



FAQ CITY COUNCIL VACANCY & UPCOMING ELECTION

BACKGROUND

There is currently a vacancy on the City Council due to the recent passing of Mayor Peggy Thomsen. The City's Charter provides direction regarding how the vacancy is to be filled. The following information is provided to help answer some of the more frequently asked questions regarding the current City Council vacancy including how the vacancy is to be filled and the relation to the upcoming General Municipal Election on November 4, 2014.

APPOINTMENT PROCESS

How is the City Council vacancy filled?

[Section 5.02 of the City Charter](#) tasks the Council with appointing an individual to the City Council vacancy. The appointment is to be made within 30 days of the vacancy. If the Council is unable to make the appointment for any reason, the Mayor is authorized to make the appointment.

What process will be utilized to identify an appointee for the vacancy?

On June 16, 2014, the City Council authorized the [opening of an application period](#) to allow residents interested in serving on the City Council to submit applications. All applications received were forwarded to the City Council. On July 7, 2014 the City Council will discuss applications and identify an appointee to fill the vacant Council seat. Each Council Member may nominate one applicant. As part of the selection process, the Council may utilize a balloting process to narrow the field of candidates depending on the number of nominees.

How long will the appointee serve on the City Council?

The City's Charter requires that the appointee serve until the next general municipal election. For practical purposes, the appointee is expected to serve until the certification of the November 4, 2014 election, which is anticipated to occur in early December 2014. This equates to serving as a Council Member for a total of approximately eight (8) City Council meetings.

APPOINTEE

Who can be appointed to the vacancy on the City Council?

[Section 2.01 of the City's Charter](#) requires that a person be both an elector of the City of Albany, and a resident of the City of Albany for thirty (30) days immediately preceding the nomination. Additionally, per [Section 2.02 of the City's Charter](#), if the individual is a former Council Member who served two consecutive 4-year terms, there must be an intervening 2-year period prior to serving as a Council Member again.

Can a requirement be imposed on the appointee to forgo his/her right to run for City Council in the upcoming election?

Council does not have the authority to disallow a candidate who meets the requirements from running in the upcoming election. Moreover, any statement/promise that an individual will not run in the upcoming election would not be legally binding.

NOVEMBER 4, 2014 ELECTION

What offices will be included as part of the November 4, 2014 Election for City Council?

The November 4, 2014 ballot will include the following:

One (1) City Council
 (2-year term)

Two (2) City Council
 (4-year term)

Who can run for these offices?

[Section 2.01 of the City's Charter](#) requires that individuals be an elector of the City and a resident for 30 days prior to the nomination. This includes the individual appointed by the City Council to fill the Council vacancy. All candidates will be required to identify whether they are seeking the 2-year term or the 4-year term (EC Sec. 10220.5).

Ballot designations

Should the appointee to the City Council choose to run for the office of City Council in the November 4, 2014 election, the appointee may use the phrase "appointed incumbent" as a ballot designation. The appointee may also use "appointed Councilmember" as they are a candidate for election to the office of City Council (EC Sec. 13107).

Has this ever happened before?

The November 7, 2000 election included two races. Council Member Ed McManus vacated his seat on the City Council in October 2000, and the City Council did not appoint an individual to the vacant seat given the proximity of the November 2000 election. Note: Council Member McManus provided advance notice regarding the intended vacancy. The November 7, 2000 ballot read as follows:

For Member of City Council - 4 Year Term	Vote for no more than Three
JEWEL OKAWACHI Retired Business Woman	56 ➡
PEGGY J. THOMSEN Incumbent	57 ➡
JON ELY Incumbent	58 ➡
For Member of City Council - 2 Year Term	Vote for One
MARIO DIPRISCO Financial Analyst	60 ➡
RITA SMITH Real Estate Broker	61 ➡
NORM FRIEDMAN Sports Camp Director	62 ➡

What about term limits?

The candidate elected to the City Council 2-year term will be serving the unexpired portion of the existing term. As such, per the City Charter Section 2.02, any person who serves as a Council Member for two (2) years or more of an unexpired term, or two (2) years or more of an elected term, shall be considered to have served a term.

Candidates elected to the City Council 4-year term will serve four years.

Any person who has served two successive terms as a Council Member is ineligible to serve again in the office until an intervening period of two years.