

1 In accordance with the Albany City Charter Section 5.02, the following outlines the procedures
2 for filling vacant seats on the City Council by appointment. Upon notification that a member
3 of the Albany City Council has vacated office, the following procedures shall be followed:
4

5 1) If a vacancy on the City Council occurs within 45 days before the certification of the
6 election to 182 days after certification of an election, it shall be filled by the City
7 Council by appointment of the candidate not elected for a contested City Council seat
8 who received the highest number of votes, provided said candidate received at least
9 three-fourths (3/4) of the election threshold as defined in Municipal Code Section 7-
10
11 1.4.

12 a. If no candidate received three-fourths of the election threshold or a second
13 vacancy occurs within the time period, the Council shall follow the procedures
14 specified in Paragraph (3) below.
15

16 2) If there are two vacancies simultaneously within 45 days before the certification of
17 the election to 182 days after certification of an election, if one seat has a longer
18 period to the end of its regular term, it shall be filled using the procedure specified in
19 Paragraph (1) above, while the other will be filled using the procedure specified in
20 Paragraph (3) below. If there is no difference in the time to the end of the regular term
21 of each seat otherwise, one shall be filled using the procedure specified in Paragraph
22 1 above, while the other will be filled using the procedure specified in Paragraph 3
23 below.
24

25 3) If a vacancy occurs outside the time period specified in Paragraph (1), no runner up
26 in that period receives the threshold of voter support required for appointment in that
27 period, a candidate who is eligible declines to accept the appointment, or a second
28

1 vacancy occurs in that period, the Council shall follow the procedure specified in this
2 paragraph.
3

4 a. Pre-Application: Within two weeks of the vacancy of a City Council seat, the
5 City Council shall have a meeting to discuss and develop an application.

6 b. Application: an application will be distributed that shall generally request
7 information from the candidate regarding qualifications for and interest in
8 serving on the City Council.
9

10 c. Application Period: the application period shall be for a duration of two weeks.

11 d. Application Publishing: upon receipt of completed applications, the City Clerk
12 shall post the name of applicant on the City's website, with the option to also
13 include the candidate's email if authorized by the candidate. After the close of
14 the application period, all applications received shall be posted to the same
15 webpage.
16

17 e. Applicant ability to withdraw: applicants shall have the ability to withdraw
18 themselves for consideration of appointment to the vacant seat on the City
19 Council. This withdrawal must be submitted in writing to the City Clerk.
20

21 f. Selection process: the City Council shall hold a public meeting to review all
22 applications received and conduct the following steps towards selection of an
23 appointee:
24

25 i. All applicants shall address the City Council with an opening statement
26 that indicates their interest in serving as a Member of the City Council;
27
28

1 ii. The City Council will conduct a question-and-answer period with the
2 applicants, which is to be moderated by the Mayor, or the Vice Mayor in
3 the case of a vacancy in the position of Mayor.
4

5 g. Balloting: in the meeting after the question-and-answer period, the City Council
6 shall conduct a repeated open balloting process to appoint an applicant to the
7 vacant seat of the City Council. The repeated balloting process shall include up
8 to 10 rounds of balloting. If a tie exists after 10 rounds of balloting, then the
9 Mayor, or the Vice Mayor in the case of a vacancy in the position of Mayor,
10 shall select the applicant that the City Council shall appoint.
11
12

13 **SECTION 2: CHAPTER VII OF THE ALBANY MUNICIPAL CODE SECTION 7-3.5**
14 **TITLED “SINGLE-SEAT ELECTION TABULATION” AND SECTION 7-3.6 TITLED**
15 **“MULTI-SEAT ELECTION TABULATION” IS HEREBY AMENDED AS**
16 **FOLLOWS:**

17 §7-3.5 Single-Seat Election Tabulation.

18 a. Vote tabulation proceeds in rounds as follows:

- 19 1. Each ballot is counted for the highest-ranked continuing candidate on
20 that ballot. If there are only two continuing candidates, the candidate
21 with more votes is designated elected, the other candidate is designated
22 defeated, and tabulation is complete. If there is only one continuing
23 candidate, they are designated elected, and tabulation is complete.
24 Otherwise, tabulation proceeds pursuant to Subparagraph (2)
25 immediately below.
26 2. The candidate with the fewest votes is designated defeated. If two or
27 more candidates are tied with the fewest number of votes, the
28

1 candidate to be defeated shall be determined by lot. A new round of
2 tabulation starts again pursuant to Subparagraph (1) immediately
3 above.
4

5 §7-3.6 Multi-Seat Election Tabulation

6 a. Vote tabulation proceeds in rounds as follows:

- 7 1. Each ballot is counted, at its current transfer value, for the highest
8 ranked continuing candidate on that ballot. If there is at least one
9 candidate with more votes than the election threshold, each candidate
10 with more votes than the election threshold is designated as elected. If
11 a candidate who has been designated as elected has surplus fraction
12 greater than zero, the tabulation proceeds pursuant to Subparagraph (2)
13 immediately below. Otherwise, the tabulation proceeds pursuant to
14 Subparagraph (3) below.
15
- 16 2. Of the candidate or candidates who have been designated as elected,
17 the candidate with the greatest number of votes (with any tie decided
18 by lot) is deemed to have a number of votes equal to the election
19 threshold. Each ballot counted for that candidate is assigned a new
20 transfer value, by multiplying the ballot's current transfer value by the
21 surplus fraction for the elected candidate, rounded down to four
22 decimal places. Tabulation continues pursuant to Subparagraph (1)
23 above.
24
- 25 3. If the total number of elected and continuing candidates is equal to the
26 number of seats to be filled plus one, the continuing candidate with the
27
28

1 fewest votes is designated defeated, any remaining continuing
2
3 candidates are designated as elected, and the tabulation is complete. If
4 the total number of elected and continuing candidates is equal to or
5 less than the number of seats to be filled, the continuing candidate(s)
6 are declared elected, and tabulation is complete. Otherwise, the
7 continuing candidate with the fewest votes is designated defeated, and
8 a new round of tabulation begins pursuant to Subparagraph (1) above.
9

10
11 **SECTION 3: SEVERABILITY:**
12

13 If any provision of this Ordinance or its application to any person or circumstances is
14 held invalid, such invalidity has no effect on the other provisions or applications of the
15 Ordinance that can be given effect without the invalid provision or application, and to this
16 extent, the provisions of this Ordinance are severable. The City Council declares that it would
17 have adopted this Ordinance irrespective of the invalidity of any portion thereof.
18
19

20 **SECTION 4: PUBLICATION AND EFFECTIVE DATE:**
21

22 The summary of Ordinance shall be posted at three public places within the City of
23 Albany and shall become effective 30 days after the date of its posting.
24
25
26

27 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on the
28 16th day of October, 2023, by the following vote:


AYES: Council Members Hansen-Romero, Jordan, López, Miki and Mayor Tiedemann

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOES: none

ABSENT: none

ABSTAIN: none



AARON TIEDEMANN, MAYOR

ATTEST:



Anne Hsu, City Clerk



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

ORDINANCE NO. 2023-05

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 16th day of October, 2023, by the following votes:

AYES: Council Members Hansen-Romero, Jordan, López, Miki and Mayor

Tiedemann

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 17th
day of October, 2023.

Anne Hsu
CITY CLERK