

MINUTES

JOINT GONZALES CITY COUNCIL & REDEVELOPMENT AGENCY
SPECIAL MEETING
FEBRUARY 15, 2011
5:30P.M.

CALL TO ORDER

Mayor Orozco called the meeting to order at 5:30p.m.

PLEDGE OF ALLEGIANCE

The flag salute was recited by all present.

1. ROLL CALL-

CITY COUNCIL AND REDEVELOPMENT AGENCY MEMBERS PRESENT:

Mayor Pro Tem Scott Funk, Liz Silva, Jose G. Lopez, and Mayor Maria Orozco.

STAFF PRESENT:

City Manager René L. Mendez, and Administrative Specialist/Deputy City Clerk Mary Villegas

* Redevelopment Agency Item

REGULAR AGENDA

2. Consider Filling a Vacant Council Seat

City Manager Mendez reported that at the last Council meeting, Councilmember Gourley announced his resignation from the Council, and as part of that, staff needed to schedule this special meeting. He indicated that per State law, within thirty days of a vacancy being created, the Council had to take some action, or there was a default to an election. He told them the City Attorney provided a report which was included in the staff report that laid out the process. He said that essentially, the alternatives the Council had was to simply appoint someone after putting a notice out for interested candidates where they could submit letters of interest and why they would like to be considered for the vacant seat. Then the Council could appoint from that list. He said the other alternative was to call for and set a Special Election. He mentioned that based on the way the election cycle worked when the vacancy occurred, we could not get it other than probably by mail ballot but would have to wait until November if they wanted to put it on the ballot.

He indicated that the vacant seat was at the beginning of his term so there was still several years to go on that term. He mentioned that waiting until November was an option to the Council, which meant that the Council would be running with four seats. He informed that the Council had done it both ways in the recent past. They had a mail ballot election and

also had a request for interested candidates and had appointed from the people that submitted letters of interest.

City Manager Mendez mentioned that from a fiscal perspective, the appointment process was the least costly to the City. Staff would pay for the public noticing on the newspaper and staff time to process, but it was not significant cost, which would be a few hundred dollars. He added that from an election perspective, depending on the nature of the election, it can go anywhere from \$10,000 to \$30,000. He stated that like most agencies, the County Election Department had gotten a lot better on making sure they were covering all their cost, so it would be a costly election for the City and would be General Fund money since there were no funds available for the election. He commented that waiting until November allowed us to pool with other agencies or districts that had things on the ballot, so we would share the cost and it would be probably the least costly time to do an election.

He said that if the Council wanted to appoint, staff was recommending having a two week filing period to close February 28th and appoint at the March 7th Council meeting, which this would be within the thirty days. He mentioned that he asked Councilmember Gourley to submit his resignation in writing and he was going to do that, but he made the formal announcement at the February 7th meeting. He said the Council gave two weeks last time to submit letters of interest. He informed that the notice would be published in the newspaper, posted at some locations, as well as posted on our website. He told the Council if they knew of any interested candidates to submit letters of interest to the City Clerk and staff would present them at the March 7th meeting.

Mayor Orozco asked if he had an idea of what the cost would be if we were to wait for the election in November.

City Manager Mendez responded it would be a few thousand dollars. He estimated around \$10,000, but it depended on what was on the ballot.

Mayor Pro Tem Funk said that Councilmember Gourley's term was through 2014, and right now three of our current Councilmembers terms was until 2014, and one was until 2012. He asked if this would be an appropriate time to consider shortening that term so that we could get it back to a 2 and 2 rotation as opposed to 1 and 3.

Councilmember Silva asked if we did not get anyone interested in submitting a letter of interest by the March 7th meeting, can we reconsider at that time to hold off until the November election.

City Manager Mendez responded yes.

Councilmember Silva said this just in case we did not get any letters.

City Manager Mendez called City Attorney Rodriguez to answer Mayor Pro Tem Funk's question.

City Attorney Rodriguez was put on the speaker phone and City Manager Mendez reiterated the question about the 2 and 3 rotations.

City Attorney Rodriguez responded no. He said it could not interfere with the term that had been vacated. He indicated that the person would serve the exact time of the person who had vacated their seat, and we could not make an alteration to that.

City Manager Mendez asked him if the next time we could do that would be at the next regular election of a term.

City Attorney Rodriguez believed that was something we could address at the next election, but at this point, that would be part of a Special election that would be called if that was what the Council was trying to do.

City Manager Mendez mentioned that based on his response, the Council could address it at the 2014 Election. He mentioned that one of the seats would have to be a two year seat, but we could consider it then if the Council wished to.

Public Comment: Jack Reed, Fairview Middle School Teacher, asked if the person who filled the position, if appointed, would agree to being appointed to a two year term and put that back on the cycle.

City Manager Mendez responded that based on the response from the City Attorney, he did not believe we could do that. He said you could not mess with the term that was already in place, so in 2014, the Council could take action to declare one of the seats a two year term just to get it back on the cycle.

Mayor Pro Tem Funk commented he did not like the idea of going after a Special Election which would obviously be costly. He said he knew there was already buzz of a few folks in town including former Council Members who had expressed interest. He believed we had a good opportunity to possibly appoint. He liked the idea of opening the two week window out there and asking for letters of interest and bring it back in early March to make an appointment.

Action: Mayor Pro Tem Funk made a motion to go with option (1) appointment, with a recommended filing period to close February 28, 2011 for individuals interested in being appointed at the March 7, 2011 Council Meeting. Councilmember Silva seconded the motion. Approved by vote; all ayes.


On another note, City Manager Mendez informed that the Council's next meeting of February 22nd would be a heavy agenda, and asked if they could start at 5:30pm with closed session, break into the regular meeting at 6:00pm, and have a small reception for Councilmember Gourley afterwards. His thought was to start early so they would not stay late that night. On another note, he reminded the Council about the dedication of the Centennial Park Lights this Friday.

ADJOURNMENT

Councilmember Lopez made a motion to adjourn. Mayor Pro Tem Funk seconded the motion. Approved by vote; all ayes.

The Special Joint City Council and Redevelopment Agency meeting was adjourned at 5:47pm.

ATTEST:



René L. Mendez, City Clerk