



LAST RESOLUTION NO. 08-815
LAST ORDINANCE NO. 08-278

AGENDA
SPECIAL MEETING OF THE SOLVANG CITY COUNCIL
COUNCIL CHAMBERS
1644 OAK STREET
Tuesday
December 16, 2008
7:00 p.m.

Please be advised that, pursuant to State Law, any member of the public may address the Council concerning any item on the Agenda. Please be aware that Items on the Consent Calendar are considered to be routine and are normally enacted by one vote of the Council.

If you wish to speak on Item 3, please do so during Public Communications.
Regular City Council meetings are broadcast live on **Channel 23** in the Santa Ynez Valley

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CITY MANAGER'S STATUS REPORT

1. PUBLIC COMMUNICATIONS - WRITTEN OR VERBAL

At this time, please direct comments to the City Council regarding Consent Calendar Items or matters NOT on the agenda but within the jurisdiction of the Council. (Speakers are limited to five (5) minutes).

2. COUNCIL COMMENTS AND REQUESTS

Comments from City Council Members. No action will be taken at this meeting.

REGULAR AGENDA

3. APPOINTMENT TO VACANT CITY COUNCIL POSITION

Discuss and determine process for filling City Council vacancy.

4. COUNCIL REORGANIZATION

Designate City Council Members to annual assignments.

5. STATUS OF DECEMBER 22, 2008 COUNCIL MEETING

Approve cancellation of December 22, 2008 City Council Meeting.

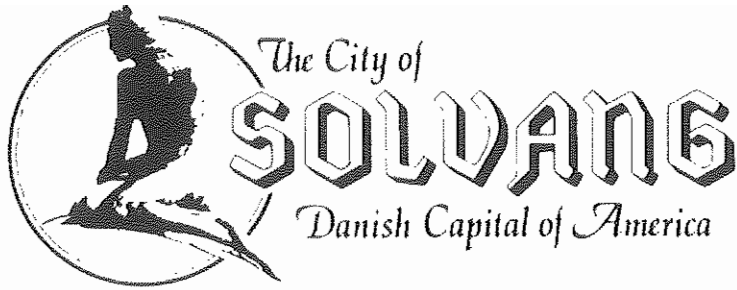
6. ADJOURNMENT

Copies of staff reports and supporting documentation pertaining to each item on this agenda are available for public viewing and inspection at City Hall, 1644 Oak Street, Solvang, during regular business hours and on the City's website www.cityofsolvang.com, in addition, any writings relating to an open session agenda item provided to a majority of the Council that is distributed within 72 hours of the meeting, after the posting of the agenda, will be identified and available separately at City Hall and may be posted to the website.

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of Administrative Services at 688-5575 or the California Relay Service. Notification 48 hours prior to the meeting would enable the City to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA ITEM

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Agenda Item 3
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**CITY COUNCIL
STAFF REPORT**

TO: SOLVANG CITY COUNCIL MEMBERS

FROM: Brad Vidro, City Manager

MEETING DATE: December 16, 2008

DATE PREPARED: December 9, 2008

**SUBJECT: APPOINTMENT TO VACANT CITY COUNCIL POSITION – Tabled
From the meeting of December 8, 2008**

I. RECOMMENDATION:

Discuss and determine process for filling City Council vacancy

II. DISCUSSION:

At the December 8, 2008 City Council meeting there was no motion that garnered a majority vote regarding the vacant Council position due to the election of Jim Richardson as Mayor.

The City Council still must decide whether or not it wants the Council position vacant until a special election is held. If it does not want to operate with a vacancy, the City Council may choose any method it wishes to fill the vacancy by appointment.

Approvals: City Manager BSV Finance Director DW City Attorney _____

Staff would offer two options for utilizing the appointment process. One is to consider the candidates from the November 4, 2008 City Council election which could be done at this meeting. The other is to request applications from interested eligible candidates with a turnaround time that would allow for an appointment within the 30 day requirement. The deadline for appointment is January 7, 2009 so an additional City Council meeting would be needed to insure an appointment is made before the legislative deadline. If no decision is made on an appointment process, or no appointment is made, a special election would be required to fill the vacancy.

