

**ADMINISTRATIVE REPORT**

**TO:** The Honorable Mayor and Members of the Council  
**FROM:** Tesfaye W. Tsadik, Assistant City Attorney *fw8*  
**SUBJECT:** THE TERM OF OFFICE OF THE MAYOR AND VICE-MAYOR

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**RECOMMENDATION**

It is recommended that the City Council adopt the attached resolution establishing the term of office of the Mayor and the Vice-Mayor.

**BACKGROUND**

On July 1, 1983, the City of East Palo Alto began operation as an incorporated City governed by a newly elected City Council. The Council, pursuant to the Government Code Section 38601 selected Ms. Mouton and Mr. Blakey as Mayor and Vice-Mayor, respectively. The Council did not establish the terms of these offices. Mayor Mouton and Vice-Mayor Blakey served as Mayor and Vice-Mayor until April 6, 1986 municipal election when election was carried out for all City Council positions. Mayor Mouton and Vice-Mayor Blakey were reelected as Councilmembers. On April 15, 1986, the newly elected City Council appointed Ms. Mouton and Mr. Blakey as Mayor and Vice-Mayor, respectively. No fixed term was set for their offices. This raised the following questions: What is the term of the offices of the Mayor and Vice-Mayor? If the term should be set, what is a reasonable term for these offices?

Pursuant to Section 36801 and 3490-34902 of the Government Code two methods are provided for selection of the Mayor of the General Law for the City. Under Section 36801, the City Council shall choose one of its members as Mayor and another one as Mayor Pro Tempore (Vice-Mayor). Under this Section no mention is made of the term of office of the Mayor and Vice-Mayor so chosen. If no fixed term is provided under the statute, it is generally the rule that every office, the term of which is not fixed by law, is presumed to be held at the pleasure of the appointing power (See Section 1301 of the Government Code).

Under the second method of selecting the Mayor, the electorate not only choose the Mayor but also fix the term. Thus, at the general municipal election the electors will be asked to vote on whether the Mayor should be elected and if so should the term of office be two or four years. Under this scheme, the Vice-Mayor would nevertheless be chosen by the Council (See Section 34900 & 34905 of the Government Code).

City of East Palo Alto chose its Mayor and Vice-Mayor pursuant to Section 38601 of the Government Code. Thus, Mayor Mouton and Vice-Mayor Blakey hold their office at the pleasure of the Council. The Council may, by resolution, establish a fixed term for these offices. As the attached Exhibit shows of the total 120 California cities whose Mayors and Vice-Mayors are selected by the Council, approximately 71 (59%) of them have a term of one year; 40 (33%) have a term of two years; 8 (7%) cities have a term of 4 years and 1(1%) has a term of an indefinite period.

**FISCAL IMPACT**

None.

**EXHIBITS**

- A. Resolution \_\_\_\_\_, establishing the Terms of Offices of the Mayor and Vice-Mayor
- B. League of California Cities California Municipal Survey (1985)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ESTABLISHING THE TERMS OF  
OFFICES OF THE MAYOR AND VICE-MAYOR**

**WHEREAS**, pursuant to Section 38601 of the Government Code, the Council selects its Mayor and Vice-Mayor; and

**WHEREAS**, Section 38601 of the Government Code does not provide for a fixed term for these offices; and

**WHEREAS**, the Mayor and Vice-Mayor hold offices at the pleasure of the Council; and

**WHEREAS**, it is necessary to provide a fixed term to these offices which would be consistent with the practice of similarly situated cities.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of East Palo Alto that the terms of Office of the Mayor and Vice-Mayor shall be for a period \_\_\_\_\_.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 1987, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Barbara A. Mouton  
Mayor

**ATTEST:**

\_\_\_\_\_  
James E. White  
Deputy City Clerk

Mayor

To: Terfaye  
With my best regards,  
Joel

LEAGUE OF CALIFORNIA CITIES  
CALIFORNIA MUNICIPAL SURVEY

\*

COUNCIL AND MAYORAL SALARIES AND BENEFITS / ELECTIONS

1985

3/06/87

LEAGUE OF CALIFORNIA CITIES  
1000 N. Street  
San Francisco, California 94114  
TELEPHONE (415) 774-1100

LEAGUE OF CALIFORNIA CITIES  
COUNCIL AND MAYORAL SALARIES AND BENEFITS / ELECTIONS

\*For abbreviations in this column refer to Key on cover page.

