

AGENDA ITEM:

**CITY OF TULARE, CA
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: City Attorney/City Clerk's Office

For Council Meeting of: August 23, 2016

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Consideration to adopt Resolution 16-46 providing for the appointment of Maritsa Castellanoz-Munoz, District 2, to the office of City Council of the City of Tulare that were to be elected on Tuesday, November 8, 2016 in accordance with California Elections Code §10229 for the remainder of the term ending November 2018.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

The Candidate Nomination Filing Period for the November 8, 2016 Election was July 18 to August 12. As of the close of the nomination period on Friday, August 12, 2016, the only qualified nomination papers received for District 2 were filed by Maritsa Castellanoz-Munoz.

Pursuant to Elections Code §10229, 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 a 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 any eligible elector if no one has been nominated.
- (3) Hold the election, if either no one, or only one person has been nominated.

A notice of the facts described was published in a newspaper of general circulation pursuant to Government Code §6061 on Thursday, August 18, 2016.

If the proposed Resolution is adopted and appointment made, a certified copy of said Resolution will be forwarded to the Tulare County Registrar of Voters Elections Office as notice of cancellation of the November 8, 2016 Election for District 2. The appointee will be sworn in at the first regularly scheduled meeting following the certification of the Election results with those successful candidates from the remaining two Districts, and will take office and serve exactly as if elected at a municipal election for that office.

STAFF RECOMMENDATION:

Adopt Resolution 16-46 providing for the appointment of Maritsa Castellanoz-Munoz, District 2, to the office of City Council of the City of Tulare that were to be elected on Tuesday, November 8, 2016 in accordance with California Elections Code §10229 for the remainder of the term ending November 2018.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes No N/A

FUNDING SOURCE/ACCOUNT NUMBER:

Submitted by: Martin Koczanowicz **Title:** City Attorney
Roxanne Yoder Chief Deputy City Clerk

Date: August 15, 2016

City Manager Approval: _____

RESOLUTION 16-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TULARE PROVIDING FOR THE APPOINTMENT TO THE OFFICE OF THIS CITY THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2016 FOR THE RE- MAINDER OF THE TERM ENDING NOVEMBER 2018.

WHEREAS, pursuant to Elections Code §10229 of the Elections code of the State of California, as of the close of the nomination period on August 12, 2016, there is not more than one candidate for the available City Council Seat for District 2 to be elected; and that Elections Code §10229 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 elector if no one has been nominated.
- (3) Hold the election, if either no one, or only one person has been nominated.

WHEREAS, a notice of these facts was published on Thursday, August 18, 2016, in a newspaper of general circulation pursuant to Government Code §6061.

NOW, THEREFORE, the City Council of the City of Tulare, 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 person is appointed to the office to which they were nominated:

Maritsa Castellanoz-Munoz, Member of the Tulare City Council – District 2

SECTION 2. The election scheduled to be held on Tuesday, November 8, 2016, specific to District 2 is now cancelled.

SECTION 3. 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.

SECTION 4. The person appointed will be sworn in at the first regularly scheduled meeting following the certification of the Election results with those successful candidates from the remaining three Districts, and will take office and serve exactly as if elected at a municipal election for that office, for the remainder of the term ending November 2018.

SECTION 5. That 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 this 23rd day of August, 2016.

President of the Council and Ex-Officio Mayor
of the City of Tulare

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF TULARE)

I, Don Dorman, City Clerk of the City of Tulare, certify the foregoing is the full and true Resolution 16-46 passed and adopted by the Council of the City of Tulare at a regular meeting held on August 23, 2016, by the following vote:

Aye(s) _____

Noe(s) _____ Abstention(s) _____

Dated: DON DORMAN, CITY CLERK

By Roxanne Yoder, Chief Deputy



CITY OF TULARE

NOTICE OF NOT MORE THAN ONE NOMINATED CANDIDATE FOR DISTRICT TWO

NOTICE IS HEREBY GIVEN that pursuant to §10229 of the Elections Code of the State of California relating to the General Election in the City of Tulare to be held Tuesday November 8, 2016:

As of the close of the nomination period on August 12, 2016, there is not more than one candidate for the available City Council Seat for District 2.

The person so nominated is:

Maritsa Castellanoz-Munoz

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 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 23, 2016 at 6:00 p.m. to either make the appointment or direct an election to be held. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a General Election for the office and the remainder of the term ending November 2018, to be effective at the first regularly scheduled meeting following the certification of the November Election.

If, by the 75th day before the General 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.

Roxanne Yoder, Chief Deputy City Clerk
August 16, 2016