

**City of Carpinteria
City Council Agenda
Special Meeting
Monday, August 18, 2014
4:00 p.m.**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

The City Council will meet to consider the following matter:

1. Cancellation of the November 4, 2014 General Municipal Election

Recommendation: That the City Council, adopt one of the two following resolutions relating to the November 4, 2014, General Municipal Election, as is deemed appropriate:

- a. Resolution No 5546, as read by title only, providing for the appointments to the Offices of City Council that were to be elected on Tuesday, November 4, 2014, and canceling the election; or
- b. Resolution No. 5546, as read by title only, confirming the holding of a General Municipal Election to be held on Tuesday, November 4, 2014, for the election of three members of the City Council.

ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk's Office at 684-5405, extension 403 or the California Relay Service at (866) 735-2929. Notification two business days prior to the meeting will enable the City to make reasonable arrangements for accessibility to this meeting.

This agenda was posted on Wednesday, August 13, 2014, in the City Clerk's Office, on the City Hall Public Notices Board, and on the Internet.

STAFF REPORT
CITY COUNCIL MEETING
August 18, 2014

ITEM FOR COUNCIL CONSIDERATION:

CANCELLATION OF THE NOVEMBER 4, 2014 GENERAL MUNICIPAL ELECTION

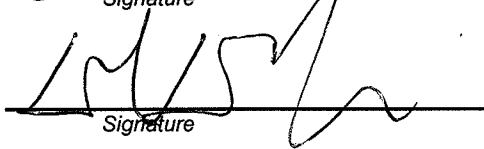
Report prepared by: Fidela Garcia, City Clerk

Department: General Government

Reviewed by:

City Manager, Dave Durflinger


Signature


Signature

STAFF RECOMMENDATION:

ACTION ITEM X ; NON-ACTION ITEM

Approve and adopt one of the two following resolutions relating to the November 4, 2014 General Municipal Election as is deemed appropriate:

1. Resolution No 5546, as read by title only, providing for the appointment of three members to the Offices of the City Council that were to be elected on Tuesday, November 4, 2014, and canceling the election.

Or

2. Resolution No 5546, as read by title only, confirming the holding of a General Municipal Election to be held on Tuesday, November 4, 2014, for the election of three members of the City Council.

I. BACKGROUND/DISCUSSION:

A total of three City Council seats are open for this year's general municipal election. The nomination period for the upcoming general municipal election closed on Friday, August 8, 2014. A total of three qualified candidates filed nomination papers. The persons nominated are (incumbents) J. Bradley Stein, Al Clark, and Gregg A. Carty.

Pursuant to Elections Code Section 10229, the City Clerk provided a certification to the City Council on August 11, 2014 attesting to the fact that there are not more candidates than offices to be elected (Attachment C). The certification was sent to City Councilmembers via email and placed in their mailboxes in City Hall. In that certification, it was noted that Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

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

Also, pursuant to Section 6061 of the Government Code, a notice of the above facts was published on August 13, 2014 (Attachment D).

Staff has prepared two draft resolutions for the City Council's consideration regarding this matter. The first draft resolution serves to appoint the three individuals nominated and thereby results in the cancellation of the election (Attachment A). The second draft resolution provides for the election to be held as scheduled (Attachment B).

Staff is recommending that the City Council consider the two draft resolutions attached to this report, determine if the election will be canceled or if it will be held as scheduled, adopt the appropriate resolution reflecting this action, and direct the City Clerk to file a copy with the County of Santa Barbara Elections Office.

II. FINANCIAL CONSIDERATIONS:

Cancellation of this year's general municipal election would save approximately \$10,000 in City election-related expenses.

III. LEGAL ISSUES:

None.

