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Staff Report

ITEM 3C

To: Lemoore City Council
From: J.R. Laws, City Manager
Date: January 9, 2014
Subject: Leave of Absence for Council Member Neal

Discussion:

As you are all well aware, Council Member Neal was injured in an automobile accident on November 20, 2013. Although his condition has improved since the date of his injury, he remains under a doctor's care.

California Government Code Sections 36513 and 1770 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 Avedisian 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 Neal has requested a leave of absence through April 15, 2014. 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 County Action Organization (K.C.A.O.). In order to continue to be represented at K.C.A.O., our Alternate Board Member Lois Winn, will need to take his place temporarily.

I have stayed in close contact with Council Member Neal since his accident. I have kept him up-to-date on pertinent City issues. Furthermore, he has been receiving Council packets, and 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 Neal 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, significant more research on the Government Code Sections would have to be done.

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 Neal through April 15, 2014.