and no member shall be permitted to share their time with any other person. No action shall be taken, nor discussion held by the Council, on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of §54954.2 of the Government Code.

Special Assistance/Accessibility Requests

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the City Clerk's Office. Advanced notification of at least 48 hours prior to the meeting will allow the city to make arrangements to ensure your accessibility.

¿Necesita servicios de traducción para participar? Contacto Oficina del Secretario de la Ciudad.

CONTACT • CONTACTO

City Clerk's Office | 951-922-3102 | CityClerks@banningca.gov
99 East Ramsey Street, Banning, California 92220



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Administrative City Clerk

MEETING DATE: February 6, 2024

SUBJECT: Interviews of Candidates for Appointment to Fill City Council District 4 Vacancy

RECOMMENDATION:

Staff recommend that the City Council interview qualified candidates who have submitted applications to fill the City Council District 4 vacancy by appointment.

BACKGROUND:

On December 12, 2023, City Council Member Reuben Gonzales submitted a signed resignation letter to the City Clerk's Office. Consistent with the provisions of Government Code Section 1770(c)(2), the December 12th letter stated that the effective date of Mr. Gonzales' resignation would be December 12, 2023, after the conclusion of Item 3.1 ("Presentation(s)") on the City Council regular meeting agenda.

Under the Banning Municipal Code ("BMC"), the City is to follow the Government Code Section 36512(b), which provides that if a vacancy occurs in an elective office, the Council must, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy (BMC Section 2.04.040). The vacancy for District 4 commenced on December 12, 2023, after Item 3.1 on the Regular City Council meeting agenda. As a result, by February 10, 2024, the Council must either (1) fill the vacancy by appointment or (2) call a special election to fill the vacancy. At the January 9, 2024 regular meeting, City Council voted 3-1 to appoint a qualified elector to fill the District 4 vacancy and provided direction to staff concerning the Council's desired process for filling the vacancy by appointment.

Council Member Gonzales was elected in November 2022, began his term of office in December 2022, and, at the time of his resignation, was serving the first half of his four-year term. Government Code Section 36512(b)(2)(A) states that if the vacancy occurs in the first half of the term and at least 130 days prior to the next general municipal election (i.e., November 5, 2024), "the person appointed to fill the vacancy shall hold office until the next general municipal election." Therefore, the person appointed will hold office until the November 5, 2024 election.

JUSTIFICATION:

Following the January 9, 2024 City Council meeting, the City Clerk's Office began a recruitment process for the vacancy. The next day, January 10, 2024, the application for the vacancy and a corresponding informational website were launched on the City's webpage. A slide was created for the City's homepage and the vacancy was publicly noticed in the Record Gazette (January 19, 2024 edition).

The Record Gazette published a web story on the vacancy on January 11, 2024 and it appeared as a front-page article in the January 12, 2024 edition. The web story was updated and the story featured

again on the cover of the January 19th edition. Both the City of Banning and the Record Gazette Facebook accounts promoted the vacancy and application period, with information about when and how to apply.

The following five applicants are registered voters in the City of Banning's District 4 and are qualified to serve:

- Beverly Berry
- David Happe
- Keenan McCafferty
- Diego Rose
- Richard Royce

FISCAL IMPACT:

There is no fiscal impact as a result of holding these interviews.

ALTERNATIVES:

1. Interview qualified candidates who have submitted applications to fill the City Council District 4 vacancy by appointment.
2. Provide staff direction to take alternate action before February 10, 2024, as required by Government Code Section 36512(b).

ATTACHMENTS:

1. [Applications Memorandum to City Council - REVISED.pdf](#)
2. [Record of Noticing for District 4 Vacancy.pdf](#)
3. [Banning, CA Code of Ordinances Section 2.04.040.pdf](#)
4. [GC 1770.pdf](#)
5. [GC 36512.pdf](#)



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Administrative City Clerk

MEETING DATE: February 6, 2024

SUBJECT: Applicants to Fill District 4 City Council Vacancy

RECOMMENDATION:

City staff respectfully recommends City Council review the attached applications submitted by qualified District 4 residents seeking to serve on the City Council.

BACKGROUND:

The resignation of Council Member Gonzales on December 12, 2023 created a vacancy on the City Council. On January 9, 2024, the City Council voted 3-1 to fill the seat by appointment until the November 2024 election. The application period opened the following day, January 10, 2024, and ran through February 2, 2024.

JUSTIFICATION:

Applications were received from the following qualified residents:

- Beverly Berry
- David Happe
- Keenan McCafferty
- Diego Rose
- Richard Royce

ATTACHMENTS:

1. Application of Beverly Berry
2. Application of David Happe
3. Application of Keenan McCafferty
4. Application of Diego Rose
5. Application of Richard Royce



APPLICATION TO SERVE ON CITY COUNCIL – DISTRICT 4

This application is to fill a vacancy on the Banning City Council representing District 4. The term of office will begin upon appointment and will expire on December 10, 2024. The City Council meets bimonthly on the **Second and Fourth Tuesday** of each month. Although regular meetings begin at 5:00 p.m., special meetings (closed sessions and/or workshops) are frequently scheduled before regular meetings. *[City Council is dark (no meeting) for the first meeting in August and the second meetings in July, November and December of each year.]* Pursuant to Banning Resolution No. 2012-67, appointment is dependent on a clear background check and LiveScan fingerprinting. **Applications are due to the City Clerk's Office no later than Friday, February 2, 2024.**

Name	Beverly Berry		
Phone	303-482-7661	Alt. Phone:	
Email Address	bev.berry50@gmail.com		
Address	200 Jennifer Way Banning CA 92220		
Are you currently employed?	☒ Yes	☐ No	
Position	Managing Director, Recruiting	Company	PDS Inc
Length of Residency in Banning	2 years		
Are you a registered voter of District 4?	☒ Yes	☐ No	

1. Tell us about your background, including education, work, and volunteer experience, civic involvement, and other experience relevant to this appointment.

I have 40 years of business experience and currently work as the Managing Director, Recruiting for PDS Inc., www.pdsinc.com -which is a privately held Aerospace, Engineering and Information Technology Services Company.

I have 28 years of experience in my current career of recruiting, business development, and technology staffing. Prior to that, I worked in accounting, human resources and business operations for 10 years. You can find my complete work history and recommendations on LinkedIn at <https://www.linkedin.com/in/beverlyberry/>

The most relevant experience to the work involved as a city council member is the volunteer work I did for the Software Quality Association of Denver AKA SQuAD. I was elected to the SQuAD board of directors in 1998 and served as Treasurer and then elected to the Vice President role and finally as President. I served on the board for almost 20 years until I retired from it in 2017. Elections were held every two years for this role, it was non-paid and involved serving and working with large, diverse groups of people, with different ideas, opinions and agendas that shared some common goals.

