



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT

January 9, 2006

8:00 A.M. NOTE TIME

Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California

Special Meeting

8:00 A.M. ROLL CALL Janz, Carlson, Marsala, McKeithen

8:02 A.M. PUBLIC COMMENTS

8:05 A.M. CLOSED SESSION

8:05 A.M. A. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6

Agency Negotiators: James H. Robinson, City Manager; Craig Jory, Jory HR

Employee Organization: Atherton Police Officers Association (APOA)

RECONVENE TO OPEN SESSION

Report of action taken.

REGULAR AGENDA

8:25 A.M. 1. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING THE PROCESS TO FILL A VACANCY ON THE CITY COUNCIL

8:55 A.M. 2. PUBLIC COMMENTS

9:00 A.M. 3. ADJOURN

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☛ Please contact the City Clerk's Office at 650.752.0500 with any questions

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk at (650) 752-0500. Notification of 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JAMES H. ROBINSON, CITY MANAGER**

FROM: KATHI HAMILTON, ACTING CITY CLERK

DATE: FOR THE SPECIAL COUNCIL MEETING OF JANUARY 9, 2006

**SUBJECT: DISCUSSION AND POSSIBLE DIRECTION TO STAFF
REGARDING THE PROCESS TO FILL A VACANCY ON THE
CITY COUNCIL**

RECOMMENDATION:

Staff recommends the Council discuss the options available, choose a method to fill the vacancy, and direct staff to begin the process to fill the vacancy for the chosen method.

BACKGROUND:

Due to the death of Council Member Conwell on December 25, 2005, a vacancy was created for the remainder of his term expiring in November, 2006. Pursuant to Government Code Section 36512 (b), the Council may appoint or call a special election to fill the vacancy for the remainder of the term. The action must be taken within 30 days of the effective date of the vacancy (by January 24, 2006) to appoint or call a special election.

Government Code Section 36512 (c) provides for adoption of an ordinance to allow for an appointment for the interim period before a special election in June. The ordinance would be effective immediately and apply to all future vacancies.

ANALYSIS:

A fairly recent statewide city clerk survey on vacancies showed that the majority of vacancies are filled by appointment. If Council chooses to fill the vacancy by appointment, two possible alternatives are:

1. Make an immediate appointment.
2. Make an appointment by January 24, 2006.
 - Announce vacancy and solicit applications (Publishing deadline for the *Almanac* is Thursdays at noon.)
 - Establish a filing deadline
 - Conduct a public meeting to hold interviews and make selection; or appoint a committee of two Council Members to screen applications then a) nominate an individual for Council ratification; or b) invite a predetermined number of applicants to interview before the full council at a regular meeting.
 - Develop a calendar to meet the January 24, 2006, deadline.

If action is taken to call a special election, the election would take place on June 6, 2006, the next regularly scheduled election not less than 114 days from the date of the vacancy. The successful candidate would serve out the remainder of the term expiring in November, 2006.

Prepared by:

Approved by:

Kathi Hamilton
Acting City Clerk

James H. Robinson
City Manager

Attachment: Government Code Section 36512

Government Code Section 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 30 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. 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 appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(c) Notwithstanding subdivision (b) and Section 34902, a city may enact an ordinance which: (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 which 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.