



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Tuesday, November 15, 2022

Date approved: December 5, 2022

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### **SPECIAL MEETING: 5:00 PM**

#### **1. CALL TO ORDER**

Council Member McQuaid 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 Urgency Ordinance Adding a New Section to the Albany Municipal Code Establishing Procedures for Filling a Vacant Seat on the City Council by Appointment**

Staff recommendation: that the Council adopt Urgency Ordinance No. 2022-09, entitled:

An Urgency Ordinance of the City of Albany, California, Adding a New Section 2-1.3 to the Albany Municipal Code Establishing Procedure for Filling a Vacant Seat on the City Council by Appointment, for the Immediate Preservation of the Public Peace, Health, and Safety, and Declaring Same to be an Urgency Measure to Take Effect Immediately

City Manager Nicole Almaguer presented the staff report. Staff has compiled Council's direction from the November 9, 2022 special meeting into a draft urgency ordinance that sets forth the process and timeframe for filling a Council vacant seat. A unanimous vote of the current Council is required to approve the Urgency Ordinance.

A summary of public comment is as follows: a preference for the Council to fill the vacant seat with a candidate from the recent election; encouragement to make the Urgency Ordinance more general and transparent.

A summary of Council comment is as follows: proposed language to revise Section 3 so that it applies to the current vacancy only and to remove the fourth "Whereas" paragraph; a preference to establish a general durable process; a discussion of the process can continue under the usual ordinance process; the incoming Council could create an ad hoc committee to study and propose details of an appointment process; suggestion to replace "with the 3rd highest number of votes" with "not elected for a contested City Council seat who received the highest number of votes, provided said candidate received at least three-fourths (3/4) of the election threshold for this election" in proposed Section 3.

City Manager Almaguer advised that a standard ordinance could allow the Council time to study the issues and revise the Urgency Ordinance with more information.



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City Attorney Mala Subramanian recommended the Council retain the fourth “Whereas” paragraph as it provides the reason for the Urgency Ordinance.

### **MOTION:**

Moved by Council Member McQuaid, seconded by Council Member Nason, to adopt Urgency Ordinance No. 2022-09 with the amendment of Section 3.

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

NOES: None

Motion carried and so ordered.

### **4. ADJOURNMENT**

5:48 p.m. There being no further business before the City Council, Mayor Jordan adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

  
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Preston Jordan  
Mayor

Attest:

  
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Anne Hsu, City Clerk