Staff has collected information regarding the possibilities regarding a special election for filling of the vacancy. The County of Santa Barbara has estimated a cost of \$30,000 for them to perform a special election solely for the City of Solvang. The City currently purchases election supplies from Martin-Chapman and they offer election consulting services to municipalities. If an election is required two other methods would be available. The City could administer a regular ballot on its own which would involve renting voting machines, hiring polling personnel, and utilizing the County for verification of signatures. The other would be a mail in ballot which would have similar needs, excluding the voting machines but adding additional costs. Using Martin-Chapman's consultation services with the mail ballot, including return postage on the ballots, use of a ballot counter they provide and utilizing the services of the County, or a County connection utilized in house for verification of signatures would cost approximately \$19,500.

Election law notification requirements for a mail ballot election state it can be held at least 120 days from the date the election is called. For a Special Election it would be held on the next regularly established election date not less than 114 days from the call of the election, most likely June 2, 2009.

IV. FICAL IMPACT:

If appointment via an applicant process is the method chosen there would be a small amount staff time. If an election is required, depending on the option, costs would be \$20,000 to \$30,000.

V. ATTACHMENTS:

- A. Martin Chapman Vacancies Information Sheet

VACANCIES

V

When a vacancy occurs in an elective office in a general law city or a charter city which follows the general law on vacancies, Government Code § 36512 allows the City Council 30 days from the commencement of the vacancy to appoint someone to the position. For purposes of determining the 30-day deadline, commencement of the vacancy occurs when the Council receives notice of the vacancy at a council meeting. *In the case of the death of an elected official, the office becomes vacant upon the death of the official. (G.C. 1770a).*

The council may not make an appointment to fill a vacancy on the city council if the appointment would result in a majority of the members serving on the council having been appointed. In that case the council must call an election to fill the vacancy.

Election date: If the council is unable to make an appointment to fill a vacancy in an elective office, it shall call a special election. 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. Election Code § 1000 establishes the following regularly established election dates:

- a. The second Tuesday of April of each even-numbered year.
- b. The first Tuesday after the first Monday in March of each odd-numbered year.
- c. The first Tuesday after the first Monday in June of each year.
- d. The first Tuesday after the first Monday in November of each year.
- e. **The first Tuesday in February of each year evenly divisible by the number four.**

A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

The Government Code would require the council to call the election before the 30-day period expires. Since the election must be held on a specified election day, calling the election after the close of the 30-day period but prior to the 114th day before the election would *usually* have the same effect as calling the election within the 30-day period. Once called, the timing and mechanics of an election to fill a vacancy vary little, if any, from a General Municipal Election.

The council has three alternative procedures it may follow to fill a vacancy.

1. First, it may enact an ordinance which requires that a special election be called immediately to fill any vacancy *on the city council* or in the office of *elective mayor* designated pursuant to Government Code § 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. Second, it may enact an ordinance which requires that a special election be held to fill any vacancy *on the city council* or in the office of *elective mayor* when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election 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 without waiting for the filing of a petition.

3. Third, it may provide that a person appointed to fill any vacancy *on the city council* (it does not include the office of elective mayor) 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.

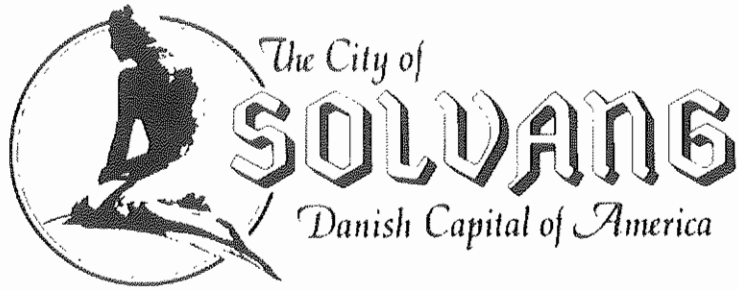
If your city is a charter city, check your charter first for vacancy provisions.

Note: Section 34902 refers to the office of Mayor as an elective position, and filling of vacancies is the same as above.

Sections referenced above:		
EC:	GC:	34902
1000	1770	36512

AGENDA ITEM

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**CITY COUNCIL
STAFF REPORT**

TO: SOLVANG CITY COUNCIL MEMBERS

FROM: Mary Ellen Rio, City Clerk

MEETING DATE: December 16, 2008

DATE PREPARED: November 20, 2008

**SUBJECT: COUNCIL REORGANIZATION – Tabled from the meeting of
December 8, 2008**

I. RECOMMENDATION:

Designate City Council Members to annual assignments.

