



City of Kingsburg

1401 Draper Street, Kingsburg, CA 93631-1908
Phone (559)897-5821 Fax (559)897-5568

Mayor Michelle Roman
Mayor Pro Tem Bruce Blayney
Council Member Staci Smith
Council Member Sherman Dix
Council Member Laura North

City Manager Alexander J. Henderson

AGENDA KINGSBURG CITY COUNCIL SPECIAL MEETING

Council Chambers, 1401 Draper Street, Kingsburg, CA 93631 (559) 897-5821
www.cityofkingsburg-ca.gov

Tuesday, August 21, 2018 at 6 pm

1. **Call to order and roll call –**
2. **Public Comments -** Any person may directly address the Council at this time on any item not on the agenda and that is within the subject matter jurisdiction of the Council. A maximum of five minutes is allowed for each speaker.
3. **REGULAR CALENDAR**
 - 3.1 **Appointment of Michelle Roman to the of Kingsburg City Council, District 4 of this City, who was to be elected on Tuesday, November 6, 2018-** Staff report prepared by City Clerk Abigail Palsgaard
Possible Action(s):
 - a. Presentation by City Clerk Abigail Palsgaard
 - b. Council Discussion
 - c. Adopt Resolution 2018-055 Providing for the appointment of Michelle Roman to the of Kingsburg City Council, District 4 of this City, who was to be elected on Tuesday, November 6, 2018
4. **Adjourn Kingsburg City Council Special Meeting.**

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at www.cityofkingsburg-ca.gov.



Meeting Date: 08/21/2018
Agenda Item: 3.1

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor Roman & City Council

REPORT FROM: Abigail Palsgaard, City Clerk **REVIEWED BY:** MN

AGENDA ITEM: APPOINTMENT OF MICHELLE ROMAN TO THE OFFICE OF KINGSBURG CITY COUNCIL MEMBER, DISTRICT 4 OF THIS CITY, WHO WAS TO BE ELECTED ON TUESDAY, NOVEMBER 6, 2018

ACTION REQUESTED: Ordinance Resolution Motion Receive/File

EXECUTIVE SUMMARY

Election law allows cities to forgo the expensive election process for Council seats where a candidate is running unopposed, and therefore, is guaranteed to be the successful candidate upon completion of the election. These candidates may be appointed to their Council seats. As of the close of the nomination period for City Council candidates on August 10, 2018 (88 days before the election), there is only one candidate running for office in District 4 for the November 6, 2018 General Municipal Election. The California Elections Codes §10229 states that the City Clerk must certify these facts to the governing body of the City (attached) and inform them of the following courses of action they may take:

1. Appoint to the Office the person who has been nominated; or
2. Appoint to the office any eligible elector if no one has been nominated; or
3. Hold the election, if either no one or one person has been nominated.

A notice of these courses of action must be published in the newspaper of general circulation, and the Council may not take action on appointment until after the fifth day following the date of publication. However, the Code requires the appointment to be made by the 75th day before the election, or the election must be held. The 75th day falls on Thursday, August 23, 2018. This is a very short amount of time to accomplish the required actions.

Staff is recommending that the City Council appoint Michelle Roman to the position of Council Member District 4 which she is currently the incumbent. A notice was published in the Kingsburg Recorder and posted in front of City Hall (attached) on August 15, 2018.

If Council decides to fill the office by appointment, there will not be an opportunity for anyone to file as write-in candidates. There will be a savings to the City in election cost if the nominee is not included on the ballot. The person appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

RECOMMENDED ACTION BY CITY COUNCIL

1. Adopt Resolution 2018-055 Appointing Michelle Roman to the office of Kingsburg City Council Member, District 4 of this City, who was to be elected on Tuesday, November 6, 2018

POLICY ALTERNATIVE(S)

1. Do not adopt Resolution 2018-055 and hold the election for District 4.

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|-------------------|
| 1. Is There A Fiscal Impact? | Yes |
| 2. Is it Currently Budgeted? | Yes |
| 3. If Budgeted, Which Line? | 001-1800-519-5360 |

ATTACHED INFORMATION

1. Resolution 2018-055
2. City Clerk's Certification of Facts

RESOLUTION NO. 2018-055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KINGSBURG APPOINTING THE ONLY NOMINEE TO THE OFFICE OF CITY COUNCIL DISTRICT 4 THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 6, 2018

WHEREAS, as of the close of the City Council nomination period on August 10, 2018, only one person has been nominated to be elected from Kingsburg City Council District 4, and the City Clerk has submitted a certificate of these facts to the City Council in accordance with Elections Code Section 10229; and

WHEREAS, Elections Code Section 10229 authorizes 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 referencing the above facts and courses of action was published on August 15, 2018, in a newspaper of general circulation in accordance with Elections Code Section 10229 and the applicable law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KINGSBURG DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOW:

SECTION 1. Pursuant to Elections Code Section 10229, the following action is taken:

The following person is appointed to the office to which she was nominated, and is considered to be the same as being elected:

<u>NAME</u>	<u>OFFICE</u>	<u>TERM</u>
Michelle Roman	City Council Member, District 4	4 years

SECTION 2. This appointment shall not affect the conduct of the municipal election in other legislative districts of the City to be held on Tuesday, November 6, 2018.

SECTION 3. The person appointed shall qualify and take office and serve exactly as if elected at the 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.

I, Abigail Palsgaard, City Clerk for the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting for the Kingsburg City Council held on the 1st day of August, 2018, by the following vote:

Ayes: Council Member(s):
 Noes: Council Member(s):
 Absent: Council Member(s):
 Abstain: Council Member(s):

Abigail Palsgaard, City Clerk
 City of Kingsburg



**CITY CLERKS CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES
THAN OFFICES TO BE ELECTED**

I, Abigail Palsgaard, City Clerk of the City of Kingsburg, do hereby certify, pursuant to §10229, Elections Code of the State of California, to the following facts relating to the General Municipal Election in the City of Kingsburg to be held on Tuesday, November 6, 2018:

As of the close of the nomination period on August 10, 2018, there are not more candidates than offices to be elected for District 4 of the City of Kingsburg.

The person so nominated is:

Michelle Roman, District 4

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 voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

This notice of these facts will be published on August 15, 2018, in a newspaper of general circulation in the city pursuant to § 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet 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 the municipal election for the office.

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

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

Abigail Palsgaard, City Clerk
City of Kingsburg
Dated: August 13, 2018