

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADDING  
SECTION 2.1.007 TO CHAPTER 1 OF TITLE 2 OF THE OAKLEY MUNICIPAL  
CODE, DEALING WITH APPOINTMENT PROCEDURES**

The City Council of the City of Oakley does ordain as follows:

Section 1. Section 2.1.007 is hereby added to the Oakley Municipal Code, to read as follows:

**2.1.007 Appointment procedures for filling vacancy.**

*(a) Announcement of vacancy and invitation for applications.*

Upon the City Clerk receiving a written resignation from a Councilmember, or upon the death of a Councilmember, or upon the determination by the City Council that a vacancy exists for some other reason, the Clerk shall post a notice of the vacancy and invite applications from Oakley residents for appointment to the vacancy. The notice shall be, at a minimum, delivered to the newspaper of general circulation which prints the city's legal notices, to the city's website, to all persons who have requested copies of City Council agendas, and to the Consent Calendar of the next City Council meeting. The notice shall provide a deadline, at least 30 calendar days from the date of posting of the notice, for submission of applications. The City Clerk shall provide an application form to any person qualified for appointment who requests an application. The application forms shall generally follow the content of application forms for appointment to other City committees or commissions, and specify the applicant's name, address, contact information, interest in the position, qualifications and other pertinent information. The application form shall state that any applications submitted are deemed to be public records and available for public inspection and copying. Nothing in this paragraph or section shall interfere with the right of the City Council to, instead of making an appointment, calling a special election for the purpose of filling the vacancy.

*(b) Consideration of applications.*

The City Clerk shall post all applications received on a public City Council meeting agenda for consideration by the City Council. At that time, or at such other time as the Council may determine, the Council shall conduct public interviews of the candidates at a regular City Council meeting. The public shall have the opportunity to comment upon the candidates as a part of the agenda item. No discussion of the candidates may be had in closed session. If the City Council determines to appoint a candidate to fill a vacancy, it shall do so within 60 calendar days of the effective date of the vacancy. In the case of a resignation, the effective date of the

resignation shall be the date specified in the resignation for its effectiveness to occur. It shall not be necessary for the City Council to accept a resignation. An appointment will be deemed to have been made upon a motion made and seconded and having received at least three affirmative votes. Upon an appointment having been made, the successful candidate shall, at that meeting or at a subsequent regular City Council meeting, take the oath of office and be seated with the City Council. No appointment shall be deemed to have been completed and become effective until the appointee takes the oath of office.

*c. Powers and duties.*

Any person appointed to the City Council shall serve the unexpired term of the Councilmember who has been replaced. The appointed Councilmember shall have all of the rights, privileges and duties of an elected Councilmember, and shall be eligible for appointment to Vice Mayor and Mayor as provided in the rotation system for such appointment specified in this Chapter. The City Council may appoint the appointed Councilmember to the committee assignments held by his/her predecessor, or may determine to make other committee appointments, or no committee appointments. The appointed Councilmember shall complete and file all conflict of interest disclosure forms as are required by law and shall be bound by and obey all other requirements pertaining to membership on the City Council.

Section 2. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Section 3. Severability.

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on \_\_\_\_\_, 2014 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

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Randy Pope, Mayor

ATTEST:

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Libby Vreonis, City Clerk

Date