CITY	POPULATION	NEXT GENERAL ELECTION	COUNCIL MEMBERS				MAYOR			
			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	* COUNCIL MEMBER AND MAYORAL BENEFITS
AGOURA HILLS	20,000	11/5/85	5	AL	P	\$150	1 yr	CA	\$150	----
ALBANY	15,130	4/86	5	AL	P	\$ 20	1 yr.	CA	\$ 20	DI MI MR (20c) LI (10,000) EA - Mayor (\$50/mo.)
ANDERSON	7,381	4/86	5	AL	P	\$ 50	1 yr.	CA	\$ 75	----
ARCATA	14,664	4/86	5	D	P	\$300	4 yrs.	CA	\$300	DI MI MR (20c) LI
ATHERTON	7,883	11/86	5	AL	P	\$ 0	1 yr. 2 yr. max.	CA	\$ 0	EA (Actual)
ATWATER	19,000	11/86	5	AL	P	\$150	2 yrs.	DE	\$150	DI MI MR (25c) EA (conferences and meetings - actual)
AUBURN	8,092	4/86	5	AL	P	\$150	1 yr.	CA	\$150	MI (26c) EA (actual)
BAKERSFIELD	137,100	11/85	7	--	P	\$100	4 yrs.	DE	\$500	DI, MI, MR (30c) R (PERS 7% employee contr. 14.882% employer contr.) AA (access to city vehicles 7/1/85) SA (Mayor \$1742.61/mo.) EA (\$35/day per diem - room & transp. not included)

PAGE 3, LEAGUE OF CALIFORNIA CITIES - COUNCIL AND MAYORAL SALARIES AND BENEFITS / ELECTIONS

CITY	POPULATION	NEXT GENERAL ELECTION	COUNCIL MEMBERS				MAYOR			
			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
BERKELEY	103,000	11/86	9	AL	P	\$300	4 yrs.	DE	\$600	DI MI SA/EA - \$1800/per mo.
BRENTWOOD	5,100	11/86	5	AL	F	\$210	2 yrs.	DE	\$210	R MR (22¢)
BRISBANE	3,034	11/85	5	AL	P	\$165	1 yr.	CA	\$165	DI MI AA
BUENA PARK	64,165	11/5/85	5	--	P	\$400	1 yr.	CA	\$400	MI R AA MR (25¢) EA (for authorized meetings and conferences)
BURBANK	87,200	4/9/85	5	AL	P	\$600	1 yr.	CA	\$600	MI AA EA (actual) LI Travel & Accident Insurance
CALIFORNIA CITY	2,989	11/86	5	--	P	\$125	2 yrs.	DE	\$300	MR (20¢)

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			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
CHULA VISTA	89,400	11/85	5	AL (by seat)	F, Mayor P, Council	\$600	4 yrs.	DE	\$2,205	COLA LI - Mayor  R (PERS) MR (26¢ - 0-200 mi.) (24¢ - 201-500 mi.) (22¢ - 501 + miles) EA AA (Mayor's car) DI & MI: Market Basket Plan (Mayor, \$2,700/yr) Market Basket Plan (Council Members at \$1058/yr or health insurance)
CLAYTON	4,500	4/86	5	AL	P	\$ 0	1 yr.	CA	\$ 0	MI (20¢) EA (for meetings, actual)
COALINGA	7,450	3/86	5	AL	P	\$150	2 yrs.	CA	\$150	DI (member pays sm. %) MI (member pays sm. %) R (city pays 100%) MR (21¢) EA (authorized)
COMMERCE	11,800	4/86	5	AL	P	\$352	--	CA	\$352	DI MI R

