

1. Call To Order

The special meeting of the Biggs City Council was called to order at 4:15 p.m. by Mayor Busch. Councilors Frith, Arnold, and Crawford were present. Staff present: City Administrator Pete Carr, City Attorney Greg Einhorn (by Teleconference), and City Clerk / Finance Director Deanna Carbajal.

- 2. COMMUNITY PARTICIPATION:** Roger David stated 4:15 p.m. was not a good time for a meeting if they wanted community participation because most people were still at work. He stated the council was giving the appearance they were working on the “good ole boys network” by appointing people they wanted. He felt council needed to put their personal feelings aside and appoint someone that could do the job.

3. SPECIAL BUSINESS:

- A. *Consider Election Date for Vacant Council Member Seat.* Pete stated Mayor Busch asked for a special council meeting to reconsider an item from the January 28, 2008 meeting due to new information. Pete stated counsel was sought from the County Elections Office and from the City Attorney Greg Einhorn. Based on the advice from the city attorney, the next regularly scheduled election for Biggs would be in November. A vote of three to one placed this item on the November ballot.

After further consultation with Butte County, the county indicated they perceived the next regularly scheduled election would be in June. The county did not have an exact cost of the election but if the vacancy was to be on the June ballot, the cost would be \$6,000 to \$10,000. Since the city already had two seats up for election on the November ballot, the additional cost to fill the vacancy in November would be \$1,000 to \$3,000.

City Attorney Greg Einhorn believed that his interpretation of the election date was correct. As an alternative to the problem, Greg suggested council enact an ordinance which requires that a person appointed to fill a vacancy on the city council 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, which in the city’s case would be November. He recommended council consider adopting such an ordinance which would eliminate any ambiguity and confusion about the language of government code relying on the subsection and keeping the election as it is now scheduled for November. This ordinance would not allow the vacancy to linger for years; rather it would go to the next election with no expense of a special election.

Councilor Crawford asked if council was still flexible to put this matter on the November election. Greg stated if council would agree an ordinance be adopted, there would be no room for varying interpretations of election dates and it would remain on the November election. Greg was suggesting a way to put to rest the difference of opinion between Greg and the county in regards to “regular election date”.

Councilor Arnold spoke in favor of enacting the ordinance.

Mayor Busch stated if it was legal to hold the election in November, this would be his choice due to the cost. He stated Resolution 2008-02 would still stand.

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Greg stated staff could be directed to prepare the ordinance discussed and bring it back to council at the next regular meeting. Council agreed and directed staff accordingly.

4. **ADJOURNMENT:** Meeting adjourned at 4:50 p.m.

ATTEST:

APPROVED:

Deanna Carbajal
City Clerk

John G. Busch
Mayor, City of Biggs