2. How many City Council meetings have you attended or observed in the last year? 1

3. What are your reasons for wanting to serve on the City Council?

The simple answer is that I want to be involved in the city and believe I can make a difference. Since moving to Banning in February of 2022, I have felt, for lack of a better word, a calling, to get involved in the city. I went to my first meeting on January 9th to show support for the Animal Shelter and learn about the issues that would cause us to decide to close it. It was my first meeting and I was not aware of the structure and length of the meeting, and ended up having to leave shortly before the topic came up as I had another commitment that night. Later that evening, I went to the city website to find out how to run for City Council. The next morning, my husband told me that you were accepting applications, and so here I am. The reasons I think I am well-suited to the role are that I am fundamentally hardwired and have a genuine desire to serve the community and do what I can for the well-being of others. I excel in roles that involve working with a diverse group of people. I have the ability to see and communicate the common ground. I quickly grasp complex issues, am analytical and data driven in my decision making.

4. Please identify 3-5 public issues facing City Council currently and explain how you feel they may be resolved.

I am not up to speed on the issues facing City Council currently and without knowing the details, concerns, viewpoints, ideas and solutions of the people who care about them, I won't pretend to have ideas to resolve them.

And here are some of the concerns I heard about and have read about on the agenda.

1. I heard concerns about traffic and what some of the residents described as dangerous traffic areas near Sun Lakes that residents want addressed.
2. The potential closing of the Animal Shelter
3. Growth for the city
4. The Food Desert
5. A new program to help support some of the homeless working to get off the street

Please return to: City of Banning
City Clerk's Office
99 E. Ramsey Street
PO Box 998
Banning, CA 92220
cityclerks@banningca.gov

Return by: **Friday, February 2, 2024**
5:00 p.m.

Remember to sign your application.

Signature

Date

January 11, 2024



APPLICATION TO SERVE ON CITY COUNCIL – DISTRICT 4

This application is to fill a vacancy on the Banning City Council representing District 4. The term of office will begin upon appointment and will expire on December 10, 2024. The City Council meets bimonthly on the **Second and Fourth Tuesday** of each month. Although regular meetings begin at 5:00 p.m., special meetings (closed sessions and/or workshops) are frequently scheduled before regular meetings. *[City Council is dark (no meeting) for the first meeting in August and the second meetings in July, November and December of each year.]* Pursuant to Banning Resolution No. 2012-67, appointment is dependent on a clear background check and LiveScan fingerprinting. **Applications are due to the City Clerk's Office no later than Friday, February 2, 2024.**

Name David Happe

Phone 619-916-6828 Alt. Phone:

Email Address dhappehp@gmail.com

Address 4256 Hillside Dr. Banning CA 92220

Are you currently employed? ☐ Yes ☒ No

Position Retired Company

Length of Residency in Banning

Are you a registered voter of District 4? ☒ Yes ☐ No

1. Tell us about your background, including education, work, and volunteer experience, civic involvement, and other experience relevant to this appointment.

Attached doc

2. How many City Council meetings have you attended or observed in the last year? 3

3. What are your reasons for wanting to serve on the City Council?

Attached doc

4. Please identify 3-5 public issues facing City Council currently and explain how you feel they may be resolved.

Attached doc

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cityclerks@banningca.gov

Return by: **Friday, February 2, 2024**
5:00 p.m.

or application.

Sig

1-29-2024
Date

Bio;

I'm a retired firefighter and entrepreneur, currently enjoying life in Banning, California with my wife, Stacey. Born in 1958 and raised in northern New Jersey, I graduated from Hackensack High School in 1976. My parents, an electronics engineer and a psych therapist, instilled in me the values of hard work and dedication.

In 1972, a visit to my aunt in San Diego sparked my love for the city. At 19, I left everything behind and moved to the west coast. I worked odd jobs and attended community college classes, eventually meeting my future wife. We were active volunteers in our community, even assisting at an orphanage in Mexico.

My career took a turn when a friend suggested I apply for the San Diego Fire Academy. Despite the intense competition, I was selected for a position with the department in 1989. Over the years, I climbed the ranks and served as a Deputy Fire Marshall, learning invaluable lessons about community responsibility, problem-solving, and critical thinking.

After retiring in 2015, I embarked on a new adventure with Stacey. We opened The Station TapHouse in downtown Banning, a testament to our entrepreneurial spirit. This chapter taught me the importance of supporting small businesses, the backbone of our community.

In 2018 having a successful business in Banning I was requested to run for Banning City Council. I was honored to support our beautiful city and make decisions that honor my constituent's. It is with great pride that I served a full term on city council where I feel that I was able to contribute to the progress and fiscal responsibility that is creating stability for the future of our town.

On a personal note, I'm a proud father of two and grandfather of four. My son, a former professional football player, lives in Kansas with his family. My daughter, a Micro Biology graduate from UCSD, resides in Escondido with her family.

What are your reasons for wanting to serve on the City Council

I am driven by a vision, a vision that is fueled by endless possibilities and forms the bedrock of an audacious objective. My aspiration is to transform Banning into one of the top ten most desirable places to reside in the state of California. This transformation won't occur overnight, and most importantly, it cannot materialize without the shared vision of Banning's residents. We must collectively embrace this direction, making it a shared dream for everyone who resides in, conducts business with, or contributes to the city of Banning.

The groundwork for this vision was laid during my first term. We brought on board a team of exceptional professionals, implemented numerous enhancements to the city's infrastructure, and established the groundwork for revenue generation. However, the journey is far from over. There is still a significant

amount of work that lies ahead. It's crucial to understand that this endeavor is not about an individual, but about all of us, working together for the betterment of our city.

Please identify 3-5 public issues facing City Council currently and explain how you feel they may be resolved

Statement 1: One of the most significant and pressing issues for the City of Banning is the ongoing challenge of maintaining staffing, morale, continuity, and community responsibility within our police force. I propose that we persist in our efforts to incentivize responsible behavior among our police officers. This could involve exploring options such as retention bonuses, attendance perks, and promotional incentives. Additionally, studying the strategies employed by other successful organizations within the state could yield valuable insights. It's important to note that the Police Department represents one of our largest budget items, making these considerations all the more crucial.

Statement 2: Another contentious issue that this Council faces is determining the future of the legal cannabis business in our city. The Council's approach has been prolonged, largely due to the influence of a small group of vocal critics. However, I have always viewed this as an opportunity to significantly enhance both the revenue and livability of our city. Those who have expressed caution or even fear have been proven wrong by the positive impacts this industry has had on safety, cleanliness, and revenue generation. All development should be approached with prudence, insight, and logic. I continue to see a potential for cooperation between the business community and the city, which could further enhance our prosperity.

Statement 3: One of the paramount issues is fostering and encouraging community partnerships. It's crucial that we extend our support to the Banning School District, the Morongo Tribal Council, and various non-profit organizations that have our community's best interests at heart. One of the most effective strategies I've observed is the aggressive pursuit of grants from all possible sources. This approach forms a robust financial backbone, drawing our community together and providing assistance to those who need it most. I have nothing but admiration for those who selflessly devote their time, resources, and efforts for the betterment of our community, and they deserve our full support.