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			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
CRESCENT CITY	3,307	4/86	5	AL	P	\$ 75	2 yrs.	CA	\$ 75	MR (20c) EA (actual)
CULVER CITY	38,972	4/14/86	5	AL	P	\$299	1 yr.	CA	\$299	DI MI
DALY CITY	79,259	11/3/86	5	AL	P	\$630	1 yr.	CA	\$630	DI MI R AA
DAVIS	38,775	6/86	5	AL	P	\$244.66 *\$400 *July, 1986	2 yrs.	CA	\$244.66 *\$400 *July, '86	DI MI R EA - (Mayor, \$1500/yr., Mayor Pro Tem \$1000/yr Council Mem. \$700/yr)
DEL MAR	5,167	4/86	5	AL	P	\$ 0	1 yr.	CA	\$ 0	AA MR (23c) EA (actual)
DELANO	18,500	4/86	5	AL	P	\$150	2 yrs.	CA	\$150	EA
DESERT HOT SPRINGS	7,500	11/86	5	--	P	\$150	2 yrs.	DE	\$150	DI MI MR (25c)



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CITY	POPULATION	NEXT GENERAL ELECTION	COUNCIL MEMBERS				MAYOR			
			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
EMERYVILLE	3,964	11/85	5	AL	P	\$150	2 yrs.	CA	\$200	DI MI AA EA (actual)
ESCONDIDO	74,278	11/85 6/86	5	--	P	\$363	2 yrs.	CE	\$363	DI MI MR (27c) Management Cafeteria Benefit Package: \$43.38/mo. + 1% of salary Options - family coverage for optical & dental, additional life insurance, cancer insurance or apply toward HMO premium.
EUREKA	24,350	11/86	5	AL (Dist. resi- dent)	P	\$200	4 yrs.	DE	\$250	DI MI AA (\$150) EA (\$50/mo.)
FAIRFAX	7,300	4/86	5	AL	P	\$150	1 yr.	CA	\$150	EA (actual)
FARMERSVILLE	6,012	11/86	5	AL	P	\$ 0	2 yrs.	CA	\$ 0	MR (25c)

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CITY	POPULATION	NEXT GENERAL ELECTION	COUNCIL MEMBERS				MAYOR			
			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
HEMET	26,370	11/86	5	AL	P	\$150	2 yrs.	CA	\$200	MI R MR (18¢) LI
HERCULES	7,292	4/86	5	AL	P	\$150	1 yr.	CA	\$150	MR (26¢)
HUGHSON	3,094	4/86	5	AL	P	\$125	2 yrs.	CA	\$125	--
IRWINDALE	1,037	4/86	5	AL	P	\$250	1 yr.	CA	\$250	DI MI MR EA
JACKSON	2,652	6/86	5	AL	P	\$ 75	1 yr.	CA	\$ 75	DI MI
KERMAN	4,043	3/86	5	AL	P	\$150	--	CA	\$150	MR (25¢) EA (actual)
LA MESA	52,411	11/4/86	5	AL	P	\$289	4 yrs.	DE	\$1000	MI R EA (\$250/mo.)



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CITY	POPULATION	NEXT GENERAL ELECTION	COUNCIL MEMBERS				MAYOR			
			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
MARYSVILLE	10,000	11/86	5	AL	?	\$ 5 (council mtg.) \$ 15 (agency mtg.)	4 yrs. (?)	CA	\$ 5 (council mtg.) \$ 15 (agency mtg.)	DI MI AA (\$41 / mo.) EA (\$100/mo. max. actual)
MAYWOOD	23,377	4/86	5	AL	P	\$360	1 yr.	CA	\$360	DI MI R MR (20¢) EA (actual)
MERCED	43,468	11/5/85	7	AL	P	\$ 0	2 yrs.	CA	?	EA (\$20/mo. Council) (\$50/mo. Mayor)
MILL VALLEY	12,967	4/86	5	AL	P	\$150	1 yr.	CA	\$150	MR (23¢)
MODESTO	128,000	11/5/85	7	AL	P	\$300	4 yrs.	DE	\$300	MR (23¢) EA (\$50/mo.)
MONTCLAIR	24,601	4/86	5	AL	P	\$255	4 yrs.	DE	\$355	DI MI R MR (\$50/mo.)

