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Staff Report

ITEM NO. 9

To: Lemoore City Council
From: Jeff Brittz, City Manager
Date: November 29, 2007
Subject: Leave of Absence for Council Member Rodarmel

Discussion:

As you are all well aware, Council Member Rodarmel was critically injured in a motorcycle accident on October 8, 2007. Although his condition has improved significantly since the date of his injury, he remains hospitalized.

California Government Code Sections 26513 and 1170 separately (and inconsistently) regulate the amount of time a Council Member may miss without his/her seat becoming vacant. It appears that after either 60 or 90 days, the seat, by default, becomes vacant. City Attorney Montoy has opined that the Council may grant a leave of absence to one of its own members beyond the 60 (or 90) days.

Council Member Rodarmel (see attached) has requested a leave of absence through February 21, 2008. He believes that by that time, he will have sufficiently recovered from his injuries, and can resume service on the Council. In addition to his service on the Council, he also serves as our Board Member for Kings Waste and Recycling Authority (KWRA). In order to continue to be represented at KWRA, our alternate Board Member, Ed Martin, will need to take his place temporarily.

I have stayed in close contact with Council Member Rodarmel since his accident. I have kept him up-to-date on pertinent City issues. Furthermore, he has been receiving Council packets, and even audio recordings of the Council Meetings. He has made it abundantly clear to me that he intends to return to his civic service as soon as he can.

The Council has at least three options before them to consider. First, you can grant the requested leave of absence. Second, you can approve a leave of absence for a different period of time, longer or shorter. Finally, you can deny the request, and if Council Member Rodarmel fails to return to service, a vacancy will be created. Should his seat become vacant, you can fill the vacancy by appointment or election.

Prior to declaring his seat vacant, however, significantly more research on the Government Code sections that are inconsistent with one another would need to be done. On the safe side, it would appear that such declaration could not be done until early January, which would allow 90 or more days of incapacity.

Budget Impact:

There is no budget impact associated with granting a leave of absence.

Recommendation:

That the Council, by motion, approve an authorized leave of absence from Council service to Council Member Rodarmel through February 21, 2008