

# Council to decide how to fill vacancy

**PINOLE: City leaders will hold a special meeting in hopes of choosing how to fill Cole's seat**

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By Tom Lochner

**T**he Pinole City Council will hold a special meeting Tuesday to discuss how to replace Councilman David Cole, who resigned last week.

The council has two choices under the California Government Code: appoint someone to serve out Cole's term or call a special election, Assistant City Attorney Inga Lintvedt said in a report to the council. The council has until Sept. 26 — 30 days after Cole's Aug. 27 resignation — to decide. Cole's term runs until November 2010.

Under the state code, an election would be held at the next regularly scheduled election date that is at least 114 days away at the time the election is called.

A special election for Cole's seat consolidated with the Feb. 5 primary would cost the city about \$20,000, Lintvedt said, based on an estimate from Contra Costa County, which runs Pinole's elections under contract.

Council members Stephen Tilton and Mary Horton, who are on opposite sides of several issues polarizing the city, have said appointing someone by a 4-0 vote would be a chance for the council to demonstrate unity and put an end to animosity.

Tilton and Mayor Maria Alegria are the targets of a recall campaign that included Cole until his resignation made the question of whether to recall him moot. Horton and Councilman Pete Murray support the recall.

Cole, Tilton and Alegria were the majority in a 3-2 vote in May not to renew the contract of former city manager Belinda Espinosa.

Another issue central to the recall drive surrounds the Pear Street Bistro, whose owner, Gary Wong, a friend of Alegria's and Tilton's, has not made payments on more than \$400,000 in city loans for almost two years. Recall sponsors accuse Alegria and Tilton of favoritism, which they deny. Alegria said she has made it a priority since becoming mayor in November to collect on the loans, and Tilton, elected as a newcomer in November, notes he was not on the council when the loans became delinquent. Wong has said he will tell the full side of his story once a pending sale of his building is complete.

No one has publicly announced a candidacy for Cole's seat — or for replacing Alegria or Tilton, if one or both are forced into a recall election. Sponsors submitted signed recall petitions to City Clerk Patricia Athenour last week that are subject to certification by Oct. 1.

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But several residents have expressed interest in serving on the council.

Some of those are widely perceived as firmly in one camp or the other, which could affect their chances for appointment on a council split 2-2 on polarizing issues.

The last vacancy during an unfinished term on the Pinole council occurred in 1999 with the death of Gretchen Mariotti. That council, which included Alegria, Horton and Murray, opted for a special election, which was won by Cole in March 2000.

In the event the council opts Tuesday to take applications to fill Cole's seat, interim City Manager Charles Long suggested a filing deadline of 5 p.m. Sept. 14, followed by televised applicant interviews by the council on Sept. 18 and a special council meeting Sept. 25 to decide whether and whom to appoint.

Reach Tom Lochner at 510-262-2760 or [tlochner@bayareanewsgroup.com](mailto:tlochner@bayareanewsgroup.com).