Regrettably, recent headlines have highlighted a lack of reported support for individuals who are doing the work that others are unable or unwilling to do, specifically in supporting the animals housed in our animal shelter. This shelter should be a beacon of community pride, as it was when it was first established. I firmly believe that this council should do everything within its power to resolve this issue in a manner that is both humane to the animals and fiscally responsible to those who dedicate their time to serve the city by caring for these animals.



APPLICATION TO SERVE ON CITY COUNCIL – DISTRICT 4

This application is to fill a vacancy on the Banning City Council representing District 4. The term of office will begin upon appointment and will expire on December 10, 2024. The City Council meets bimonthly on the **Second and Fourth Tuesday** of each month. Although regular meetings begin at 5:00 p.m., special meetings (closed sessions and/or workshops) are frequently scheduled before regular meetings. *[City Council is dark (no meeting) for the first meeting in August and the second meetings in July, November and December of each year.]* Pursuant to Banning Resolution No. 2012-67, appointment is dependent on a clear background check and LiveScan fingerprinting. **Applications are due to the City Clerk's Office no later than Friday, February 2, 2024.**

Name Keenan McCafferty
Phone (951) 392-9991 Alt. Phone: _____
Email Address Keenanmccafferty@gmail.com
Address 507 Autumn Ln Banning CA, 92220
Are you currently employed? ☒ Yes ☐ No
Position Lead Carpenter Company Bogh Eng.
Length of Residency in Banning March 31, 1999 – Present
Are you a registered voter of District 4? ☒ Yes ☐ No

1. Tell us about your background, including education, work, and volunteer experience, civic involvement, and other experience relevant to this appointment.

Education: K-4: Central Elementary

5th/6th: Coombs

7th/8th: Nicolet

High School diploma from Banning High.

Currently waiting to enroll for a Registered Nurse Program. (Some college, prerequisites done)

YRS: 2017-2019: Local 105 Sheet Metal Union doing Architectural sheet metal.

2019-2021: US ARMY'S Special Operations Unit

2nd Bn 75th Ranger Regiment

Application for City Council – District 4

Page 1 of 2

2021-Present: Bogh ↑ + Business started Jan. 2024

2. How many City Council meetings have you attended or observed in the last year? 0

3. What are your reasons for wanting to serve on the City Council?

Help the city that not only I grew up in but my parents, Grandparents, & Great Grandparents on both sides of my family.

I possess unique capabilities + strategy planning, knowledge, etc. that I gained serving alongside & ~~for~~ the US Military's Special Operations Forces. To be selected for a special operations unit you have to successfully complete a selection course that moves you out of the regular army & into the United States Special Operations Command (USSOCOM).

4. Please identify 3-5 public issues facing City Council currently and explain how you feel they may be resolved.

1. Parks & Rec. lacks a successful way to connect w/ the residents of Banning to participate in community events.

2. Gang issues/culture is still present & I have had 1st hand family experiences that have affected my family & I.

3. Lack of successful business to offer positive hobbies, bright futures & meaningful income to impact the city.

Please return to: City of Banning
City Clerk's Office
99 E. Ramsey Street
PO Box 998
Banning, CA 92220

Return by: Friday, February 2, 2024
5:00 p.m.

cityclerks@banningca.gov

Remember to sign your application.



02/02/2024
Date

24 FEB 2 4:25 PM



APPLICATION TO SERVE ON CITY COUNCIL – DISTRICT 4

This application is to fill a vacancy on the Banning City Council representing District 4. The term of office will begin upon appointment and will expire on December 10, 2024. The City Council meets bimonthly on the **Second and Fourth Tuesday** of each month. Although regular meetings begin at 5:00 p.m., special meetings (closed sessions and/or workshops) are frequently scheduled before regular meetings. *[City Council is dark (no meeting) for the first meeting in August and the second meetings in July, November and December of each year.]* Pursuant to Banning Resolution No. 2012-67, appointment is dependent on a clear background check and LiveScan fingerprinting. **Applications are due to the City Clerk's Office no later than Friday, February 2, 2024.**

Name Diego Rose

Phone 909-915-9708 Alt. Phone: 951-729-0024

Email Address Marlascocina17@gmail.com

Address 2021 W. Wilson St.

Are you currently employed? ☒ Yes ☐ No

Position Owner Company Behind Bars Inc.

Length of Residency in Banning 16 yrs

Are you a registered voter of District 4? ☒ Yes ☐ No

1. Tell us about your background, including education, work, and volunteer experience, civic involvement, and other experience relevant to this appointment.

I received my high school diploma from Canyon Springs High School in Moreno valley, CA in 1991. After graduating I began work as a Logistics Technican for Toyota Motor Corp and continued in the hospitality industry as a busser/server/bartender. After receiving my CA Emergency Medical Technicians certificate, Wildlands Firefighting Certification for leadership crews, and my A.S. from Crafton Hills College in Yucaipa, CA in 2000, I started emergency medicine with Adams Ambulance in Los Angeles CA, the fire explorer program for the city of San Bernardino and the CA. Depart. of Forestry. I received a Bachelors in Nursing from California State University San Bernardino in 2005 while working in the hospitality industry and as a student nurse at Arrowhead Regional Medical Center (ARMC). I started my nursing career at ARMC in the Medical/Surgical ICU where I continued until being offered a role at One Legacy as an Organ Transplant Coordinator. In 2007, I began employment at San Gorgonio Memorial Hospital as an E.R. Charge Nurse. In 2011, I left nursing to pursue the hospitality industry as an owner operator of Boondocks Tavern and Marla's Cocina.

2. How many City Council meetings have you attended or observed in the last year? all

3. What are your reasons for wanting to serve on the City Council?

I believe that the decision making process of our councils have, for too long, been hijacked through the city managers that have come into our city. My hope is simple. I want to help the citizens, employees, business owners, and other council members of Banning to see the importance of having rules of operation, integrity, and the ability to freely think and question ALL THINGS government in our city. Transparency and accountability are NOT dirty words although it has certainly become that way in our city halls. I wish to correct this.

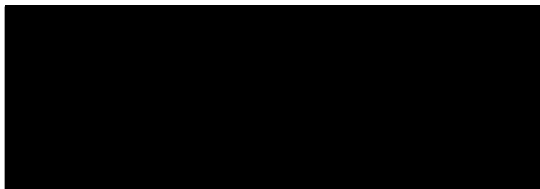
4. Please identify 3-5 public issues facing City Council currently and explain how you feel they may be resolved.

First issue needing to be addressed is this process . . . Again with rules of operation. A second issue concerning our city right now is the Banning Electric Company audit and the handling of it. A third issue that needs attention immediately is our police chief position in the city. Another pressing issue for the city is our looming deficit of approx. \$1.5 million and the LAIF account balance. A fifth issue is the city's role in transparency and accountability for the actions it takes, or fails to take, that places the city directly in harms way. I personally believe the best way to handle each of these would be to hold accountable or terminate the individual that is involved in the mismanagement of all of them directly, your current city manager.

Please return to: City of Banning
City Clerk's Office
99 E. Ramsey Street
PO Box 998
Banning, CA 92220
cityclerks@banningca.gov

Return by: **Friday, February 2, 2024**
5:00 p.m.