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CITY	POPULATION	NEXT GENERAL ELECTION	COUNCIL MEMBERS				MAYOR			
			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
MOUNTAIN VIEW	61,199	4/86	7	--	P	\$500	1 yr.	CA	\$625	R MR (20½¢) EA (actual)
NEWARK	37,000	11/12/85	5	AL	P	\$270	2 yrs.	DE	\$450	DI MI R AA
NORCO	22,252	11/86	5	--	F	\$150	1 yr.	CA	\$150	DI MI R
NORWALK	85,000	4/14/86	5	AL	P	\$674.37	1 yr.	CA	\$674.37	DI MI R EA (\$150/mo.)
OJAI	7,426	4/86	5	AL	P	\$ 75	1 yr.	CA	\$ 75	MI MR (23¢) Workman's Compensation Insurance
ORLAND	4,486	11/86	5	--	P	\$ 25 (reg.mtg.) \$ 30 (special mtg.)	1 yr.	CA	\$ 30 (reg.mtg.) \$ 35 (special mtg.)	MI (group rate - Council Member pays premium)

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CITY	POPULATION	NEXT GENERAL ELECTION	COUNCIL MEMBERS				MAYOR			
			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
PETALUMA	36,800	11/86	7	AL	P	\$ 5 (per mtg)	4 yrs.	DE	\$ 10 (per mtg)	DI MI MR (20c) EA (\$35/mo.)
PISMO BEACH	6,000	11/86	5	AL	P	\$150	2 yrs.	CA	\$150	DI MI MR (25c)
PLACENTIA	37,319	4/86	5	AL	P	\$150	1 yr.	CA	\$150	DI MI MR (20c) EA (actual)
POMONA	104,847	4/85	5	AL	P	\$200	2 yrs.	DE	\$400	DI MI R MR LI EA (for conferences) Council - \$1000/yr Mayor - \$2000/yr
POWAY	37,000	11/86	5	AL	P	\$200	1 yr.	CA	\$200	DI MI AA EA (for conferences and meetings; allocated)

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CITY	POPULATION	NEXT GENERAL ELECTION	COUNCIL MEMBERS				MAYOR			
			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
REDONDO BEACH	61,000	3/87	6 (?)	D (Council) AL (Mayor)	P	\$319.06	4 yrs.	DE	\$319.06	DI MI R MR (25¢)\$150/mo. max. EA (actual and necessary)
REDWOOD CITY	56,769	4/8/86	7	AL	P	\$250	2 yrs.	CA	\$250 \$1200 (per yr. special account)	DI MI R MR (23¢)
REEDLEY	12,847	4/8/86	5	AL	P	\$150	2 yrs.	CA	\$150	LI SA (Mayor \$50/mo.) EA (Mayor \$50/mo.)
RIO VISTA	3,200	4/86	5	--	P	\$150	2 yrs.	DE	\$150	MR (25¢)
RIPON	5,000	4/86	5	--	-	\$100	2 yrs.	CA	\$100	MR (20¢)
RIVERBANK	6,236	11/86	5	AL	P	\$150	2 yrs.	CA	\$150	R MR (22¢)

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CITY	POPULATION	NEXT GENERAL ELECTION	COUNCIL MEMBERS				MAYOR			
			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
SALINAS	87,190	6/4/85	5	AL	P	\$600	4 yrs.	DE	\$800	DI MI LI MR (24¢) EA (actual)
SAN ANSELMO	13,000	4/85	5	AL	P	\$ 25 (mtg.) \$ 50 (mo. max.)	1 yr.	CA	\$.25 (mtg.) \$ 50 (mo. max.)	DI MI MR EA (actual)
SAN CARLOS	25,517	11/85	5	AL	P	\$200	1 yr.	CA	\$200	EA
SAN DIMAS	27,000	4/86	5	AL	P	\$150	2 yrs.	DE	\$150	MR (20¢) EA (\$50/mo.)
SAN FRANCISCO	---	Fall '86	11 (Supervisors)	AL	P	\$1993.66	4 yrs.	DE	\$7849.50	MI SA - 2 full time aides/ supervisor EA (\$3000/yr.)
SAN GABRIEL	32,000	3/86	5	AL	P	\$282	2 yrs.	CA	\$282	DI MI R EA Council - \$60/mo. Mayor - \$120/mo.



