



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – SPECIAL MEETING

Date: August 23, 2016

Time: 7:00 a.m.

For information regarding this Agenda please contact:

Jennifer M. Ferraiolo

City Clerk

Telephone: (209) 333-6702

A. Call to Order / Roll Call

B. Regular Meeting

Res. B-1 Consider Adopting Resolution Providing for the Appointment of Officers That Were to Be Elected and Cancelling the November 8, 2016, Election of Officers

C. Adjournment

Pursuant to Section 54956.2(a) of the Government Code of the State of California, this agenda was posted at a place freely accessible to the public 24 hours in advance of the scheduled meeting.

Jennifer M. Ferraiolo
City Clerk

All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Jennifer M. Ferraiolo at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Jennifer M. Ferraiolo (209) 333-6702.

****NOTICE:** Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item.**



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Consider Adopting Resolution Providing for the Appointment of Officers That Were to Be Elected and Cancelling the November 8, 2016, Election of Officers

MEETING DATE: August 23, 2016

PREPARED BY: City Clerk

RECOMMENDED ACTION: Consider adopting resolution providing for the appointment of officers that were to be elected and cancelling the November 8, 2016, election of officers.

BACKGROUND INFORMATION: The nomination period for the office of Lodi City Council Member, for two seats, was open July 18 – August 12, 2016. Following the close of the nomination period, only two candidates filed papers. Elections Code §10229 allows for the following courses of action to be taken by the City Council no less than 75 days before the election if there are not more candidates than offices to be elected.

1. Appoint to the office the person(s) who has/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.

Council was notified on August 15, 2016, that there were not more candidates than offices to be elected and that the persons nominated were **Bob Johnson** and **JoAnne L. Mounce**. As required, a notice was published in the newspaper on August 17, 2016, notifying the public of these facts and that the Council will meet on August 23, 2016, at least five days following the publication date, to either make the appointments or direct an election to be held. The City Council has until August 25, 2016 (i.e. the 75th day before the election) to take action. If no action is taken, the election shall be held. The San Joaquin Registrar of Voters estimates a cost savings of roughly \$10,000 to cancel the election of officers.

If the City Council makes an appointment pursuant to the Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made. The filing period for write-in candidates is September 12 to October 25, 2016. For informational purposes, there has been one qualified write-in candidate over the last 20 years.

FISCAL IMPACT: \$114,000 was estimated for the election, which included the election of officers and one measure at the time Council adopted the budget. Subsequently, two measures were submitted for the ballot, which increases the budgeted election cost by roughly \$10,000. Cancelling the City Council election would offset that cost.

FUNDING AVAILABLE: \$10,000 savings for election-related costs – 10005000.72450.

Jordan Ayers, Deputy City Manager

Jennifer M. Ferraiolo, City Clerk

JMF
Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

Jennifer Ferraiolo

From: Jennifer Ferraiolo
Sent: Monday, August 15, 2016 11:34 AM
To: City Council
Cc: Steve Schwabauer; Janice Magdich; Jordan Ayers; Pamela Farris
Subject: City Clerk's Certificate - Council Candidates
Attachments: 20160815111929.pdf

Importance: High

Attached please find the City Clerk's Certificate that there are not more candidates than offices to be elected at the Tuesday, November 8, 2016, General Municipal Election. As required, a notice will be published in the newspaper (scheduled for August 17) notifying the public of the facts, followed by a special City Council meeting on **Tuesday, August 23 at 7 a.m.** for Council action to either make the appointments or direct an election to be held. Please let me know if you have any questions.

Jennifer M. Ferraiolo, CMC

City Clerk
P.O. Box 3006
Lodi, CA 95241-1910
(209) 333-6702
(209) 333-6807 FAX

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

I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, 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 on Tuesday, November 8, 2016.

As of the close of the nomination period on August 12, 2016, there are not more candidates than offices to be elected.

The person(s) so nominated are:

**Bob Johnson
JoAnne L. Mounce**

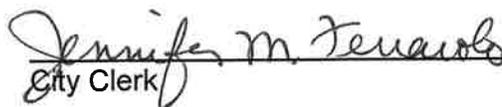
That §10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person(s) who has/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.

A notice of these facts will be published on August 17, 2016, 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(s) 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 office(s) 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.



City Clerk

Dated: August 15, 2016

RESOLUTION NO. 2016-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI,
CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE
OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON
TUESDAY, NOVEMBER 8, 2016

WHEREAS, pursuant to Section 10229 of the California Elections Code, as of the close of the nomination period on August 12, 2016, there are not more candidates than offices to be elected and 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 person(s) who has/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.

