



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 02/04/2020

ITEM NO: 7

DATE: January 30, 2020
TO: Mayor and Town Council
FROM: Robert Schultz, Town Attorney
SUBJECT: Adopt a Resolution Calling for a Special Municipal Election on November 3, 2020 for the Election of an Unexpired Term of One Council Seat through December 2022

RECOMMENDATION:

Adopt a Resolution (Attachment 1) calling for a special municipal election on November 3, 2020 for the election of an unexpired term of one Council seat through December 2022.

BACKGROUND:

Effective December 20, 2019, Steve Leonardis resigned his position as a Councilmember.

Government Code Section 36512 sets forth the requirements relating to filling vacancies for an elective office. Subdivision (b) of that section provides two options that the Town can utilize to fill a vacancy in an elective office within 60 days from the commencement of the vacancy: 1) fill the vacancy by appointment; or 2) call a special election to fill the vacancy.

On December 17, 2019 the Town Council decided to call a special election to fill the vacant Town Council seat.

DISCUSSION:

Since the Town Council has decided to call a special election to fill the vacant Town Council seat it must adopt a resolution (Attachment 1) calling the special election (Elections Code Section 12001) within 60 days of the vacancy. Government Code Section 36512(b)(1) states, "If the Council calls a special election, 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 recent amendment

PREPARED BY: Robert Schultz
Town Attorney

Reviewed by: Town Manager and Assistant Town Manager

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SUBJECT: Calling an Election to Fill the Vacant Council Position

DATE: January 30, 2020

DISCUSSION (Cont.):

to State Government Code sets forth those dates that are deemed a “regularly established election date” and the next such date is Tuesday, November 3, 2020.

CONCLUSION:

Town Council has decided to call a special election to fill the vacant Town Council seat and now must adopt a resolution (Attachment 1) calling the special election within 60 days of the vacancy.

Attachment:

1. Resolution Calling Election to fill vacant council seat