



AGENDA

Special Meeting of the
Scotts Valley City Council
In-Person and Remote Access
Date: September 10, 2025
Time: 9:00 AM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 OR Zoom Video Conference https://us02web.zoom.us/j/83295730901	Agenda posted on 9-9-2025 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at: www.scottsvally.gov
ELECTED OFFICIALS		CITY STAFF MEMBERS
Derek Timm, Mayor VACANT, Vice Mayor Steve Clark, Council Member Krista Jett, Council Member Donna Lind, Council Member		Mali LaGoe, City Manager Kirsten Powell, City Attorney Cathie Simonovich, City Clerk

PUBLIC PARTICIPATION

The meeting will be available on Zoom and livestreamed to the City of Scotts Valley's YouTube channel: <https://www.youtube.com/@cityofscottsvally>

For those wishing to participate via Zoom you can join the following ways:

Zoom Webinar meeting link: <https://us02web.zoom.us/j/83295730901>

Or dial one of these numbers: (669) 900-9128 or (669) 444-9171

Webinar ID: 832 9573 0901

Whether attendance is in-person or remote, you will be given opportunities to provide public comment at the appropriate times throughout the meeting. The time limit is up to 3 minutes for an individual, or 5 minutes for someone who is representing a group of three or more, at the discretion of the Mayor. Please note that this is not a question-and-answer time, but simply a time to provide comments to the Council. At the appropriate times during the meeting for public comment, on items not on the agenda, and on specific agenda items, the Mayor will announce that public comment will be accepted.

How to comment via in-person attendance:

Please proceed to the public comment podium when the Mayor opens the item for public comment.

How to comment via Zoom Webinar:

Use the webinar attendee option to “raise hand” when the Mayor opens the item for public comment. The Clerk will unmute you when it is your turn. If you have joined via Zoom phone call, dial *9 or your phone to “raise your hand”, and the Clerk will unmute you when it is your turn.

CALL TO ORDER 9:00 AM

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

ALTERATIONS TO REGULAR AGENDA

Council can remove or add items to the Regular Agenda.

REGULAR AGENDA

Persons wishing to speak on any item may do so by raising their hand to be recognized by the Mayor.

1. Appointment of Vice Mayor
2. Consideration of Urgency Ordinance to Repeal Scotts Valley Municipal Code section 2.23.030
3. Process to Fill Vacant City Council Seat

ADJOURNMENT

ADA NOTICE

The City of Scotts Valley does not discriminate against persons with disabilities. The City Council Chambers is an accessible facility. If you wish to attend a City Council meeting and require assistance such as sign language, a translator, or other special assistance or devices in order to attend and participate at the meeting, please call the City Clerk's office at (831) 440-5600 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a City Council meeting be available in an alternative format consistent with a specific disability, please call the City Clerk's Office. The California State Relay Service (TTY/VCO/HCO to Voice: English 1-800-735-2929, Spanish 1-800-855-3000; or, Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: 9/10/2025
TO: Honorable Mayor and City Council
FROM: Mali LaGoe, City Manager
APPROVED: Mali LaGoe, City Manager
SUBJECT: **Appointment of Vice Mayor**

SUMMARY OF ISSUE

On September 4, 2025, Vice Mayor Timms announced his resignation from the City Council. The Vice Mayor serves an important role of backing up the Mayor in chairing City Council meetings as well as other Mayoral duties. Typically, the City Council appoints the Mayor and Vice Mayor responsibilities once annually, at the last City Council meeting of the calendar year. Since Vice Mayor Timms is no longer available to serve in this role, the Council should consider appointing a new Vice Mayor to complete the rest of this calendar year.

FISCAL IMPACT

There is no fiscal impact associated with appointing a new Vice Mayor to serve through the rest of 2026.

STAFF RECOMMENDATION

Staff Recommends appointing a member of the City Council to serve as Vice Mayor for the remainder of this calendar year.

TABLE OF CONTENTS

None

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: 9/10/2025
TO: Honorable Mayor and City Council
FROM: Kirsten Powell, City Attorney
APPROVED: Mali LaGoe, City Manager
SUBJECT: **Consideration of Urgency Ordinance to Repeal Scotts Valley
Municipal Code section 2.23.030**

SUMMARY OF ISSUE

On September 4, 2025, Vice Mayor Timms resigned from the Scotts Valley City Council. California Government Code ("GC") section 36512 outlines the process for filling a City Council vacancy which includes a requirement that the vacancy be filled by appointment within 60 days of the vacancy or the decision to fill the vacancy at a special election be made within 60 days of the vacancy. In addition to the GC, the Scotts Valley Municipal Code ("SVMC") section 2.23.030 outlines the City's process for filling the vacancy which is permitted, but not required, by GC section 36512.