WHEREAS, a notice was published on August 17, 2016, in the Lodi News Sentinel, a newspaper of general circulation, pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to Section 10229 of the California Elections Code, 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 Elections Code Section 10229(a)(3):

Bob Johnson, Member of the Lodi City Council
JoAnne L. Mounce, Member of the Lodi City Council

SECTION 2. The election scheduled to be held on Tuesday, November 8, 2016, for the purposes of electing officers to the Lodi City Council is now canceled.

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

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.

Date: August 23, 2016

I hereby certify that Resolution No. 2016-____ was passed and adopted by the Lodi City Council in a special meeting held August 23, 2016, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

ATTEST:

MARK CHANDLER
Mayor

JENNIFER M. FERRAILOLO
City Clerk



**Please immediately confirm receipt
of this fax by calling 333-6702**

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: CITY OF LODI NOTICE THAT THERE ARE NOT MORE CANDIDATES
THAN OFFICES TO BE ELECTED**

PUBLISH DATE: WEDNESDAY, AUGUST 17, 2016

LEGAL AD

TEAR SHEETS WANTED: One (1) please

**SEND AFFIDAVIT AND BILL TO:
LNS ACCT. #0510052**

JENNIFER M. FERRAILOLO, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: MONDAY, AUGUST 15, 2016

ORDERED BY: 
JENNIFER M. FERRAILOLO
CITY CLERK

PAMELA M. FARRIS
DEPUTY CITY CLERK

ELIZABETH BURGOS
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Emailed to the Sentinel at dianer@lodinews.com at _____(time) on _____(date) _____(pages)
Phoned to confirm receipt of all pages at _____(time) _____EB _____PMF (initials)

**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 Lodi to be held on Tuesday, November 8, 2016:

As of the close of the nomination period on August 12, 2016, there are not more candidates than offices to be elected.

The person(s) so nominated are:

**Bob Johnson
JoAnne L. Mounce**

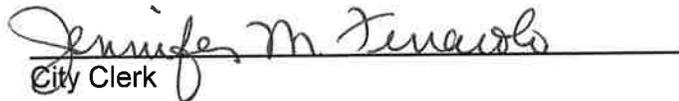
That §10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person(s) who has/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 at **7 a.m. on Tuesday, August 23, 2016**, to either make the appointment(s) 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 office(s) 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.



City Clerk

Dated: August 17, 2016

AVISO QUE NO HAY MÁS CANDIDATOS QUE OFICINAS PARA SER ELEGIDO

POR MEDIO DE LA PRESENTE SE NOTIFICA QUE según §10229 del Código Electoral del Estado de California relativa a la elección general municipal en la Ciudad de Lodi a ser realizada el martes, 8 de noviembre, 2016:

A partir del cierre del período de nominación el 12 de agosto, 2016, no hay más candidatos que oficinas para ser elegido.

La personas nominadas así son:

Bob Johnson

JoAnne L. Mounce

Que §10229 del Código Electoral permite que uno de los siguientes cursos de acción estar tomado por el Consejo Municipal:

1. Designar a la oficina la(s) persona(s) quien ha(n) sido nominada(s).
2. Designar a la oficina a cualquier votante elegible si nadie ha sido nominado.
3. Mantenga la elección si nadie o solamente una persona ha sido nominada.

El Consejo Municipal se reunirá a las 7 de la mañana el martes, 23 de Agosto, 2016, para realizar las designaciones o dirigir que una elección sea realizada. La(s) persona(s) designadas, si hay alguien, será calificado y tomará posesión de la oficina y servirá exactamente como si elegido en una elección municipal para la oficina.

Si para el día número 75 antes de la elección municipal, nadie ha sido designado a la oficina según (1) o (2) arriba, la elección será realizada.

Si el Consejo Municipal hace la designación según §10229, Código Electoral, la Secretaria Municipal no aceptará la presentación de cualquier declaración de candidatura escrita que sea presentada después de la realización de designación.

Jennifer M. Ferraiolo
Secretaria Municipal

Fechado: 17 de Agosto, 2016



DECLARATION OF POSTING

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

On Monday, August 15, 2016, in the City of Lodi, San Joaquin County, California, a Notice that there are not more candidates than offices to be elected (attached and marked as Exhibit A), was posted at the following locations:

Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum
WorkNet Office

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 15, 2016, at Lodi, California.

ORDERED BY:


JENNIFER M. FERRAILO
CITY CLERK

PAMELA M. FARRIS
DEPUTY CITY CLERK

ELIZABETH BURGOS
ADMINISTRATIVE CLERK

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Jennifer M. Ferraiolo
Secretaria Municipal

Fecha: 17 de Agosto, 2016