



**Minutes**  
**Town of Atherton**  
**City Council**  
**August 21, 2018**  
**8:00 A.M.**  
**Council Chambers**  
94 Ashfield Road  
Atherton, California  
**Special Meeting**

**Mayor Wiest called the meeting to order at 8:00am.**

**ROLL CALL**        **Wiest, Widmer, Lewis, DeGolia, Lempres**  
**Council Member DeGolia teleconferenced from:** 1427 Riata Road, Pebble Beach, CA

**PUBLIC COMMENTS – None.**

**REGULAR SESSION AGENDA**

**1.        CONSIDER AND TAKE ACTION ON OPTIONS IN ELECTIONS CODE 10229 REGARDING THE PROVISION IF NO ONE OR ONLY CANDIDATE FILES; APPOINTMENT TO OFFICE**

**Report:** City Manager George Rodericks

*Description: This item will involve a discussion by the Council on whether or not to cancel the called election scheduled for November 6, 2018 for electing three members to Council. The law allows Council to make appointments if there were not more nominees than seats available. If the appointments are made the election is considered cancelled.*

**Recommendation:** That Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

*No. 2 is not applicable because three individuals have been nominated.*

*A resolution is included in the packet if the Council chooses option 1*

City Manager Rodericks presented the report.

Assistant City Attorney Jennifer Larson noted that the FPPC has ruled that it is appropriate for Council Members to vote on their own appointment because Election Code 10229 clearly allows for it.

Council Member Lempres questioned whether there should be three separate votes that allow for recusal by each nominated member in order to avoid any perceived conflict. Widmer agreed. DeGolia was fine with it.

Lewis encouraged the simple route which was also legal and commonly used which was for everyone to vote.

**MOTION by Lewis, second by Wiest to appoint to the office the person(s) who were nominated and approve resolution appointing Bill Widmer, Mike Lempres and Rick DeGolia to the offices to which they were nominated, and the election scheduled to be held on Tuesday, November 6, 2018, is now cancelled. The motion passed unanimously.**

**ADJOURN**

**Mayor Wiest adjourned the meeting at 8:10 a.m.**

Respectfully submitted,

Theresa N. DellaSanta  
Deputy City Manager/City Clerk