Section 2.23.030 was adopted in 1984, prior to the enactment of GC 36512. Pursuant to the SVMC, the vacancy must be filled at a special election. Since the City adopted SVMC section 2.23.03, the cost of special elections has increased significantly. It is estimated that a special election to fill that vacancy would cost a minimum of \$50,000, which would constitute a significant expenditure of unbudgeted City funds during uncertain economic times. Pursuant to SVMC section 2.23.030 and GC section 36512, the City Council must call for the special election by November 3, 2025.

If the City Council were to repeal SVMC section 2.23.030, the City would be bound by GC section 36512 and would determine whether to fill the vacancy by a special election or by appointment. This would enable the City Council to determine which process was most appropriate at the time, taking into consideration, among other things, the timing of the next election, the cost of the election and the candidates, rather than mandating a special election which would cost tens of thousands of dollars.

Urgency Ordinance.

Due to the time limitations on filling a vacancy, if an ordinance to repeal the SVMC section 2.23.030 followed the traditional steps for adopting an ordinance, the City would be unable to meet the time frame of GC section 36512. Pursuant to GC section 36937, an ordinance generally requires two readings at separate hearings prior to adoption by the City Council; however, pursuant to Government Code section 36937(a), the City Council can pass, by 4/5

vote, an urgency ordinance to take effect immediately, without a second reading, if it is related to elections. If the City Council were to adopt this urgency ordinance, the City Council could determine the most appropriate manner to fill the current vacancy immediately, thereby enabling it to meet the timelines of GC section 36512.

FISCAL IMPACT

There is no fiscal impact associated with repealing Section 2.23.030 of Chapter 2.23, Title 2 of the Scotts Valley Municipal Code.

STAFF RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 201 as an urgency ordinance in accordance with Government Code section 36937.

TABLE OF CONTENTS

1. Ordinance No. 201 SVMC 2.23.030 Repeal

ORDINANCE NO. 201

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY REPEALING SECTION 2.23.030 OF CHAPTER 2.23, TITLE 2 OF THE SCOTTS VALLEY MUNICIPAL CODE REGARDING FILLING VACANCIES ON THE CITY COUNCIL

WHEREAS, California Government Code (“GC”) section 36512 outlines the process for filling a City Council vacancy which includes a requirement that the vacancy be filled by appointment within 60 days of the vacancy or the decision to fill the vacancy at a special election be made within 60 days of the vacancy; and

WHEREAS, in 1984, the City Council adopted an ordinance outlining the process for filling a City Council vacancy which differs slightly from GC (the “Ordinance”); and

WHEREAS, the Ordinance requires that a vacancy be filled at a special election; and

WHEREAS, since the City adopted the Ordinance, the cost of special elections has increased significantly; and

WHEREAS, a Scotts Valley City Council Member has recently resigned from his position; and

WHEREAS, a decision on how to fill the vacancy must be made by November 3, 2025; and

WHEREAS, it is estimated that a special election to fill that vacancy would cost a minimum of \$50,000, which would constitute a significant expenditure of unbudgeted City funds during uncertain economic times; and

WHEREAS, if the City Council repeals the Ordinance, the City will still be required to comply with GC section 36512 which would give it the option to either fill the vacancy by appointment or by special election, but it would not be mandated to hold a special election costing tens of thousands of dollars; and

WHEREAS, due to the time limitations on filling a vacancy, if an ordinance to repeal the Ordinance followed the traditional steps for adopting an ordinance, the City would be unable to meet the time frame of GC section 36512; and

WHEREAS, pursuant to GC section 36937, an ordinance generally requires two readings at separate hearings prior to adoption by the City Council; however, pursuant to Government Code section 36937(a), the City Council can pass, by 4/5 vote, an urgency ordinance to take effect immediately, without a second reading, if it is related to elections; and

WHEREAS, the City Council desires to adopt an urgency ordinance to repeal the Ordinance so that the City Council has a choice on how to fill the vacancy in accordance with GC section 36512.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SCOTTS VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. URGENCY FINDINGS. The City Council hereby adopts the foregoing recitals as its findings that the adoption of this Urgency Ordinance is necessary. The City Council hereby adopts, by no less than a 4/5 vote, this urgency ordinance based upon the foregoing findings.

SECTION 2. REPEAL. Section 2.23.030 of Chapter 2.23, Title 2 of the Scotts Valley Municipal Code is hereby repealed in its entirety and shall be of no further force or effect.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such ordinance and shall not affect the validity of the remaining portions thereof.

SECTION 4. REPEALS CONFLICTING ORDINANCES. All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. CEQA COMPLIANCE. The City Council finds and determines that the enactment of this Ordinance is not a "project" as that term is used in the California Environmental Quality Act ("CEQA;" Cal. Pub. Resources Code Section 21000 et seq.) or the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.). Therefore, no environmental assessment is required or necessary.