Remember to sign your application.



02/02/24

Date



APPLICATION TO SERVE ON CITY COUNCIL – DISTRICT 4

This application is to fill a vacancy on the Banning City Council representing District 4. The term of office will begin upon appointment and will expire on December 10, 2024. The City Council meets bimonthly on the **Second and Fourth Tuesday** of each month. Although regular meetings begin at 5:00 p.m., special meetings (closed sessions and/or workshops) are frequently scheduled before regular meetings. *[City Council is dark (no meeting) for the first meeting in August and the second meetings in July, November and December of each year.]* Pursuant to Banning Resolution No. 2012-67, appointment is dependent on a clear background check and LiveScan fingerprinting. **Applications are due to the City Clerk's Office no later than Friday, February 2, 2024.**

Name	Richard Royce		
Phone	951-849-9764	Alt. Phone:	909-641-1607
Email Address	rrr.akadata@verizon.net		
Address	923 Lunar Lane - Banning, CA 92220		
Are you currently employed?	☒ Yes	☐ No	
Position	Police Sergeant	Company	City of Rialto
Length of Residency in Banning	25 years		
Are you a registered voter of District 4?	☒ Yes	☐ No	

1. Tell us about your background, including education, work, and volunteer experience, civic involvement, and other experience relevant to this appointment.

I am 57 years old. I have a background in computer science, aviation, communications, political science, and law enforcement. I have 29 years of experience in the latter, to include 15 years as President of the Police Union. I have written grants for such things as vehicles, radios, drones, and body worn cameras. As President, I worked with the Chief of Police and co-authored a policy for the use Body Worn Video Cameras. This policy is now being used internationally as a base for BWV's everywhere. I have prepared staff reports for city council and negotiated labor contracts. This included financial review, budgeting, and audits.

I volunteer and am Chair for the Two Meter Area Spectrum Management Association (TASMA). This group is responsible for coordinating radio communications in and around Southern California. I am also a docent for the Rialto Historical Society.

2. How many City Council meetings have you attended or observed in the last year? 12

3. What are your reasons for wanting to serve on the City Council?

I am seeking the seat in District 4 because I have spent half my life as a civil servant. I have worked closely with and well with city, county, and state leaders. I am familiar with rules, regulations, codes, and laws. I would like to bring a level of balance and cohesiveness to the dais. I believe my experience, training, and knowledge of civics, finances, budgeting, conflict resolution, and fair application of the law, will be a force multiplier for the council.

4. Please identify 3-5 public issues facing City Council currently and explain how you feel they may be resolved.

- 1) Balanced Budget - Focus on grants, cost recovery, training/risk management, and responsible spending based on recurring revenue.
- 2) The number of lawsuits - Mitigate this number through training, public integrity, and proper application of the law.
- 3) Homelessness - Identify and focus on the root cause, not the symptoms.
- 4) Animal shelter - This subject is the bane of nearly every city and county in which they are present. This was demonstrated recently with a 2.5 hour public comment discussion at the January 9th meeting. This comes down to honest discussion and negotiation. There are plenty of dedicated volunteers willing to make this shelter work.

Please return to: City of Banning
City Clerk's Office
99 E. Ramsey Street
PO Box 998
Banning, CA 92220
cityclerks@banningca.gov

Return by: Friday, February 2, 2024
5:00 p.m.

Remember to sign your application.

Signature

01/12/2024

Date

City Council District 4 Vacancy Noticing

1. City Council Vacancy page posted on City's Website on January 10, 2024
<http://banning.ca.us/725/City-Council-Vacancy>

[Home](#) » [City Departments](#) » [Office of the City Manager](#) » [City Clerk's Office](#) » [City Council](#) » City Council Vacancy

City Council Vacancy

The City of Banning is now accepting applications to fill a vacancy on the City Council representing District 4. The term of office will begin upon appointment and will expire on December 10, 2024. The City Council meets bimonthly on the Second and Fourth Tuesday of each month. Although regular meetings begin at 5:00 p.m., special meetings (closed sessions and/or workshops) are frequently scheduled before regular meetings. City Council is dark (no meeting) for the first meeting in August and the second meetings in July, November and December of each year.

Pursuant to Banning Resolution No. 2012-67, any appointment is dependent on a clear background check and LiveScan fingerprinting.

Applications are due to the City Clerk's Office no later than **Friday, February 2, 2024 at 5:00 p.m.** You can submit your application by emailing it to CityClerks@banningca.gov, mailing it to the City of Banning, City Clerk's Office, PO Box 998, Banning, CA 92220, dropping it off during regular business hours (8 am to 5 pm Monday through Friday) at City Hall, located at 99 E Ramsey Street in Banning.

Still have questions? You can contact Caroline Patton at 951-922-3102 or by emailing CityClerks@banningca.gov.

[Application for City Council](#)

[Find Your City Council District Here](#)

[Municipal Code related to City Council - Roles & Responsibilities](#)

[Check Your Voter Registration Status](#)

[City Council District Maps](#)

2. Promotion and Link to City Council Vacancy page was featured on the City's homepage beginning January 10, 2024



City Council District 4 Vacancy Noticing

3. Promotion on City's Facebook on January 16, 2024

<https://www.facebook.com/CityofBanning>



The image shows a Facebook post from the official page of the City of Banning. The post is titled "City Council District 4 Vacancy" and contains the following text:

City of Banning
★ Favorites · 32m · 🌐

Update: The Banning City Council has elected to utilize the Appointment Process to fill the District 4 Vacancy of former Council Member Reuben Gonzales.

Applications for the vacancy are available at: <https://banningca.gov/725/City-Council-Vacancy>

For additional information or questions please contact the City Clerk's Office at 951-922-3102.

Staff will schedule one or more special meetings prior to February 10th during which the Council will consider candidates for appointment, and make a selection.

Per Banning Municipal Code Section 2.04.035(B)(2), any candidate for appointment to District 4 must reside in, and be registered to vote in District 4, which is generally the area between Highland Springs Road and San Geronio Avenue north of Wilson Street.

The City of Banning - Your City of Endless Opportunity!
[#cityofbanningca](https://www.facebook.com/CityofBanning)

The post includes a large graphic with the following text:

CITY COUNCIL VACANCY
Banning District 4 residents & registered voters qualify to apply
Deadline to apply
Friday, February 2 / 5pm
CLICK HERE TO APPLY

The graphic also features the City of Banning seal, which includes the text "INCORPORATED 1913", "City of BANNING", and "ENDLESS OPPORTUNITY". Below the seal is a map of the City of Banning with District 4 highlighted in purple. The map is labeled "City of Banning District #4" and "City of Banning".

City Council District 4 Vacancy Noticing

- Record Gazette online article posted on January 11, 2024

FEATURED BREAKING

Banning to fill District 4 seat by appointment

The city of Banning is accepting applications for the District 4 city council seat until 5 p.m. Friday, Feb. 2.

