

SUMMARY MINUTES OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
SEPTEMBER 17, 2006

I. CALL TO ORDER/ROLL CALL

Mayor Heyenga called the meeting to order at 10:00am. Present were Councilmembers Bowman and Cuthbertson. Councilmember Lin participated by phone (562-438-5644). Councilmember Marlow was absent. Also present were City Attorney Jeff Guttero and City Clerk Gabe Adams.

II. PLEDGE OF ALLEGIANCE - Mayor Heyenga led the Pledge.

III. APPROVAL OF AGENDA

Motion to approve the agenda as submitted passed unanimously.

IV. AGENDA ITEM(S)

1. Discussion/decision regarding November General Election. (Heyenga/Guttero)

Mayor Heyenga introduced the item and explained the sequence of events resulting in missing the 75 day deadline in Elections Code section 10229. City Attorney Guttero explained his contacts and discussions with the County Elections Office and County Counsel.

The Council questioned Guttero on the consequences of "doing nothing" and whether someone could challenge the election results if we did nothing. Issues regarding candidate statements and whether write-in candidates would be allowed were also discussed.

Public Comment

1. Kathy Bhardwaj: the two issues of write-in candidates and candidates' statements should be understood before we decide to participate in the election or not.
2. Kim Binnie: the candidates' statements could be put on the web site.
3. Stan Binnie: we need an answer to the write-in issue.
4. Mary Wilbur: why did the paperwork not get it?

Council/Staff Comments

1. City Clerk Adams accepted responsibility for missing the deadline, since he is the City's Election Officer. However, there was consensus that directions from the Elections Office could have been clearer.
2. Bowman: we goofed up and have to deal with the consequences; if we "live dangerously" and do nothing, someone could challenge the results and we would be in a bigger mess; a special election would cost more than participating in the General Election; the new Council should not come in under a cloud; we should take part in the November election.
3. Cuthbertson: nothing was staged and we need to do thing right; we need to do things cleanly; no one else signed up to run and there will probably not be any write-in candidates; we have two choices - do nothing or spend the money we budgeted for the election.
4. Lin: agreed with Bowman and Cuthbertson but wanted to wait until we settled the issues about write-in candidates and if the County would "forgive" the City for missing the deadline. He supported spending a couple of days doing more research.
5. Heyenga: agreed with participating in the November election; either a special election or any court costs if a challenge were filed would cost more than participating; whether write-ins are allowed or not will not be the City's call - the Elections Office and/or County Counsel will make that determination based on state law.

Motion (Cuthbertson/Bowman) to submit a request to the County to participate in the November election and to direct staff to get answers to the following questions Monday.

1. *Will write-in candidates be allowed on Trinidad's ballot?*
2. *Will the County forgive Trinidad's missing the 75th day deadline and allow the appointments to legally stand?*

Motion passed 3-1. Yes: Bowman, Cuthbertson, Heyenga. No - Lin.

Council agreed to have a special meeting after getting answers to the two questions in the motion. Guttero and Adams will contact the Elections Office and County Counsel Monday.

V. ITEMS FROM THE FLOOR

1. Pat Morales - various criticisms of the Mayor.
2. Jim Cuthbertson - concerned about potential Brown Act violations by incoming Councilmembers.

VI. REQUEST FOR FUTURE AGENDA ITEMS - there were no requests for future items.

VII. ADJOURNMENT

There being no further business before the Council, Mayor Heyenga adjourned the meeting at 11:50am.

Submitted by:

Approved by:

Dean Heyenga
Mayor
09/18/06

Chi-Wei Lin
Mayor Pro-Tem