



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JUNE 20, 2023
FROM: GABY PLASCENCIA WARD: 5
SUBJECT: CULTURAL HERITAGE BOARD APPOINTMENT

ISSUE:

Consider the Cultural Heritage Board Ward 5 Seat, which includes a resignation withdrawal and a recent appointment to the seat.

RECOMMENDATION:

That the Mayor and City Council consider the resignation withdrawal request for the Cultural Heritage Board Ward 5 seat, and if accepted, reconsider the appointment of Kevin A. Castellanos.

BACKGROUND:

On November 3, 2022, Ms. Horychuk resigned from her Ward 5 seat on the Cultural Heritage Board (CHB). Per Section XIV G, the resignation was effective immediately upon receipt by the City Clerk. The City Clerk forwarded the emailed resignation to the City Council for filing.

On November 11, 2022, Ms. Horychuk subsequently submitted a request to withdraw her resignation via email. Soon after, the City Clerk forwarded her withdrawal request to the City Council in accordance with Rules of Procedures and Order of Business, Section XIV.G., which reads as follows:

“The City Clerk shall forward any withdrawal to the Mayor and City Council, who may consider and approve the withdrawal. A resignation shall remain in effect notwithstanding the submission of a withdrawal, unless and until the Mayor and City Council approve the withdrawal.”

On June 6, 2023, and multiple occasions prior to said date, Ms. Horychuk and community members advocating on Ms. Horychuk’s behalf requested the City Council to consider and approve her withdrawal. Although the City Council has the discretion in accordance with City Council Rules of Procedures and Order of Business, Section XIV.G., to consider and accept a withdrawal, it is not procedural or legally required.

Subsequently, the City Council appointed Kevin A. Castellanos to serve as the Ward 5 representative to the Cultural Heritage Board in accordance with Section XIV of the City Council’s established Rules of Procedure and Order of Business.

The City Council Rules of Procedure provide a process for bringing matters before the City Council. Section IX.C.1 provides that matters pertaining to and within the subject matter jurisdiction of the City may be placed on the agenda by any Councilmember. To date, no Councilmember has taken any action to place Ms. Horychuk's request on the agenda in part because there is no procedural or legal requirement to do so. Although there is no procedural or legal requirement to do so, as a courtesy to Ms. Horychuk, this matter is being brought forward at my request for City Council consideration.

FISCAL IMPACT:

Recruitment and appointment costs are included annually in the City Clerk's budget.

Prepared by: Gaby Plascencia, Councilwoman, Ward 5
Approved as to form: Phaedra A. Norton, City Attorney

A handwritten signature in black ink, appearing to read 'G. Plascencia', written over a horizontal line.

Gaby Plascencia
Councilwoman Ward 5