BY HECTOR HERNANDEZ, JR., Record Gazette Jan 11, 2024



- Record Gazette Facebook promotion of online article
<https://www.facebook.com/recordgazette>



6. Updated Record Gazette Article - Updated January 18, 2024

Banning seeks applicants for District 4 appointment

BY HECTOR HERNANDEZ, JR., Record Gazette [Jan 18, 2024](#)



Photo by Alvin Cruz
Reuben Gonzales

7. The Patch Article posted online January 10, 2024

<https://patch.com/california/banning-beaumont/banning-city-council-votes-appoint-new-councilmember>

Politics & Government

Banning City Council Votes To Appoint New Councilmember

The District 4 seat, vacated by former Council Member Reuben Gonzales, will be filled through appointment, the council decided Tuesday.



Ashley Ludwig, Patch Staff

Posted Wed, Jan 10, 2024 at 3:41 pm PT



The sitting Banning City Council members made a decision. (Renee Schiavone/Patch)

BANNING, CA — The Banning City Council voted to fill the District 4 vacancy at this week's city council meeting. The seat

City Council District 4 Vacancy Noticing

8. Public Notice posted in Record Gazette on January 19, 2024
A boxed advertisement was taken out so it was more visible.

Page 18 ■ www.recordgazette.net

Record Gazette

Friday, Jan 19, 2024

Public Notices

DEADLINES
Tuesday at 1pm
For new ads, corrections or cancellations.

HOW TO REACH US
Phone: 951-849-4586
Fax: 951-849-2437
legals@recordgazette.net

OFFICE HOURS & LOCATION
Monday-Friday 8am-5pm
218 N. Murray St.,
Banning, CA 92220

PUBLIC NOTICES
www.recordgazette.net

Public Notices

Order To Show Cause For Change of Name
Superior Court of California, County of RIVERSIDE.
Street Address: 4050 Main Street, Riverside, CA 92501
Mailing Address: 4050 Main Street, City and Zip Code: Riverside, CA 92501
Branch Name: Riverside Historic Courthouse
ORDER TO SHOW CAUSE FOR CHANGE OF NAME
Case No. CVMV2305978
PETITION OF (Name of each petitioner):
Magali Arambula, FILED SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE, DEC 20 2023.
To All Interested Persons: Petitioner, Magali Arambula and Daniel Alford Arambula filed a petition with this court for a decree changing names as follows:
Present name: Emilia Juliette Arambula
Proposed name: Emilia Soledad Arambula
THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.
NOTICE OF HEARING
DATE: 2/23/2024 TIME: 8:00AM DEPT. MV2
Address of Court is same as noted above.
3. A copy of this Order to Show Cause shall be published at least once each week, for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: Record Gazette, 218 N. Murray St., Banning, CA 92220, 951-849-4586.
Date: 12/20/2023
Tamera L. Wagner-Judge

Public Notices

Published in RECORD GAZETTE Jan 12, 19, 26, Feb 2, 2024.

ORDER TO SHOW CAUSE FOR CHANGE OF NAME
Case No. CVMV2400075
Superior Court of California, County of RIVERSIDE
Mailing Address: 13800 Heacock St. Bldg. D Moreno Valley, CA 92553
Mailing Address: City and Zip Code: Moreno Valley, 92553
Branch Name: Moreno Valley Court House
PETITION OF (Name of each petitioner):
Raymond Nathaniel Martinez, FILED SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE, JAN 05 2024.
To All Interested Persons: Petitioner, Raymond Nathaniel Martinez filed a petition with this court for a decree changing names as follows:
Present name: Raymond Nathaniel Martinez
Proposed name: Raymond Nathaniel Deverich
THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.
NOTICE OF HEARING
DATE: 2/23/2024 TIME: 8:00AM DEPT. MV2
Address of Court is same as noted above.
3. A copy of this Order to Show Cause shall be published at least once each week, for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: Record Gazette, 218 N. Murray St., Banning, CA 92220, 951-849-4586.
Date: 12/20/2023
Tamera L. Wagner-Judge

Public Notices

A new Fictitious Business Name Statement must be filed before the expiration of the rights of another under Federal, State, or Common Law (See Section 1441 Et Seq., Business and Professions Code) THE ORIGINAL STATEMENT IS ON FILE IN THE OFFICE OF THE SAN BERNARDINO COUNTY CLERK.
Published Record Gazette January 5, 12, 19, 26, 2024.

Order To Show Cause For Change of Name
Superior Court of California, County of RIVERSIDE
Street Address: 13800 Heacock Ave Bldg. D Moreno Valley, CA 92553
Mailing Address: City and Zip Code: Moreno Valley, 92553
Branch Name: Moreno Valley Court House
PETITION OF (Name of each petitioner):
Cesar Bernabe Vega Rodriguez, FILED SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE, NOV 01 2023.
To All Interested Persons: Petitioner, Cesar Bernabe Vega Rodriguez filed a petition with this court for a decree changing names as follows:
Present name: Cesar Bernabe Vega Rodriguez
Proposed name: Cesar Bernabe Vega
THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.
NOTICE OF HEARING
DATE: 02/21/2024 TIME: 8:00AM DEPT. MV2
The address of the court is 13800 Heacock Ave, D201, Moreno Valley, CA 92553-3338.
3. A copy of this Order to Show Cause shall be published at least once each week, for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: Record Gazette, 218 N. Murray St., Banning, CA 92220, 951-849-4586.
Date: Nov 1, 2023
David E. Gregory, Commissioner
Judge of the Superior Court
Published in RECORD GAZETTE

Public Notices

A new Fictitious Business Name Statement must be filed before the expiration of the rights of another under Federal, State, or Common Law (See Section 1441 Et Seq., Business and Professions Code) THE ORIGINAL STATEMENT IS ON FILE IN THE OFFICE OF THE SAN BERNARDINO COUNTY CLERK.
Published Record Gazette January 5, 12, 19, 26, 2024.

Public Notices

FICTITIOUS BUSINESS NAME STATEMENT
FILE NO. R-202317434
The following person (persons) is (are) doing business as JBS JUNK REMOVAL, 435 E. LINCOLN ST., SUITE D, BANNING, CA 92220 County of RIVERSIDE State: CA Mailing Address: 670 W. RAMSEY ST., BANNING, CA 92220 This business is conducted by: INDIVIDUAL Full Name of Registrant(s): RUBEN JR. VILLARREAL, FELIX, 670 W. RAMSEY ST., BANNING, CA 92220 List State of Corp./LLC: Must be registered in California: CA Registrant has not yet commenced to transact business under the fictitious name(s) listed above. I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000). Signature: LLOYD PAUL DURO III
Typed or Printed Name(s) LLOYD PAUL DURO III
If Limited Liability Company/Corporation Title: Statement filed with the County Clerk of RIVERSIDE County on 11/21/2023, NOTICE in accordance with Subdivision (a) of Section 17920, A Fictitious Business Name Statement must be filed before the expiration of the rights of another under Federal, State, or Common Law (See Section 1441 Et Seq., Business and Professions Code) THE ORIGINAL STATEMENT IS ON FILE IN THE OFFICE OF THE SAN BERNARDINO COUNTY CLERK.
Published Record Gazette January 19, 26, February 2, 9, 2024.