II. DISCUSSION:

Historically, per the City Council Protocols the selection of the Mayor and Mayor Pro Tem are done at the first meeting in December for the following year. The City of Solvang's Charter now amends the selection of the Mayor so that is the person that is elected at the general municipal election serving a two year term. Based on the results of the November 4, 2008 election Jim Richardson is the new Mayor serving until 2010.

The Charter does not provide a mechanism for the selection of Mayor Pro Tem which leaves that decision up to a majority vote of the City Council. City Council protocols adopted June 2005 state, "The first criteria for selection of the Mayor Pro Tem shall be the Council Member who has not previously served as Mayor. If more than one Council Member has not previously served as Mayor,

then, from such Council Members, the Council Member with the greatest seniority in terms of consecutive years of service shall be selected. If there is still more than one Council Member eligible according to seniority, the Council Member who received the highest number of votes for the most recent election of each Council Member eligible by reason of seniority shall be selected as Mayor Pro Tem. However, no Council Member shall serve more than one term as Mayor Pro Tem or Mayor until all of the Council Members have served or declined to serve as Mayor or Mayor Pro Tem.” The City Council is free to follow the Protocols or can choose to waive the protocols by a majority of the Council Members and choose some other method for determining the Mayor Pro Tem appointment.

Another “housekeeping” action that historically occurs the first meeting of December is the designation of representatives for the City of Solvang on an assortment of committees/boards. A list of those committees/boards follows with the prior year’s representative(s) listed under each one:

1. S.B.COUNTY ASSOCIATION OF GOVERNMENTS
Primary and alternate
(Primary – Ed Skytt, Alternate – Linda Jackson)
2. S.B. COUNTY AIR POLLUTION CONTROL BOARD
Primary
(Ed Skytt)
3. CALIFORNIA JPIA
Primary and alternate
(Primary – Ed Skytt, Alternate – Linda Jackson)
4. MULTI-JURISDICTIONAL SOLID WASTE TASK GROUP
Primary
(Ed Skytt)
5. SOLVANG AND COMMUNITY SERVICES DISTRICT JOINT SEWER COMMITTEE
2 Representatives
(Ed Skytt, Jim Richardson)
6. AD HOC FINANCE COMMITTEE –(JULY 1, 2009)
2 Representatives
(Ken Palmer, Linda Jackson)
7. AD HOC WATER NEGOTIATING COMMITTEE
2 Representatives
(Ken Palmer, Linda Jackson)

8. INDIAN GAMING LOCAL BENEFIT COMMITTEE
Primary and 2 alternates
(Not active last year, previous year Ed Skytt, Linda Jackson, Jim Richardson)

9. AD HOC CENTENNIAL COMMITTEE
2 Representatives
(Linda Jackson, Ed Skytt)

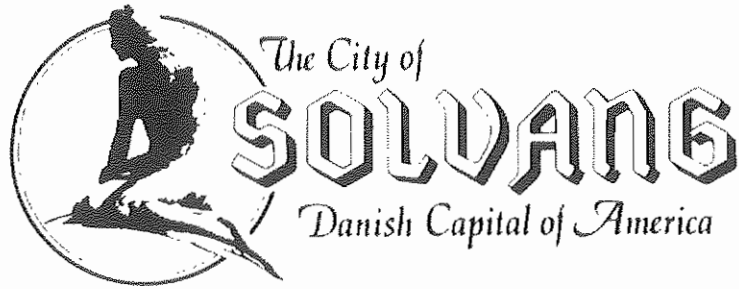
10. LEAGUE OF CALIFORNIA CITY REPRESENTATIVE
1 Liaison representative
(Linda Jackson)

III. ALTERNATIVES:

The City Council could choose to delay assignment of representatives until there is a full five member Council. If this option is chosen, current representation would continue until amended.

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Agenda Item 5
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**CITY COUNCIL
STAFF REPORT**

TO: SOLVANG CITY COUNCIL MEMBERS

FROM: Mary Ellen Rio, City Clerk

MEETING DATE: December 16, 2008

DATE PREPARED: November 19, 2008

**SUBJECT: STATUS OF SECOND COUNCIL MEETING IN DECEMBER –
Tabled from the meeting of December 8, 2008**

I. RECOMMENDATION:

Approve cancellation of December 22, 2008 City Council meeting.

II. DISCUSSION:

Consideration for cancellation of the December 22, 2008 meeting, to allow Council Members to travel to destinations and/or to spend time with family and friends during the Christmas Holiday.

III. ALTERNATIVES:

Council could choose not to cancel the December 22, 2008 meeting.

IV. FICAL IMPACT:

None