

CITY OF HIDDEN HILLS
SPECIAL CITY COUNCIL MEETING

City Hall

Thursday, August 24, 2006

MINUTES

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

A special meeting of the City Council of the City of Hidden Hills was duly held in the Council Chambers at the City Hall, 6165 Spring Valley Road, Hidden Hills, California 91302 on Thursday, August 24, 2006 at the hour of 5:00 p.m. Mayor Jim Cohen called the meeting to order and presided thereover after leading the Council and audience in the Pledge of Allegiance.

ROLL CALL

Council:

Mayor Jim Cohen
Mayor Pro Tem Monty E. Fisher
Council Member Steve Freedland
Council Member Stuart E. Siegel

Staff:

Cherie L. Paglia, City Manager

APPROVAL OF AGENDA

Upon MOTION of Council Member Freedland, seconded by Council Member Siegel and unanimously carried, it was resolved that the agenda for the August 24, 2006 special meeting be approved as submitted.

ANNOUNCEMENTS

There were no announcements.

AUDIENCE

There were no questions or comments at this time.

NEW BUSINESS

Council Member Resignation and Review and Decision Regarding City Council Options

Mayor Cohen stated the following:

Council Member Ron Berg tendered his resignation effective August 21, 2006 due to personal family matters, thus creating a vacancy on the City Council; pursuant to Government Code Section 36512(b) "If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 30 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent."; therefore, there are various options available to this Council: 1) the Council can appoint someone to fill the vacancy for the remainder of the term, which expires in March of 2007; 2) the Council can call a special election for March 6, 2007, which also happens to be the City's regularly scheduled general municipal election – the elections coincide, resulting in a general municipal election to fill one vacant seat along with two other seats, held by incumbents, which would be up for election; or 3) the Council can request applications to determine if there is a qualified and acceptable individual for possible appointment; the Council would then have thirty (30) days (from August 21, 2006) to either appoint one of the applicants or call the special election; the last time a vacancy occurred, the Council requested applications from anyone interested in serving on the Council, and did appoint one of the applicants; the difference at that time was the length remaining in the unexpired term - approximately 2½ years then as opposed to approximately six months now.

Mayor Cohen asked for input from the other Council Members. Council Member Siegel began with the following comments:

Because of the unique timing, and because he feels that people should elect their own leaders, he strongly would favor not making an appointment at this time and letting the residents elect the person of their choice at the regularly scheduled election; he believes

the Council can function with four people for the short time period until the March election; when the Council went through the appointment process for the last vacancy, when current Mayor Cohen was appointed, he felt the appointment was necessary because of the approximate 2½ years left in the unexpired term; however, even then, some of the applicants were very disappointed that they were not selected, believing they were qualified to hold the position; there could also be a perception that if the Council appoints someone now, just for six months, that the Council could possibly be giving the appointed person an advantage during the upcoming election, as that person would now be running as an incumbent.

Council Member Freedland expressed his thoughts as follows:

Because the Council Members would have to take applications and interview applicants within such a short time period (if they wished to appoint someone), and because it is only approximately six months before the next election, he would agree with Council Member Siegel; he believes the Council can function with four members for that time period; he also would rather have those who live in the community vote for the person they want to represent them; with those things in mind, he would not feel comfortable making an appointment.

Mayor Pro Tem Fisher added his comments:

He does believe the Council would not have a problem functioning with only four people until March; at first, he thought it might be better to make an appointment, as it could be a problem if something happened to one of the other Council Members, leaving only three; in that case, if someone is late, or out of town, there could be no meeting with only two people; but he can understand the points made by Council Members Siegel and Freedland; by the time the Council completed the application process, there would be little time left before the election; therefore he would agree not to make an appointment.

Mayor Cohen thought the Council should either commit to making an appointment, or call the election at this time; he did not feel taking applications and going through the application process, only to then decide at the end of the thirty days to call the election, was the right way to treat people. Mayor Cohen added that he had no objection to waiting for the election in March.

Council Member Siegel pointed out that if something should happen to one of the remaining four Council Members, leaving only three, that would be an entirely different situation which the Council could very quickly remedy with an appointment if necessary.

As everyone was in agreement, upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved to not make an appointment to fill the vacant City Council seat due to the resignation (effective August 21, 2006) of Council Member Berg (whose term expires in March of 2007), but to rather call a special election to fill the vacant seat, which due to timing will result in the seat being filled at the City's regular general municipal election to be held on March 6, 2007.

After a short discussion, the Council agreed that a notification of the resignation and intent to fill the vacant seat at the next general municipal election would be placed on cable TV channel 3, sent via the City's email/fax notification system, and placed in the October newsletter.

Mayor Cohen then expressed, on behalf of himself and the entire Council, gratitude and much appreciation to Ron Berg for his continued service to this community, both as a Council Member and previously as a member of the Community Association Board of Directors. Council Member Siegel pointed out that normally, the Council would hold some type of ceremony in Mr. Berg's honor, but due to the present circumstances, this will be postponed until a more appropriate time.

ADJOURNMENT

There being no further business to come before the Council, upon MOTION of Council Member Siegel, seconded by Mayor Pro Tem Fisher and unanimously carried, it was resolved to adjourn the special meeting of August 24, 2006 at 5:13 p.m.

Jim Cohen, Mayor

ATTEST:

Cherie L. Paglia, City Manager/City Clerk