Public Notices

FICTITIOUS BUSINESS NAME STATEMENT
FILE NO. R-20240455
The following person (persons) is (are) doing business as FLOREA FAMILY TOOLS, 9998 PINE AVE, ANGELES OAKS, CA 92305 County of: SAN BERNARDINO State: CA Mailing Address: P O BOX 65, ANGELES OAKS, CA 92305 This business is conducted by: MARIBEL COOPER, FULL Name of Registrant(s): INNOVATIVE BUSINESS PERSPECTIVE, INC., 35562 YUCAIPA BLVD, STE 4, PMB 502, YUCAIPA, CA 92399, Full Name of Registrant(s): INNOVATIVE BUSINESS PERSPECTIVE, INC., 35562 YUCAIPA BLVD, STE 4, PMB 502, YUCAIPA, CA 92399 List State of Corp./LLC: Must be registered in California: CA Registrant has not yet commenced to transact business under the fictitious name(s) listed above. I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000). Signature: MINERVA COVERT
Typed or Printed Name(s) MINERVA COVERT

CITY OF BANNING CITY COUNCIL VACANCY DISTRICT 4

The City of Banning is now accepting applications to fill a vacancy on the City Council representing District 4. The term of office will begin upon appointment and will expire on December 10, 2024. The City Council meets bi-monthly on the Second and Fourth Tuesday of each month. Although regular meetings begin at 5:00 p.m., special meetings (closed sessions and/or workshops) are frequently scheduled before regular meetings. City Council is dark (no meeting) for the first meeting in August and the second meetings in July, November and December of each year.

Pursuant to Banning Resolution No. 2012-67, any appointment is dependent on a clear background check and LiveScan fingerprinting. Applications are due to the City Clerk's Office no later than Friday, February 2, 2024. Email: CityClerk@banningca.gov for more information or to receive an application. More information can be found at <http://banningca.gov/725/City-Council-Vacancy>

By Caroline Patton, Administrative City Clerk
City of Banning, California

Dated: January 10, 2024
Publish: January 19, 2024

City Council District 4 Vacancy Noticing

9. Record Gazette story on front page of January 12, 2024 Edition

Banning | Beaumont | Cherry Valley | Cabazon
Your Community. Your Newspaper.

Record Gazette

Friday, Jan. 12, 2024 Visit our website: recordgazette.net 75 cents

Beaumont defeats Citrus Valley
See story on page 10.

Fatal collision
Page 2

Sites Reservoir
See page 3.

Banning to fill District 4 seat by appointment
By HECTOR N. HERNANDEZ JR.
Record Gazette

The Banning City Council has chosen to fill the District 4 vacancy, left by Rueben Gonzales' resignation, by appointment, until a new council member can be elected by the District 4 voters in the November 2024 General Election.

During its Jan. 9 meeting, the city council instructed staff to advertise for candidates and to prepare to place the District 4 seat on the Nov. 5 ballot.

Candidates will be interviewed for an appointment to be made at the Feb. 13 council meeting. The appointee will

serve until the winner of the November election takes office. The elected council member will then serve out the remaining two years of Gonzales' term, which ends December 2026.

Gonzales was elected in November 2022 and announced his resignation Dec. 12, 2023, after he moved out of District 4. The city had 60 days from the resignation to determine how the vacancy will be filled.

Because Gonzales was still in the first half of his term the appointed replacement could not complete Gonzales' term, but will serve until the next general election, per government code.

Candidates for the office must live in and be registered to vote in District 4, which covers an area north of Wilson Street, east of Highland Springs Avenue and west of San Gorgonio Avenue, with a pocket south of Wilson at Highland Home Road.

To view a map of Banning's voting districts, visit the city's website at banning.ca.us/717/Current-City-Council-Districts.

Two stabbed in fight

The Banning Police Department is investigating a fight at a Chevron gas station on Sunday, Jan. 7, that resulted with two subjects being stabbed. Both subjects were treated for non-life threatening injuries.

According to a Banning Police Department press release, at 12:44 a.m. on Sunday Banning police officers responded to the Chevron at 827 W. Ramsey St. in the city of Banning regarding multiple subjects fighting. Prior to officers arriving, the subjects who were involved in the fight had fled the scene. Witnesses told officers that one of the subjects who was involved in the fight had possibly been stabbed.

At approximately 1 a.m., Banning police dispatch received a telephone call from a local hospital, advising they had two victims arrive in the emergency room, who had both suffered from stab wounds. Upon officers arrival to the hospital, officers were advised by the victims that they were both stabbed at the Chevron gas station at 827 W. Ramsey St.

Neither of the victims had life threatening injuries and were both listed in stable condition.

This is an active and ongoing investigation, and no other information can be released at this time.

The Banning Police Department is asking anyone who may have additional information regarding this case to contact the Banning Police Department Detective Bureau at 951-849-1511.

Banning to term shelter contract
By HECTOR N. HERNANDEZ JR.
Record Gazette

Two years and eight months into a five-year contract with ARE Animal Rescue Inc. for animal shelter services for the city, the Banning City Council voted to terminate the contract after concerns raised by members of the public and Councilwoman Sheri Flynn over ARE's operation of Banning's animal shelter.

On Dec. 12 the city council voted 4-0 (one seat remains vacant after the resignation of Reuben Gonzales in December) to terminate the contract and authorize City Manager Doug Schulze to negotiate a contract with Riverside County for animal shelter services.

Schulze reported to the council that he approached Riverside County Department of Animal Services about a possible contract and that the county wants the contract to not only include shelter services but also animal control services (which the city currently handles through its own police department). This would mean laying off the city's two animal control officers.

Schulze stated that a contract for services based on the amount of animal Banning sheltered could exceed \$900,000 ly. This would be an increase of \$500,000 animal shelter and control costs. He said that when, in the past, contracted with the for animal control they received eight week in animal control costs.

"Not a lot of Schulze said.

At its Jan. 9 meeting, council approved a resolution, authorizing \$ give a 180-day notification, as opposed to 90-day notice applicable in December. Ninety deemed an amount of time for termination.

Also on Jan. 9, council approved the of a committee to animal control. Flynn and Mayor Rick Minjares were to the committee, and also include city community members and volunteers.