SECTION 6. PUBLICATION. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of adoption and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 7. EFFECTIVE DATE. This Urgency Ordinance shall take immediate effect upon its passage by 4/5 vote of the City Council as follows:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____
Derek Timm, Mayor

ATTEST:

Cathie Simonovich, City Clerk

APPROVED
AS TO FORM:

Kirsten Powell, City Attorney

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: 9/10/2025
TO: Honorable Mayor and City Council
FROM: Mali LaGoe, City Manager
APPROVED: Mali LaGoe, City Manager
SUBJECT: **Process to Fill Vacant City Council Seat**

SUMMARY OF ISSUE

On September 4th, 2025, Vice Mayor Allan Timms officially resigned from the City Council. Mr. Timms' resignation results in the vacancy of his City Council seat for the remainder of his term, which expires December 2026.

In accordance with Government Code section 36512, within 60 days of the resignation, the City Council must fill the vacancy either by appointment or by calling for a special election. The City Council must take action to fill the vacancy by November 3, 2025.

Special Election

If the Council should choose to hold a special election, the special election is required to be held at the next regularly established election date not less than 114 days from the call of the special election. The next regularly established election is the second Tuesday in April, on April 14, 2026. A special election would cost the City a minimum of \$50,000.00. The person elected to fill a vacancy holds the office for the unexpired term of the former incumbent. The vacant term expires just 8 months later in December 2026. If the Council directs the call for a special election, the City will incur costs for the special election in April and again for the regular election in December, for the same City Council seat.

Appointment

If the City Council determines to fill the vacancy by appointment, the appointment must be made by November 3, 2025 (60 days after the resignation). If the Council fills the vacancy by appointment, the person appointed to fill the vacancy shall serve out the unexpired term of Vice Mayor Timms' seat, until December 2026, pursuant to Government Code Section 36512(b)(2)(B). In order to be appointed to fill the vacancy under State law, the person being appointed must be a Scotts Valley resident, a registered voter within the City of Scotts Valley, and at least 18 years of age.

The City Council can appoint a qualified person by any process it deems appropriate, including the following:

- **Direct Appointment** – Typically, a direct appointment is used to appoint a former

Councilmember or current Commissioner and when the remaining term is for a short period of time.

- **Application Process** – This process would include a published application form with a deadline to submit applications to the City Clerk. The Council would then review the applicants and vote to select an appointee at a noticed City Council Meeting. Should the Council choose to fill the vacant seat by appointment, staff requests that the City Council provide feedback and direction on the sample application attached to this staff report.

Application proposed timeline:

Action	Date
Advertise the Vacancy and Publish Application	September 11, 2025
Applicants Due (two weeks from the date applications were published)	September 24, 2025 at 5pm
City Council Agenda published for October 1st special or regular meeting with applications attached	September 26, 2025
Council Vote to Make Appointment - majority vote required	October 1st, 2025

The first decision for the Council to consider is whether the vacant seat should be filled with an appointment by Council or an election. If the vacancy is to be filled with an appointment, the Council should review the proposed timeline and application and direct staff to pursue this option. If the vacancy is to be filled by a special election, staff will bring forward a resolution calling for the special election at a noticed public meeting prior to the November 3, 2025, deadline.

FISCAL IMPACT

If the City Council decides to fill the position through an appointment, there will be minor fiscal impact for noticing the appointment process in the newspaper.

If the Council decides to call for a special election to fill the vacancy, the estimated cost is \$50,000, which is not budgeted.

STAFF RECOMMENDATION

Staff recommends pursuing an appointment to fill the vacancy due to the cost and timing of calling for a special election.

TABLE OF CONTENTS

1. City Council Vacancy Application 2025



CITY OF SCOTTS VALLEY

OFFICE OF THE CITY CLERK

1 Civic Center Drive · Scotts Valley · California · 95066
Phone (831) 440-5600 · Facsimile (831) 438-2793 · www.scottsvally.gov

Application for Vacant City Council Seat Term Ending December 2026

Application Due 5:00pm September 24th, 2025

Submit via fillable online form

(Paper applications also available at the City Clerk Office and can be returned to the City Clerk by the same deadline)

Candidate Qualifications

Candidates must meet all of the following qualifications at the time the application is submitted:

- Be 18 years of age,
- Reside within the incorporated limits of the City of Scotts Valley, and
- Be registered to vote in the City of Scotts Valley.

General Information:

Name:

Address:

Date of Birth:

Phone:

Email:

Occupation:

Length of residency in Scotts Valley:

Previously held elected or appointed governmental Positions:

Civic or charitable organization involvement, current or past:

Education:

Question for City Council Applicants:

Why do you want to be on the City Council?

What skills, experience or interests would you bring to a role as a City Councilmember?

City Council meetings are held on the 1st and 3rd Wednesday of each month at 6pm. Do you have any conflicts that would prevent you from attending City Council Meetings?

City Councilmembers also represent the City on committees, regional boards and commissions. Please list your current commitments that would limit your availability during weekdays to participate in additional meetings:

What do you view as the most important issues in Scotts Valley?