

**SARATOGA CITY COUNCIL MEETING  
COUNCIL VACANCY STUDY SESSION**

**MAY 24, 2010**

Mayor King called the Study Session meeting to order at 5:05PM

**ROLL CALL:**

**PRESENT:** Councilmembers Chuck Page, Howard Miller, Mayor Kathleen King,  
Vice Mayor Hunter arrived at 5:15PM

**ALSO** Dave Anderson, City Manager

**PRESENT:** Ann Sullivan, City Clerk

**REPORT OF CITY CLERK ON POSTING OF AGENDA FOR MAY 24, 2010**

Ann Sullivan, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of May 24, 2010, was properly posted on May 21, 2010.

**ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

The following person requested to speak on this item:

Jeff Schwartz – addressed the Council stating he supports filling the vacant council seat by including it in the November election and added that Council could adopt an Urgency Ordinance to implement this option under “urgency conditions” as opposed to “emergency conditions”. He added Council could appoint someone to fill the vacancy for five months and then include the vacant seat in the November 2010 election.

**COUNCIL DISCUSSION:**

Council discussed the requirements regarding the adoption of an Urgency Ordinance to fill the vacated council seat and since this topic was not scheduled as an agendized item, Council did not request the presence of the City Attorney at this Study Session. Council noted they would like the city attorney’s legal opinion.

**COUNCIL DIRECTION:**

Council directed City Manager Dave Anderson to place a telephone call to the City Attorney at this time seeking his opinion regarding the Urgency Ordinance requirements. The City Manager left the meeting to place the telephone call to the city attorney.

Council moved on to agendized items.

**AGENDA ITEM:**

**1. COUNCIL CANDIDATE INTERVIEW PROCESS AND QUESTIONS  
FOR CANDIDATES APPLYING FOR VACANT COUNCIL SEAT**

Council inquired about the steps staff had taken regarding the application format for the vacant council seat.

City Clerk Ann Sullivan, responded that based on Council's direction from the May 19, 2010 Council meeting, staff posted an announcement on the City's website regarding Council's decision to appoint someone to fill the vacant council seat, included an application and questionnaire that was similar to the Planning Commission application as a baseline, and noted that additional information would be provided after tonight's Study Session. In addition, she stated staff had composed and submitted an ad to the Saratoga Newspaper announcing the vacant council seat noting that the Council was now accepting applications to complete the unexpired term of Council Member Susie Nagpal and that the term would run until the Council Reorganization following the November 2012 Election. City Clerk Sullivan also noted that the ad specifies that the application deadline is Noon on Friday, June 4, 2010 and that interviews will be conducted in a public forum on Monday, June 7, 2010. She added the ad is scheduled to appear in the May 25, 2010 Saratoga Newspaper.

Council proceeded to discuss the types of questions they would like on the application, the supplemental questionnaire, and the interview questions that would be provided to the interested applicants.

Councilmember Page suggested the applicants be made aware of the FPPC Form 700 requirements. Council concurred that this was important and should be noted on the application.

At this time City Manager Dave Anderson addressed the Council regarding his telephone conversation earlier with the city attorney noting that City Attorney Richard Taylor stated the challenge is to make the findings for an urgency ordinance, adding that some of the findings could be that the councilmember died unexpectedly; the importance of having to fill the vacant seat between now and the election; declaring the vacant seat on the next election; schedule a Special meeting within 24 hours to consider an Urgency Ordinance adoption and this would require a 4/5<sup>th</sup> vote to implement an Urgency Ordinance, which would not be subject to a referendum. He added the city attorney had pause regarding this option being that there is no case law regarding this type of situation.

Vice Mayor Hunter expressed concerns about the possibility of a "recall" of this appointment.

Mayor King invited public comment.

**CITIZEN INPUT:**

Ms. Goel addressed the Council stating that some members of the community have expressed concerns about filling the vacancy by appointment, adding that they understand the need to appoint someone to fill this vacancy for the next six month; however, they would like to see the remainder of the term be filled through the election process.

Jeff Schwartz commented on the recall issue pertaining to the Educational Code.

Joyce Hlava commented on the questioning and answering process.

No one else requested to speak at this time.

Council provided no direction to staff on oral communications.

COUNCIL DIRECTION REGARDING AGENDA ITEM:

Council provided direction to staff regarding the appointment process, questions they would like on the Council Vacancy Application, Supplemental Questionnaire, City Council Duties and Compensation form, proposed Interview Questions, Form 700 requirements, the interviews would be approximately 30 minutes per candidate, and the order of candidate interviews would be determined by random drawing at the meeting.

There being no additional business, Mayor King asked for a motion to adjourn the Study Session.

MILLER/PAGE MOVED TO ADJOURN THE STUDY SESSION AT 7:10PM. MOTION PASSED  
4-0-Vacant.

Respectfully submitted,

Ann Sullivan, CMC  
City Clerk