



Notice of Special City Council Meeting and Special Meeting Agenda

AUGUST 22, 2018
6:00 PM
COUNCIL CHAMBER
1700 7TH Street
Sanger, California 93657

Prior to action by the City Council on any item on this agenda, the public may comment on that item.

A. CALL TO ORDER

B. OPENING CEREMONIES

Flag Salute
Roll Call

C. AGENDA APPROVAL


D. DEPARTMENT REPORTS

1. SUBJECT: Appointment to Office of Mayor or Holding Election for Mayor.
RECOMMENDATION: That the City Council determine whether to make an appointment for the Office of Mayor or whether to hold the election; if the Council determines to make an appointment, approve Resolution No. 2018-46 canceling the election for the at large Office of Mayor scheduled for November 6, 2018, and appointing Frank Gonzalez, the only nominee to the Office of Mayor.

E. ADJOURNMENT

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the City Clerk at 559/876-6300 Ext 1350. Notification of 48 hours prior to the meeting will enable the City Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled.

I certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 17th day of August 2018.


Rebeca Padrón, City Clerk



CITY OF SANGER

REPORT TO THE CITY COUNCIL

To: Mayor and Council Members
From: Becky Padron, City Clerk
Subject: Appointment to Office of Mayor or Holding of Election for Mayor
Attachments: Resolution No. 2018-46

CONFLICT OF INTEREST:

None known.

RECOMMENDATION:

That the City Council determine whether to make an appointment for the Office of Mayor or whether to hold the election; if the Council determines to make an appointment, approve Resolution No. 2018-46 canceling the election for the at large Office of Mayor scheduled for November 6, 2018 and appointing Frank Gonzalez, the only nominee to the Office of Mayor.

EXECUTIVE SUMMARY:

The Elections Code contains specific requirements regarding situations when the number of candidates for an at large office does not exceed the number of offices to be filled. In such event, the Council may determine whether to fill the position by appointment or hold the election.

Certain requirements must be met before the Council makes that determination in a special or regular meeting: (1) the City Clerk must post or publish a Notice, (2) the City Clerk must Certify the Facts; and (3) the City Council after the posting or publication of the Notice may make the appointment or direct the election.

All three requirements are met in this case. As of the close of the nomination period on August 10, 2018, incumbent Frank Gonzalez was the only person nominated to the Office of Mayor. A notice

Prepared by: Becky Padron

Approved by: _____

REVIEW: City Manager: _____

Finance: _____

City Attorney: _____

TYPE OF ITEM:	COUNCIL ACTION:	APPROVED	DENIED	NO ACTION
<input type="checkbox"/> Consent				<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Info Item				<input type="checkbox"/> Matter Initiated by a Council Member
<input checked="" type="checkbox"/> Action Item				<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Department Report				<input type="checkbox"/> Continued to: _____
<input type="checkbox"/> Successor Agency				

was published on August 16, 2018, in the Sanger Herald, and the City Clerk's certification has also been posted.

BACKGROUND

The Legislature has specified the procedure that must be followed under Elections Code Section 10229 where there is only one candidate. Section 10229 applies where by the 88th day, during normal business hours as posted, prior to the day fixed for a regularly scheduled municipal election or the 83rd day before the election, during normal business hours as posted, if an incumbent fails to file pursuant to Section 10225, "the city elections official shall submit a certificate of these facts to the governing body of the city and inform the governing body of the city that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action":

1. Appoint to the office the person who has been nominated.
2. Appoint to the office an eligible elector if no one has been nominated.
3. Hold the election.

The process is as follows:

1. The city clerk must certify to the city council – at a regular or special council meeting – the existence of facts showing that Section 10229 may be properly invoked, and the options available to the city council.
2. Notice of these facts must be published or posted after the close of the nomination period, and at least five days before the meeting at which the city council intends to make appointments.
3. The appointments must be made no later than the 75th day before the election. If all of these requirements are satisfied, the city council may make its appointments, and cancel the election. If not, the election must still be conducted.

Note that Section 10229 provides if the governing body of a city makes an appointment, the city clerk may not accept for filing any statement of write-in candidacy submitted after the council has made the appointment.

REASON FOR RECOMMENDATION:

For compliance with Section 10229 of the Elections Code.

FISCAL IMPACT:

It is likely the City will realize a savings if the Council decides to make an appointment to the Office of Mayor and cancel the election. The Election's Office indicates they are not able to articulate as to the amount of savings.

ALTERNATIVES:

None.

ACTIONS FOLLOWING APPROVAL:

The City Clerk's Office will notify the Fresno County Election's Office of the Council's action by the end of business on Thursday, August 23, 2018, the 75th day before the election, as required by the Elections Code.

RESOLUTION NO. 2018-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANGER CANCELING THE GENERAL MUNICIPAL ELECTION FOR THE AT LARGE OFFICE OF MAYOR SCHEDULED FOR NOVEMBER 6, 2018, AND APPOINTING FRANK GONZALEZ, THE ONLY NOMINEE TO THE OFFICE OF MAYOR

WHEREAS, pursuant to §10229 of the Elections Code of the State of California, as of the close of the nomination period on August 10, 2018, there are not more candidates than offices to be elected to the at large Office of Mayor and that §10229 of the Elections Code allows one of the following course of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

WHEREAS, the City Clerk's Certification that there were not more candidates than offices to be elected, Exhibit A, was submitted to City Council pursuant to law.

WHEREAS, a notice that there were not more candidates than offices to be elected was published on August 16, 2018, in the Sanger Herald pursuant to law.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SANGER DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to §10229 of the Elections Code of the State of California, the following action is being taken:

The following person is hereby appointed to the office to which they were nominated:

NAME	OFFICE	TERM
Frank Gonzalez	Mayor	2 years

SECTION 2. The election for the Office of Mayor scheduled to be held on Tuesday, November 6, 2018, is now canceled. The City Council's request to the Board of Supervisors to consolidate said election with the statewide election is hereby rescinded and the Board of Supervisors is hereby requested to direct the County Clerk to take all steps required to remove reference to a general municipal election for the Office of Mayor in the City of Sanger from ballot materials for such election and to otherwise implement the cancellation of said election with the cooperation and assistance of the City Clerk of the City of Sanger.

SECTION 3. The person(s) appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED at a special meeting of the City Council of the City of Sanger held on the 22nd day of August, 2018.

Rebeca Padron, City Clerk

Attachment: Exhibit "A"

**CITY CLERK'S CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES
THAN OFFICES TO BE ELECTED AT THE NOVEMBER 6, 2018 GENERAL
MUNICIPAL ELECTION FOR THE CITY OF SANGER**

I, Rebeca Padron, City Clerk of the City of Sanger do hereby certify that pursuant to §10229, Elections Code of the State of California, to the following facts relating to the General Municipal Election to be held November 6, 2018:

As of the close of the nomination period on August 10, 2018, there is only one candidate to be elected to the at large Office of Mayor.

The person so nominated is incumbent Frank Gonzalez.

That §10229 of the Elections Code allows one of the following courses of action by the City Council:

- (1) Appoint to the office the person who has been nominated.
- (2) Appoint to the office any eligible voter if no one has been nominated.
- (3) Hold the election if either no one or only one person has been nominated.

After the fifth day following the date of publication of the Notice of these facts, the City Council will meet in a Special Meeting on August 22, 2018, at 6:00 p.m., in the City Council Chamber, 1700 Seventh Street, Sanger, California, to either make the appointment or direct an election to be held.

The person(s) appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, no person has been appointed to the offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to §10229, Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.



Rebeca Padron, City Clerk

Date: 8/16/18