

**MINUTES
SARATOGA CITY COUNCIL
SPECIAL MEETING
SEPTEMBER 30, 2004**

Mayor Waltonsmith called the Council meeting to order at 5:45 p.m.

ROLL CALL

PRESENT: Councilmembers Stan Bogosian Norman Kline,
Nick Streit, Vice Mayor Kathleen King, Mayor Ann
Waltonsmith,

ABSENT: None

ALSO PRESENT: Dave Anderson, City Manager
Lorie Tinfow, Assistant City Manager
Cathleen Boyer, City Clerk
Richard Taylor, City Attorney

**REPORT OF CITY CLERK ON POSTING OF AGENDA FOR SEPTEMBER 30,
2004**

Cathleen Boyer, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of September 30, 2004 was properly posted on September 29, 2004.

1. AUTHORIZATION OF ABSENCE

STAFF RECOMMENDATION:

Authorize Council member absence from September 15, 2004 City Council meeting

Richard Taylor, City Attorney, stated that according to Government Code Section 36513 if a Councilmember is absent without permission from all regular City Council meetings for sixty (60) days consecutively from the last regular meeting he attends; his office becomes vacant and shall be filled as any other vacancy.

City Attorney Taylor noted that the August 4, 2004 was the last meeting Councilmember Bogosian attended. The next City Council meeting is October 6, 2004, which would be more than 60 days from the last meeting, he attended.

City Attorney Taylor stated that his recommendation was to excuse Councilmember Bogosian's absence from the September 15, 2004 City Council meeting.

Councilmember Kline recommended that the City Attorney amend the City Code to include policy on Council absences. Councilmember Kline noted that because the City has no set policy he would support the recommended action and excuse Councilmember Bogosian.

Councilmember Streit noted that he would not support the recommended action to excuse Councilmember Bogosian. Councilmember Streit noted that the citizens of Saratoga elect the Council who are then obligated to attend the meetings unless there is a death or illness in one's immediate family. Councilmember Streit stated that having to work is not an excuse he would support.

Vice Mayor King stated that she would not support the recommended action.

Councilmember Bogosian had no comments.

Mayor Waltonsmith stated that she would support excusing Councilmember Bogosian's absence tonight. Mayor Waltonsmith stated that she supports Councilmember Kline's request to direct the City Attorney to amend the code to include policy on Council absences.

KLINE/BOGOSIAN MOVED TO APPROVE COUNCILMEMBER BOGOSIAN'S ABSENCE ON SEPTEMBER 15, 2004. MOTION PASSED 3-2 WITH KING AND STREIT OPPOSING.

ADJOURNMENT

There being no further business Mayor Waltonsmith adjourned the meeting at 5:57 p.m. and thanked everyone for attending the meeting.

Respectfully submitted,

Cathleen Boyer, CMC
City Clerk



M E M O R A N D U M

City of Thousand Oaks • Thousand Oaks, California
City Manager's Office

TO: City Council

FROM: Scott Mitnick, City Manager

DATE: July 19, 2011

SUBJECT: Absence of City Councilmember

RECOMMENDATION:

City Council approve Dennis Gillette's absence from attendance at regular City Council meetings during the period of his recovery from surgery.

FINANCIAL IMPACT:

No Additional Funding Requested. No financial impact.

BACKGROUND:

Councilmember Dennis Gillette last attended the regular City Council meeting of June 14, 2011, and subsequently had surgery. Since that time he has been recovering, and continues to make good progress. In order to comply with the requirements of Government Code section 36513, approval of the City Council is required to excuse his continued absence from regular City Council meetings in order to facilitate his recovery.

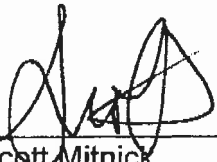
DISCUSSION/ANALYSIS:

Councilmember Gillette is making progress toward recovery; however, Government Code section 36513 requires permission if a Councilmember will be absent from regular council meetings for a period greater than 60 days from the date of the meeting that the Councilmember last attended, in this case, June 14, 2011. While it is anticipated that Councilmember Gillette would be able to attend City Council meetings within the 60 day time frame, the August recess may preclude that opportunity.

COUNCIL GOAL COMPLIANCE:

Meets Council Goal A: Provide municipal government leadership which is open and responsive to residents, and is characterized by ethical behavior, stability, confidence in the future, and cooperative interaction among civic leaders, residents, business representatives, and City staff, while recognizing and respecting legitimate differences of opinion on critical issues facing the City.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'SM', is written over a horizontal line.

Scott Mitnick
City Manager

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Charter

Public Contracts	<p>Competitive bidding required for public works contracts over \$5,000. Cal. Pub. Cont. Code § 20162. Such contracts must be awarded to the lowest responsible bidder. Pub. Cont. Code § 20162. If city elects subject itself to uniform construction accounting procedures, less formal procedures may be available for contracts less than \$100,000. See Cal. Pub. Cont. Code §§ 22000, 22032.</p> <p>Contracts for professional services such as private architectural, landscape architectural, engineering, environmental, land surveying, or construction management firms need not be competitively bid, but must be awarded on basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of services. Cal. Gov't Code § 4526.</p>	<p>Not required to comply with bidding statutes provided the city charter or a city ordinance exempts the city from such statutes, and the subject matter of the bid constitutes a municipal affair. Pub. Cont. Code § 1100.7; see <i>R & A Vending Services, Inc. v. City of Los Angeles</i>, 172 Cal. App. 3d 1188 (1985); <i>Howard Contracting, Inc. v. G.A. MacDonald Constr. Co.</i>, 71 Cal. App. 4th 38 (1998).</p>
Payment of Prevailing Wages	<p>In general, prevailing wages must be paid on public works projects over \$1,000. Cal. Lab. Code § 1771. Higher thresholds apply (\$15,000 or \$25,000) if the public entity has adopted a special labor compliance program. See Cal. Labor Code § 1771.5(a)-(c).</p>	<p>Historically, charter cities have not been bound by state law prevailing-wage requirements so long as the project is a municipal affair, and not one funded by state or federal grants. <i>Vial v. City of San Diego</i>, 122 Cal. App. 3d 346, 348 (1981). However, there is a growing trend on the part of the courts and the Legislature to expand the applicability of prevailing wages to charter cities under an analysis that argues that the payment of prevailing wages is a matter of statewide concern. The California Supreme Court declined an opportunity to resolve the issue. See <i>City of Long Beach v. Dept. of Indus. Relations</i>, 34 Cal. 4th 942 (2004).</p>