ARE Animal Rescue The ARE contract approved in April ARE to provide a of animal shelter services the operation of

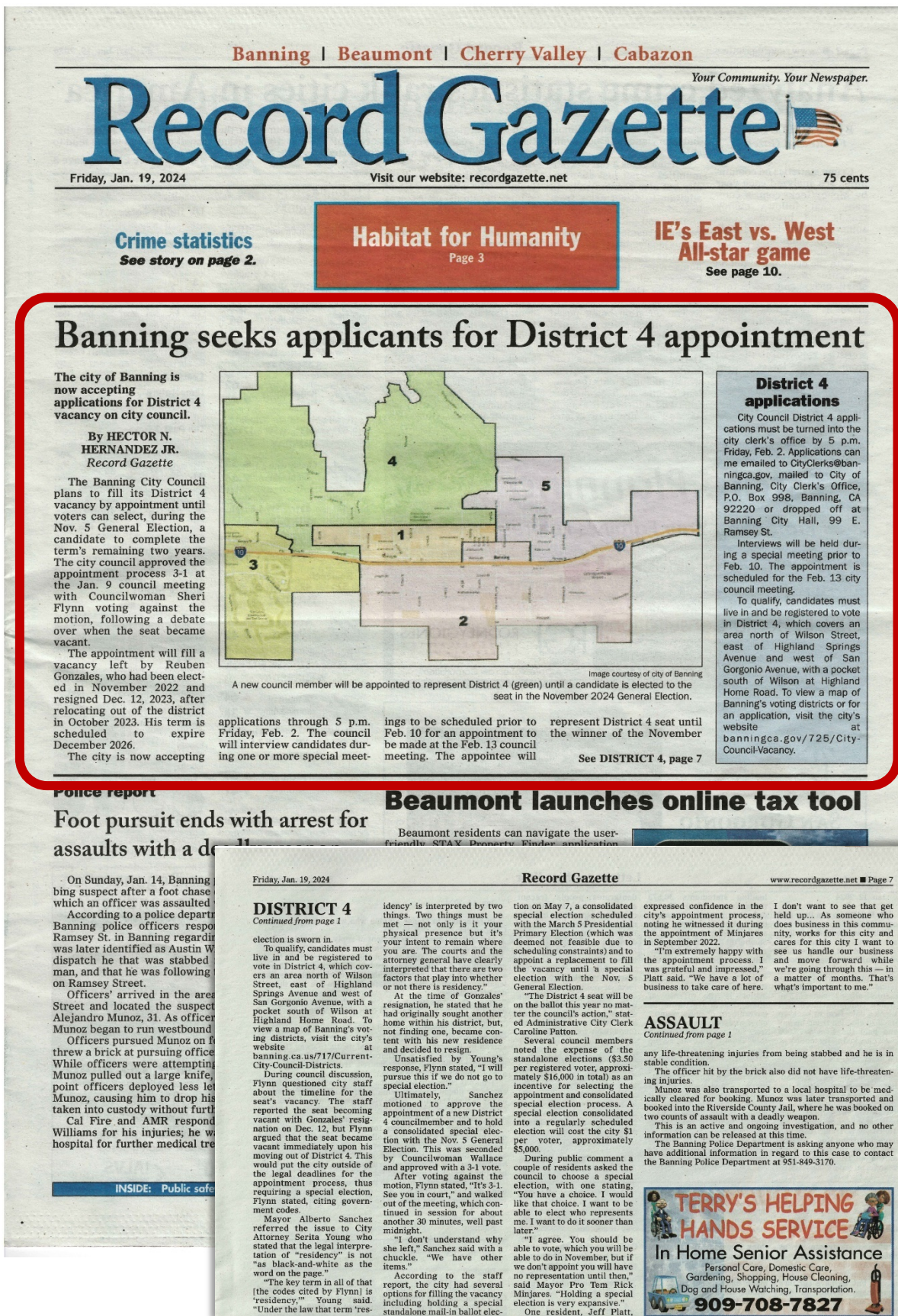
Dogs at the Banning Animal Shelter

DISTRICT 4
Continued from page 1

Image courtesy of city of Banning

A new council member will be appointed to represent District 4 (green) until a candidate is elected to the seat in the November 2024 General Election.

INSIDE: Public safety 2 Weather 2 Letters 7 Sports 8 Announcements 11 Obituaries 11 Pub



2.04.050 - City council—Regular review of public utilities department operations.

- A. The city council shall meet as required but not less than once each quarter, to review the operations of the public utilities. Said operations and related subjects shall be the only topics upon which a decision may be made at any meeting held pursuant to this section, except as set forth in subsection C. Meetings shall be regularly held on a date and at a time and location to be established by resolution of the city council.
- B. A meeting, other than a regularly scheduled meeting, may be scheduled by the city manager, or upon the request of the mayor or two members of the city council.
- C. At least once monthly, at a regular meeting of the city council, the city manager shall present on the consent agenda for review, the record of the prior month's operations of the public utilities department.

(Code 1965, § 2-2.4.)

State of California

GOVERNMENT CODE

Section 1770

1770. An office becomes vacant on the happening of any of the following events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term. This subdivision shall not apply to offices created by the California Constitution nor to federal or state legislators.

(c) (1) His or her resignation, except as provided in paragraph (2).

(2) In the case of the office of city council member, upon the delivery of a letter of resignation by the resigning council member to the city clerk. The letter of resignation may specify a date on which the resignation will become effective.

(d) His or her removal from office.

(e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged.

(f) His or her absence from the state without the permission required by law beyond the period allowed by law.

(g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

(h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For purposes of this subdivision, “trial court judgment” means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.

(i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.

(j) The decision of a competent tribunal declaring void his or her election or appointment.

(k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.

(l) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that

event the office shall not be deemed vacant until the order of commitment has become final.

(m) (1) The incumbent is listed in the Excluded Parties List System and all of the following subparagraphs apply:

(A) The office is one that the incumbent holds ex officio, by virtue of holding another office, or as an appointee.

(B) The appointed or ex officio office is on the governing board of a local agency that is, or may reasonably be expected to be, a participant or principal in a covered transaction, pursuant to federal law.

(C) A federal agency head or designee has not granted the incumbent an exception, in writing, permitting the incumbent to participate in a particular covered transaction in which the local agency is, or may reasonably be expected to be, a participant or principal.

(2) For purposes of this subdivision, the following terms have the following meanings:

(A) "Excluded Parties List System" means the list maintained and disseminated by the federal General Services Administration containing names of, and other information about, persons who are debarred, suspended, disqualified, or otherwise excluded from participating in a covered transaction, pursuant to federal law.

(B) "Local agency" includes, but is not limited to, a county, whether general law or chartered, city, whether general law or chartered, city and county, school district, municipal corporation, district, political subdivision, or any board, commission, or agency of one of these entities.

(C) "Federal law" includes, but is not limited to, federal regulations adopted pursuant to Section 2455 of Public Law 103-355 (108 Stat. 3327), Executive Order No. 11738, Executive Order No. 12549, and Executive Order No. 12689.

(3) This subdivision shall not apply to an elective office.

(Amended by Stats. 2014, Ch. 725, Sec. 1. (AB 1795) Effective January 1, 2015.)

State of California

GOVERNMENT CODE

Section 36512

36512. (a) If a vacancy occurs in an appointive office provided for in this chapter, the council shall fill the vacancy by appointment. A person appointed to fill a vacancy holds office for the unexpired term of the former incumbent.

(b) If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy.

(1) If the council calls a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(2) If the council fills the vacancy by appointment, the person appointed to fill the vacancy shall hold office pursuant to one of the following:

(A) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(B) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent.

(c) Notwithstanding subdivision (b) and Section 34902, a city may enact an ordinance that does any of the following:

(1) Requires that a special election be called immediately to fill every city council vacancy and the office of mayor designated pursuant to Section 34902. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election.