IV. ATTACHMENTS:

- A – Draft Resolution No. 5546 Canceling the 2014 General Municipal Election
- B – Draft Resolution No. 5546 Confirming the Holding of the 2014 General Municipal Election
- C – Copy of City Clerk's Certification
- D – Copy of Public Notice

Attachment A

Resolution No. 5546 Canceling the 2014 General Municipal Election
(Draft 1)

RESOLUTION NO. 5546

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, PROVIDING FOR THE APPOINTMENTS TO THE OFFICES OF CITY COUNCIL THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 4, 2014, AND CANCELING THE ELECTION

WHEREAS, pursuant to §10229 of the Elections Code of the State of California, as of the close of the nomination period on August 8, 2014, there are not more candidates than offices to be elected and that §10229 of the Elections Code allows one of the following courses 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, a notice was published on August 13, 2014, in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, does hereby resolve, declare, determine and order as follows:

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

The following persons are being appointed to the offices to which they were nominated and are considered to be the same as being elected, pursuant to §10229(a)(3) of the Elections Code:

J. Bradley Stein
Al Clark
Gregg A. Carty

SECTION 2. The election scheduled to be held on Tuesday, November 4, 2014, is now canceled.

SECTION 3. The persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office of City Council.

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

SECTION 5. That the City Clerk shall be directed to forward a certified copy of this resolution to the County of Santa Barbara Elections Division and formally

request the cancellation of the election.

PASSED, APPROVED, and ADOPTED this 18th day of August, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

J. Bradley Stein, Mayor

ATTEST:

Fidela Garcia, City Clerk

APPROVED AS TO FORM:

Peter Brown, City Attorney

Attachment B

Resolution No. 5546 Confirming the Holding of the 2014 General Municipal Election
(Draft 2)

RESOLUTION NO. 5546

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CARPINTERIA, CALIFORNIA, CONFIRMING THE HOLDING OF
A GENERAL MUNICIPAL ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 4, 2014, FOR THE ELECTION OF
THREE MEMBERS OF CITY COUNCIL**

WHEREAS, pursuant to §10229 of the Elections Code of the State of California, as of the close of the nomination period on August 8, 2014, there are not more candidates than offices to be elected and that §10229 of the Elections Code allows one of the following courses 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, a notice was published on August 14, 2014, in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, does hereby resolve, declare, determine and order as follows:

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

The general municipal election will be held as scheduled.

SECTION 2. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 3. That the City Clerk shall forward a certified copy of this resolution to the County of Santa Barbara Elections Division.

PASSED, APPROVED, and ADOPTED this 18th day of August, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

J. Bradley Stein, Mayor

ATTEST:

Fidela Garcia, City Clerk

APPROVED AS TO FORM:

Peter Brown, City Attorney

ATTACHMENT C

Copy of City Clerk's Certification

MEMORANDUM



Date: August 11, 2014
To: City Council
From: Fidela Garcia, City Clerk
Subject: Certification of Facts Related to the 2014 General Municipal Election

CITY CLERK'S CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED

I, Fidela Garcia, City Clerk of the City of Carpinteria, do hereby certify that pursuant to Section 10229, Elections Code of the State of California, the following facts relating to the General Municipal Election to be held on November 4, 2014:

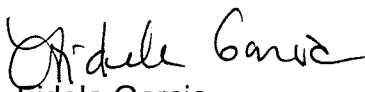
As of the close of the nomination period on August 8, 2014, there are not more candidates than offices to be elected.

The persons so nominated are: J. Bradley Stein; Al Clark; and Gregg A. Carty.

Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council: (1) Appoint to the office the persons who have been nominated; (2) Appoint to the office any eligible voter if no one has been nominated; or (3) Hold the election if either no one or only one person has been nominated.

A notice of these facts will be published on August 13, 2013, in a newspaper of general circulation pursuant to Section 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet to either make the appointments or direct an election to be held. The persons 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 Section 10229 of the Election Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.


Fidela Garcia
City Clerk

ATTACHMENT D

Copy of Public Notice

CITY OF CARPINTERIA

NOTICE THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED

NOTICE IS HEREBY GIVEN that pursuant to §10229 of the Elections Code of the State of California relating to the General Municipal Election in the City of Carpinteria to be held Tuesday, November 4, 2014.

As of the close of the nomination period on August 8, 2014, there are not more candidates than offices to be elected. The persons so nominated are:

J. Bradley Stein
Al Clark
Gregg A. Carty

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

1. Appoint to the office the persons who have 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.

The City Council will meet on August 18, 2014, at 4:00 p.m., in the City Council Chamber, 5775 Carpinteria Avenue, Carpinteria, California, to either make the appointments or direct an election to be held. The persons 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 of the Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.



Fidela Garcia, CMC, City Clerk
City of Carpinteria

Date Published/Posted: Wednesday, August 13, 2014