



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Wednesday, November 09, 2022

Date approved: December 5, 2022

SPECIAL MEETING: 7:00 PM

1. CALL TO ORDER

Mayor Jordan read the Albany Land Acknowledgement Statement as adopted by the City Council per City of Albany Minute Action, November 15, 2021.

2. ROLL CALL

Present: Council Members McQuaid and Nason, Vice Mayor Tiedemann, Mayor Jordan

Absent: None

3. NEW BUSINESS

3-1. Appointment Process for Filling a Vacant City Council Seat

Mayor Jordan recommendation: that the Council provide staff direction on the preparation of an ordinance defining the process for filling a vacant Council seat by appointment, as required by Charter Section 5.02, and any other aspects of the upcoming process not suitable for inclusion in an ordinance

Mayor Jordan presented his memorandum. The Charter requires that the Council fill a vacancy, and a 2016 Charter amendment requires that the Council establish by ordinance procedures for filling a vacancy by appointment. The Council has not adopted an ordinance setting forth such procedures. The components of the appointment process for discussion are the application form, the application period, publication of applications, applicant selection, the method for applicants to address the Council, and balloting.

A summary of public comment is as follows: a suggestion to consider the results of the November 8, 2022 election for City Council; preferences for an applicant forum and filling a vacancy through a special election; inquiries regarding the criteria the Council will use to appoint an applicant and require for the application submittal.

A summary of Council comment is as follows: a suggestion to focus the appointment process on the existing situation; a preference to focus the appointment process more generally to apply to more situations; concern about appointing when the seat is supposed to be democratically elected; support for utilizing the process set forth in Section 2-7(B) of the City of Alameda Charter; a special election can be less democratic than an appointment because of low voter turnout; discussion on the details of the application submittal and appointment process; support for applicant forum; a forum is biased and should not be organized by the City; interest in a Council subcommittee to recommend the details of an appointment process; discussion of a nomination process for the appointment with a question-and-answer forum; a preference for repeated limited rounds of balloting; voting process will be transparent; a suggestion to propose a Charter amendment for 2024; Council Members will likely consider the election results in the nominations; Council deliberation will be held in public and all applications would



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participate in a question-and-answer forum; appoint the candidate who received votes from a total number of voters equal to at least $\frac{3}{4}$ of the threshold of election if a vacancy occurs within the period of 45 days before and 6 months after the certification of an election.

City Attorney Mala Subramanian noted that the Charter requires the Mayor to appoint someone to fill a vacancy if the Council does not do so within 60 days. A special election cannot be held within 60 days.

Mayor Jordan reiterated the Council's consensus regarding the following:

1. An applicant's submission will contain a statement of 300 words maximum and a 2-page resume with instructions of what can be included such as City and community service.
2. The application period will be 2 weeks.
3. The applicants' names will be listed on a specific webpage of the City website, and the applicants will have the option not to publish an email address.
4. A withdrawal period has not been determined.
5. The City Clerk will publish the submissions on the specific webpage after close of the application period.
6. The forum will consist of first, the applicants addressing the Council; second, a question-and-answer period; and third, written balloting with the City Clerk disclosing votes, each Council Member having one vote, and a maximum of ten rounds of balloting with the Mayor breaking a tie at the end of ten rounds.

4. ADJOURNMENT

9:42 p.m. There being no further business before the City Council, Mayor Jordan adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

Preston Jordan
Mayor

Attest:

Anne Hsu, City Clerk