(2) Requires that a special election be held to fill a city council vacancy and the office of mayor designated pursuant to Section 34902 when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the filing of the petition. A governing body that has enacted such an ordinance may also call a special election pursuant to subdivision (b) without waiting for the filing of a petition.

(3) Provides that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election.

(d) (1) Notwithstanding subdivision (b) and Section 34902, an appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the council having been appointed. The vacancy shall be filled in the manner provided by this subdivision.

(2) The city council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.

(3) If the city council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.

(e) (1) If the city council of a city that elects city council members by or from districts elects to fill a vacancy on the city council by appointment as a result of a city council member resigning from office, the resigning city council member may cast a vote on the appointment if the resignation will go into effect upon the appointment of a successor. A city council member shall not cast a vote for a family member or any other person with whom the city council member has a relationship that may create a potential conflict of interest.

(2) If a city council member elects to cast a vote under this subdivision, the city council member shall be prohibited from the following actions for a period of two years after the appointment of a successor:

(A) Advocating on any measure or issue coming before the city council in which the city council member may have a personal benefit.

(B) Entering into a contract of any kind with the city or a city vendor.

(C) Accepting a position of employment with the city or a city vendor.

(D) Applying for a permit that is subject to the approval of the city council.

(3) This subdivision shall not apply to any city council member who is resigning from the city council due to charges of, or conviction for, corruption or criminal behavior, or who is subject to a recall election.

(Amended by Stats. 2015, Ch. 185, Sec. 1. (AB 952) Effective January 1, 2016.)



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Administrative City Clerk

MEETING DATE: February 6, 2024

SUBJECT: Consideration of Resolution 2024-15, Appointing One Candidate to Fill the City Council District 4 Vacancy until a Successor has been Elected at the November 2024 General Municipal Election and Installed in Office

RECOMMENDATION:

Staff recommend that the City Council adopt Resolution 2024-15, appointing one candidate to fill the City Council District 4 vacancy, to be effective immediately, until a successor has been elected at the November 2024 General Municipal Election and installed in office.

BACKGROUND:

On December 12, 2023, City Council Member Reuben Gonzales submitted a signed resignation letter to the City Clerk's Office which was effective as of that date. Under the Banning Municipal Code ("BMC"), the City is to follow the Government Code Section 36512(b), which provides that if a vacancy occurs in an elective office, the Council must, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy (BMC Section 2.04.040). The vacancy for District 4 commenced on December 12, 2023, after Item 3.1 on the Regular City Council meeting agenda. As a result, by February 10, 2024, the Council must either (1) fill the vacancy by appointment or (2) call a special election to fill the vacancy. At the January 9, 2024 regular meeting, City Council voted 3-1 to appoint a qualified elector to fill the District 4 vacancy and provided direction to staff concerning the Council's desired process for filling the vacancy by appointment.

Council Member Gonzales was elected in November 2022, began his term of office in December 2022, and, at the time of his resignation, was serving the first half of his four-year term. Government Code Section 36512(b)(2)(A) states that if the vacancy occurs in the first half of the term and at least 130 days prior to the next general municipal election (i.e., November 5, 2024), "the person appointed to fill the vacancy shall hold office until the next general municipal election." Therefore, the person appointed will hold office until a successor has been elected at the November 5, 2024 General Municipal Election and installed in office.

JUSTIFICATION:

Following the January 9, 2024 City Council meeting, the City Clerk's Office began a recruitment process for the vacancy. The next day, January 10, 2024, the application for the vacancy and a corresponding informational website were launched on the City's webpage. A slide was created for the City's homepage and the vacancy was publicly noticed in the Record Gazette (January 19, 2024 edition).

The Record Gazette published a web story on the vacancy on January 11, 2024 and it appeared as a front-page article in the January 12, 2024 edition. The web story was updated and the story featured again on the cover of the January 19th edition. Both the City of Banning and the Record Gazette

Facebook accounts promoted the vacancy and application period, with information about when and how to apply.

The five applicants are registered voters in the City of Banning's District 4 and are qualified to serve:

- Beverly Berry
- David Happe
- Keenan McCafferty
- Diego Rose
- Richard Royce

Interviews of the three qualified applicants are scheduled to immediately precede this agenda item on the February 6, 2024 Special Meeting Agenda.

FISCAL IMPACT:

There is no fiscal impact as a result of making this appointment.

ALTERNATIVES:

1. Adopt Resolution 2024-15, appointing one of the qualified candidates to fill the City Council District 4 vacancy until a successor has been elected at the November 5, 2024 General Municipal Election and installed in office.
2. Provide staff direction to take alternate action before February 10, 2024, as required by Government Code Section 36512(b).

ATTACHMENTS:

1. [Resolution 2024-15, Appointing Member to Dist. 4 Vacancy](#)

RESOLUTION 2024-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPOINTING _____ TO FILL A VACANCY IN THE OFFICE OF MEMBER OF THE CITY COUNCIL FOR CITY COUNCIL DISTRICT 4 ARISING FROM THE RESIGNATION OF CITY COUNCIL MEMBER REUBEN GONZALES

WHEREAS, Council Member Reuben Gonzales was elected to a four-year term of office at the November 8, 2022 election and, prior to his resignation, was serving in the first half of his four year term; and

WHEREAS, on December 12, 2023, Council Member Gonzales submitted a signed written letter of resignation to the City Clerk's Office effective as of that date; and

WHEREAS, California Government Code Section 36512(b) provides that the City Council shall, within 60-days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy; and

WHEREAS, at the Regular City Council Meeting held on January 9, 2024, the City Council voted to fill that the vacant office of City Council Member for District 4 by appointment pursuant to Government Code Section 36512(b)(2)(A) and directed staff to advertise the vacancy and the opportunity for persons to submit applications for appointment to the position; and

WHEREAS, during a Special City Council Meeting held on February 6, 2024, the City Council conducted interviews of qualified candidates desiring to fill the vacant office for Council Member for District 4, and received public comment; and

WHEREAS, based on those interviews, the City Council wishes to appoint _____ to fill the vacancy in the office of City Council Member for City Council District 4, and in accordance with Government Code Section 36512(b)(2)(A), for a term ending on the date that [his/her] successor has been elected at the November, 2024 Regular Municipal Election and that person has thereafter been installed in office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. Pursuant to Government Code Section 36512(b), _____ is appointed to fill the vacancy in the office of City Council for City Council District 4.

SECTION 2. Pursuant to Government Code Section 36512(b)(2)(A), _____'s appointment shall take effect immediately upon the passage of this Resolution at the February 6, 2024 Special City Council Meeting.

SECTION 3. Pursuant to Government Code Sections 36512(b)(2)(A) and 36503, _____ shall hold office for City Council District 4 upon the administration of the oath of office until the date that [his/her] successor has been elected at the November 5, 2024 Regular Municipal Election and installed in office.

PASSED, APPROVED AND ADOPTED this 6th day of February 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

**APPROVED AS TO FORM AND
LEGAL CONTENT:**

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-15, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 6th day of February 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California