

---

# Misuse of Appointive Power by the Galt City Council

---

---

## Issue

---

The Grand Jury received a complaint that the Galt City Council had 1) bypassed its own resolutions and applicable law in appointing a city council member in January 2002, and 2) failed in its ethical responsibilities to the electorate in January 2002.

---

## Method of Investigation

---

- Interviews with members of the Galt City Council
- Interviews with community members
- Review of audio and video tapes of Galt City Council meetings
- Review of written minutes of Galt City Council meetings
- Review of appropriate legal citations
- Correspondence with the Galt City Attorney

---

## Background and Facts

---

In June 2001, the Galt City Council was comprised of its full complement of five council members.

On June 13, 2001, a council member resigned. The remaining four council members deadlocked on an appointed replacement, and the vacancy was carried over to the primary election in March 2002.

Between June 2001 and January 2002, the Galt City Council functioned with four members. The council members did not agree on the course of economic development for the community and often deadlocked on matters regarding growth.

During the period between June 2001 and through January 2002, the rule governing the Galt City Council's ability to transact business was clear. Specifically, Council Resolution 2000-65,

Section 6, second paragraph states, “Three council members shall constitute a quorum for the transaction of business.” This resolution was in effect in January 2002. On January 7, 2002, a second vacancy occurred with the death of a council member. Thus, in order for the Galt City Council to take action “for the transaction of business” all three remaining members were required to be present.

On January 29, 2002, the council met to appoint a replacement for the death-caused vacancy. Per Resolution 2000-65, Section 6, a quorum of all three remaining members was required to exercise appointive power and to select a new member. However, one member of the council did not attend the January 29, 2002 public meeting to vote on the filling of the latest vacancy because, as he explained in a written statement, he believed that the other two members of the council had unlawfully pre-selected an appointee.

At the January 29, 2002 public meeting, the two council members in attendance were barraged with complaints and concerns regarding the propriety of filling the vacancy upon a vote of only two members. The community pointed out that the two council members present were insufficient to constitute a quorum. After hearing from the Galt City Attorney, the two members concluded in direct contradiction of Resolution 2000-65 that they comprised a quorum and could transact business, i.e. vote to fill the vacancy. The two members did select a candidate and filled the vacancy.

The action of the two members raised ethical concerns: first, that the two council members violated existing Resolution 2000-65; second, that the two council members ignored the concerns of the community; and, third, that they had circumvented the efforts of a fellow council member to prevent action by not attending and thus preventing a quorum.

---

## Finding and Recommendation

---

**Finding #1.** The Galt City Council misused its appointive power.

**Recommendation #1.** The Galt City Council should follow its own resolutions in effect at the time a course of action is pursued. In this case, Galt should transact business by using its appointive power by proper quorum vote. In the alternative, the Galt City Council should correct any inconsistencies in its own resolutions prior to pursuing a course of action.

---

## Response Required

---

**Penal Code Section 933.05 requires that specific responses to both the findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2003 from:**

- **The Galt City Council**