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CITY	POPULATION	NEXT GENERAL ELECTION	COUNCIL MEMBERS				MAYOR			
			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
SANTA ANA	219,000	11/86	7	AL (ward representation)	P	\$125	2 yrs.	CA	\$200	DI MI AA (\$300/mo.) EA \$50/Housing Authority Mtg. \$125/Redevelopment Agency Mtg.
SANTA BARBARA	77,000	11/5/85	6	AL	P	\$400	4 yrs.	DE	\$700	DI MI R AA EA (actual)
SANTA CLARA	89,000	11/5/85	7	AL	P	\$200	4 yrs.	DE	\$1000	MI - group rate, Council Member pays premium R - " " " MR (18c) EA (for conferences & travel \$90/day max., actual)
SANTA PAULA	22,500	4/86	5	AL	P	\$300	1 yr.	CA	\$300	MR (24c) EA (for travel) (actual)
SANTEE	59,787	11/86	5	AL	P	\$250	4 yrs.	DE	\$250	MI R MR (25c) EA (actual)

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CITY	POPULATION	NEXT GENERAL ELECTION	COUNCIL MEMBERS				MAYOR			
			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
SHAFTER	7,500	11/86	5	AL	P	\$ 0	4 yrs.	CA	\$ 0	DI MI MR (26c)
SIGNAL HILL	7,345	4/86	5	AL	P	\$150	1 yr.	CA	\$150	DI MI R MR (26c) EA (actual)
SONOMA	6,780	11/86	5	AL	P	\$ 0	1 yr.	CA	\$ 0	DI MI MR EA (actual)
SONORA	4,133	6/86	5	AL	P	\$150	2 yrs.	CA	\$150	DI MI R MR (25c)
SOUTH LAKE TAHOE	21,600	6/86	5	AL	P	\$300	1 yr.	CA	\$300	COLA DI MI R MR (12c) EA (for out-of-city mtgs., transp., meals, & lodging (council approved actual)

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			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
TULARE	25,500	11/85	5	AL	P	\$ 5 (mtg.) \$ 10 (mo. max.)	4 yrs.	CA	\$ 5 (mtg.) \$ 10 (mo. max.)	DI MI MR (24¢) EA (actual)
TURLOCK	31,755	4/8/86	5	AL	P	\$150	4 yrs.	DE	\$150	DI MI MR (23¢)
UNION CITY	46,000	11/85	5	AL	P	\$272	4 yrs.	DE	\$272	COLA MR EA (actual)
VICTORVILLE	18,900	4/86	5	AL	P	\$150	4 yrs.	CA	\$150	DI MI MR
VISALIA	56,000	11/5/85	5	AL	P	\$250	2 yrs.	CA	\$250	DI MI MR (30¢) EA (actual)

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			NUMBER	AT LARGE OR DISTRICT ELECTION	FULL TIME OR PART TIME	MONTHLY SALARY	TERM OF OFFICE	COUNCIL APPOINTED OR DIRECTLY ELECTED	MONTHLY SALARY	COUNCIL MEMBER AND MAYORAL BENEFITS
WESTMINSTER	72,464	11/86	5	AL	P	\$350	2 yrs.	DE (top vote getter) (11/86)	\$350	DI MI R (optional) MR (25¢) EA Mayor - \$100/mo.
WHITTIER	68,000	4/86	5	--	P	--	2 yrs.	CA	--	EA (\$364/mo.)
WILLITS	4,249	4/8/86	5	AL	P	\$150	1 yr.	CA	\$150	DI MI LI OI
WOODLAKE	5,375	1986	5	--	-	\$ 0	2 yrs.	CA	\$ 0	MR EA
WOODLAND	33,000	4/86	5	AL	P	\$150 *\$300 *(4/86)	2 yrs.	CA	\$150 *\$300 *(4/86)	DI MI MR (22¢)
WOODSIDE	5,407	11/85	7	AL	F	\$ 0	1 yr.	CA	\$ 0	MR (25¢) EA (actual)