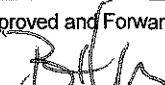




Agenda Date: 12/08/2015  
Agenda Item: 3.1sp

## STAFF REPORT

**Date:** December 8, 2015  
**To:** Bryan H. Montgomery, City Manager  
**From:** Libby Vreonis, City Clerk/Paralegal  
**Cc:** William R. Galstan, Special Counsel  
**Subject:** Review of Section 2.1.005 of the Oakley Municipal Code Regarding the Appointment of Mayor and Vice Mayor

Approved and Forwarded to City Council:  
  
Bryan Montgomery, City Manager

**FOR CONSIDERATION AT THE CITY COUNCIL MEETING ON DECEMBER 8, 2015**

### Summary and Recommendation

Oakley Municipal Code Section 2.1.005 provides the procedure for the appointment of Mayor and Vice Mayor. Staff recommends the City Council review the procedure and appoint Councilmembers as Mayor and Vice Mayor.

### Fiscal Impact

None.

### Background Information

Oakley Municipal Code Section 2.1.005 provides that each December an appointment of Mayor and Vice Mayor shall be made by the Oakley City Council. Generally, it provides for a rotation process to provide an opportunity to all Councilmembers to hold the office of Vice Mayor or Mayor, or both. Typically, the Vice Mayor will become Mayor, the current Mayor will rotate to the bottom of the rotation schedule and the new Mayor will be selected based upon the Councilmember who is next in line in the rotation schedule. In accordance with this procedure, Kevin Romick is next in line for Mayor and Sue Higgins is next in line for Vice Mayor. The City Council has discretion not to follow the rotation as set forth Section 2.1.005(i) if it so decides.

### Conclusion

Staff recommends that the City Council review the procedure set forth in Oakley Municipal Code Section 2.1.005 and appoint Councilmembers as Mayor and Vice Mayor.

### Attachments

1. Oakley Municipal Code Section 2.1.005

## Attachment 1

**2.1.005 Appointment of Mayor and Vice Mayor.**

- a. Each year during the month of December, the City Council shall appoint one of its members as Mayor. The member selected to be Mayor typically will be the member who is serving as Vice Mayor, unless the Vice Mayor is unavailable to be appointed as Mayor due to failure to be re-elected, insufficient time to dedicate to the office, or other reasons.
- b. Each year during the month of December, the City Council shall appoint one of its members as Vice Mayor. The person selected as Vice Mayor shall have been a member of the Council for at least one year prior to the appointment as Vice Mayor.
- c. Neither the Mayor nor the Vice Mayor serves a term of office, but rather serves in those capacities at the pleasure of the majority of the City Council.
- d. It is the intent of this section to establish a rotation process so that each Council member shall have the opportunity to become either Vice Mayor or Mayor, or both.
- e. The City Clerk shall establish and keep a "rotation schedule" regarding the City Council members. The member with the most continuous time of service on the Council who has not previously served as Vice Mayor and is not selected Mayor will be selected as Vice Mayor. If two or more members have equal time of continuous service, the member who received the highest number of votes at his/her election shall be selected. The other members with equal time of continuous service will have their rank on the rotation schedule determined by the number of votes that they received at their election, with the member having the higher number of votes receiving higher ranking.
- f. When the Mayor completes his/her service as Mayor, he/she shall revert to the bottom of the rotation schedule.
- g. If a member was appointed to the City Council, he/she shall be placed at the bottom of the rotation schedule when appointed, and shall continue up the rotation schedule thereafter in the same manner as the other members.
- h. If a member voluntarily declines appointment as either Mayor or Vice Mayor, he/she shall then rotate to the bottom of the schedule.
- i. The City Council may decline to appoint a member to serve as Mayor or as Vice Mayor if a majority of the City Council determines that the person has experienced or exhibited any of the following:

- 1) A violation of law or City policy, or has been or is being investigated for a violation of law or of policy;
- 2) Intemperate, rude or disparaging remarks or conduct toward the public, staff or City Council;
- 3) Lack of leadership or communications skills;
- 4) Excessive absenteeism as a Council member;
- 5) Any other conduct that would be considered to be unprofessional or unbecoming of the position of Mayor or Vice Mayor;
- 6) Determination that the person does not have the available time to assume the additional duties of Mayor or Vice Mayor.

(Sec. 1, Ordinance No. 01-13, adopted February 26, 2013)