

TOWN OF WOODSIDE

TOWN COUNCIL SPECIAL MEETING

August 19, 2009

Independence Hall, 2955 Woodside Road, Woodside

6:00 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMUNICATIONS

Persons wishing to address the Council on any matter not on the posted agenda are invited to do so. Please note, however, that the Council is not able to undertake extended discussion or to act on non-agendized items. Such items can be referred to staff for appropriate action, which may include placement on a future agenda. This communication period is limited to five persons, three minutes each. Any additional persons wishing to be heard will be scheduled at the end of Regular Business.

NEW BUSINESS

1. Discussion and determination of Appropriate Action for Setting the 2009 Municipal Election Process. (**Pursuant to the California Elections Code, the Council must decide whether to appoint the three uncontested candidates for Town Council Districts 2, 4, and 6 or to allow the election to go forward as scheduled on November 3, 2009.**)

ADJOURNMENT

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITY ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE TOWN CLERK AT (650) 851-6790. NOTIFICATION IN ADVANCE OF THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING.

PLEASE NOTE THAT PURSUANT TO THE STATE OF CALIFORNIA'S OPEN MEETING RULES, THIS MEETING IS BEING AUDIO TAPED.

ANY WRITINGS OR DOCUMENTS PROVIDED TO A MAJORITY OF THE TOWN COUNCIL REGARDING ANY ITEM ON THIS AGENDA WILL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE ADMINISTRATION COUNTER AT TOWN HALL LOCATED AT 2955 WOODSIDE ROAD DURING NORMAL BUSINESS HOURS.

TOWN OF WOODSIDE

Report to Town Council
From: Susan George, Town Manager

Agenda Item 1
August 19, 2008

**SUBJECT: DISCUSSION AND DETERMINATION OF APPROPRIATE ACTION FOR
SETTING THE 2009 MUNICIPAL ELECTION PROCESS**

RECOMMENDATION

It is recommended that the Town Council hear public input on the subject of setting the 2009 Municipal Election process and determine which alternative action it wishes to take.

BACKGROUND

The seats for Town Council districts 2, 4, and 6 are up for election in the Municipal Election set for November 3, 2009. The filing period for this election has closed and there is one nominee from each of the districts:

District 2	Deborah Gordon
District 4	Dave Tanner
District 6	Anne Kasten

The California Elections Code §10229 (a) provides that if no one, or only one person, has been nominated from or by a legislative district, then:

1. The Town elections official (Town Clerk) shall submit a certificate of these facts to the Town Council.
2. The Town Clerk shall inform the Town Council that it may adopt one of the following courses of action:
 - a. Appoint to the office the person who has been nominated.
 - b. Appoint to the office any eligible elector if no one has been nominated.
 - c. Hold the election.

A copy of the Town Clerk's certificate is included as **Attachment A**.

The Elections Code is very specific about the process that must be followed by a legislative body before it determines which course of action it will adopt. First, a public notice must be published pursuant to Government Code §6061 that includes the fact of an uncontested election and describes the above outlined process options. This notice was published in the San Mateo Times on August 14, 2009.

No sooner than five days from the date of publication and by the seventy-fifth day prior to the election, the Town Council may take action to appoint or to hold the election. The Town Council can thus take action no later than August 20th (which is the seventy-fifth day before the election). The Elections Code further provides that if no person is appointed to the office(s) up for an election by the seventy-fifth day prior to the election, then the election must be held.

DISCUSSION

A Special Meeting has been set for August 19, 2009, at 6:00 p.m. to provide the Town Council with the needed public forum for determining which course of action it wishes to take as regards the 2009 Municipal Election. The Council can either appoint the solo candidates who have filed nomination papers for each of their respective Council district seats or it can allow the election to go forward on November 3, 2009.

Points for the Town Council to consider as it takes public input and deliberates over its preferred course of action are:

- The last time that the Town Council had such a decision before it was in 2007, at which time it decided to allow the election to go forward.
- The window for write-in candidates to file is mooted if appointments are made. The write-in period begins on the fifty-seventh day before the election (September 7) and closes on the fourteenth day before the election (October 20). A write-in candidacy is not unprecedented in the Town. The successful candidate for the District 2 seat in 1997 was a write-in candidate, who defeated the sole nominee for the position.
- The candidate who has not been previously elected (one of the three in this case) may have a preference to be duly elected and not appointed.
- The election will cost about \$11,000.

CONCLUSION

Under the California Elections Code, August 20th is the day by which the Town Council must make a decision regarding the 2009 Municipal Election process. It is appropriate for the Council to receive whatever public input is offered and to make its determination after public deliberation during its Special Meeting on August 19, 2009.

Attachment

**TOWN CLERK'S CERTIFICATION THAT THERE ARE NOT MORE
CANDIDATES THAN OFFICES TO BE ELECTED AT
THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 3, 2009**

I, Janet G. Koelsch, Town Clerk of the Town of Woodside, do hereby certify that pursuant to Section 10229, Elections Code of the State of California, to the following facts relating to the General Municipal Election to be held on Tuesday, November 3, 2009:

As of the close of the nomination period on August 12, 2009, there are not more candidates than offices to be elected.

The persons so nominated are:

District 2 - Deborah Gordon
District 4 - David Tanner
District 6 - Anne Kasten

That Section 10229 of the Elections Code allows one of the following courses of action to be taken by the Town Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

A notice of these facts will be published on Friday, August 14, 2009, in a newspaper of general circulation pursuant to Government Code 6061. After the fifth day following the date of publication, the Town Council will meet again to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, no person has been appointed to the offices pursuant to (1) or (2) above, the election shall be held.

If the Town Council makes an appointment pursuant to Elections Code 10229, the Town Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

Janet G. Koelsch, CMC
Clerk of the Town of Woodside
Dated: August 13, 2009