



CITY OF HUGHSON
SPECIAL CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
7018 Pine Street, Hughson, CA

AGENDA
Wednesday, AUGUST 22, 2018 – 6:30 P.M.

CALL TO ORDER: Mayor Jeramy Young

ROLL CALL: Mayor Jeramy Young
Mayor Pro Tem George Carr
Councilmember Harold Hill
Councilmember Mark Fontana
Councilmember Ramon Bawan

FLAG SALUTE: Mayor Jeramy Young

INVOCATION:

RULES FOR ADDRESSING CITY COUNCIL

Members of the audience who wish to address the City Council are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the audience may address the City Council on any item of interest to the public pertaining to the City and may step to the podium, state their name and city of residence for the record (requirement of name and city of residence is optional) and make their presentation. Please limit presentations to five minutes. Since the City Council cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern, which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. **PRESENTATIONS:** NONE.

3. **CONSENT CALENDAR:** NONE.

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

4. **UNFINISHED BUSINESS:**

4.1. Consideration of Resolution No. 2018-38, a Resolution of the City Council of the City of Hughson, California Providing for the Appointment to the Offices of this City that were to be Elected on Tuesday, November 6, 2018 and Canceling the November 6, 2018 City Election.

5. **PUBLIC HEARING:** NONE.

6. **NEW BUSINESS:** NONE.

7. **CORRESPONDENCE:** NONE.

8. **COMMENTS:**

8.1: Staff Reports and Comments: (Information Only – No Action)

City Manager:

City Clerk:

Community Development Director:

Director of Finance and Administrative

Services:

Police Services:

City Attorney:

8.2: Council Comments: (Information Only – No Action)

8.3: Mayor's Comments: (Information Only – No Action)

9. CLOSED SESSION TO DISCUSS THE FOLLOWING: NONE.

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

| | |
|--------------------|--|
| August 24 | ▪ Hughson Farmer's Market, Downtown Hughson, Charles St, 6-8:30 P.M. |
| August 27 | ▪ Economic Development Committee, City Hall Chambers, 5:30 P.M. |
| August 27 | ▪ City Council Meeting, City Hall Chambers, 7:00 P.M. |
| August 31 | ▪ Hughson Farmer's Market, Downtown Hughson, Charles St, 6-8:30 P.M. |
| September 3 | ▪ Labor Day Holiday |

AFFIDAVIT OF POSTING

DATE: August 21, 2018 **TIME:** 6:30 pm
NAME: Lisa Whiteside **TITLE:** Finance Manager

AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson City Council shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

General Information: The Hughson City Council meets in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m., unless otherwise noticed.

Council Agendas: The City Council agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054



CITY OF HUGHSON AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date: August 22, 2018
Subject: Consideration of Resolution No. 2018-38, a Resolution of the City Council of the City of Hughson, California Providing for the Appointment to the Offices of this City That Were to be Elected on Tuesday, November 6, 2018 and Canceling the November 6, 2018 City Election
Enclosures: Resolution No. 2018-38
Certificate of Facts
Presented By: Daniel J. Schroeder, City Attorney

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

Approved By: _____

Staff Recommendation:

Adopt Resolution No. 2018-38, a resolution of the City Council of the City of Hughson, 1) canceling the November 6, 2018, election of Mayor and two (2) City Council positions since the number of candidates does not exceed the number of positions up for election and 2) appointing the candidates that filed nomination papers with the City Clerk for the position of Mayor and City Council.

Background and Overview:

A general municipal election is scheduled to be held in the City of Hughson on November 6, 2018 for the purpose of electing a mayor for a term of two (2) years and electing two council members each for a term of four (4) years. At the close of the deadline for candidates to file nomination papers to run for these offices, the City of Hughson Election Official had received nomination papers from one person to run for Mayor, Jeramy Young, and two people to run for City Council, George Carr and Harold Hill.

Discussion:

Provisions of the California Elections Code (Section 10229), provides that in the case of any offices to be elected at large, if the number of persons who have been nominated for those offices does not exceed the number to be filled at that election, that the City Election's Official shall inform the City Council of these facts so that the City Council can adopt one of the following courses of action:

1. Appoint to the office the persons who have been nominated and cancel the election; or
2. Hold the election.

If the City Council chooses to cancel the election and appoint the three nominated individuals, the appointment will occur after proper notice is posted in the newspaper and another properly noticed council meeting is held to make the appointments and cancel the election. The terms for all three positions would commence as if the individuals had been “elected” at the November 6, 2018 election.

On August 14, 2018, a special meeting of the City Council was held to consider these options. After the Deputy City Attorney provided an update on the municipal election process and outlined available options, the City Council adopted by motion the following actions:

1. Elect to appoint to office the three (3) individuals who have been nominated;
2. Publish Notice of the Facts pertaining to the nominations received and course of action adopted in the newspaper; and
3. Hold a special meeting on August 22, 2018 to make the following appointments to office and cancel the November 6, 2018 election:
 - Jeremy Young for the office of Mayor, for the full term of two (2) years;
 - George Carr for the office of council member, for the full term of four (4) years; and
 - Harold Hill for the office of council member, for the full term of four (4) years.

City staff has worked with the City Attorney’s Office to accomplish all necessary tasks for the City Council to take formal action on this item.

Fiscal Impact:

In anticipation of the general municipal election, the approved Fiscal Year 2018-2019 Preliminary Budget included a \$6,000 allocation for associated costs. Earlier this month, City staff received a cost estimate from the Office of the County Clerk/Recorder Registrar of Voters. The cost estimate is based on the current number of voters in the City of Hughson and a projected estimate at the time of election (3,370-3,500). The estimated cost per voter is \$1.60 - \$3.00. Therefore, the cost may range from \$5,406.40 - \$10,500.

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2018-38**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON,
CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICE(S) OF
THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 6, 2018
AND CANCELING THE NOVEMBER 6, 2018 CITY ELECTION.**

WHEREAS, at its regularly scheduled meeting of April 23, 2018, the Hughson City Council; approved Resolution No. 2018-15 giving notice of the holding of a General Municipal Election on Tuesday, November 6, 2018, for the Election of Certain Officers as required by the provisions of the Laws of the State of California relating to General Law Cities and requesting Consolidation of the Election with Stanislaus County; and

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

1. Cancel the election and appoint to the office the person who has been nominated and appoint to the office any eligible voter if no one has been nominated.
2. Hold the election if either no one or only one person has been nominated; and

WHEREAS, a Certificate of Facts required by § 10229 of the Elections Code was timely published and posted in three public places on August 15, 2018 and on August 21, 2018 in a newspaper of general circulation pursuant to law; and

**NOW, THEREFORE BE IT RESOLVED THE CITY COUNCIL OF THE
CITY OF HUGHSON, CALIFORNIA, DOES RESOLVE, DECLARE,
DETERMINE AND ORDER AS FOLLOWS:**

Section 1. Pursuant to § 10229 of the Elections Code of the State of California, the City hereby cancels the November 6, 2018, election for the positions of Mayor and two (2) City Council positions.

Section 2. Pursuant to § 10229 of the Elections Code of the State of California, the following persons are appointed to the office(s) to which they were nominated, and are considered to be the same as being elected, pursuant to § 10229 (a)(3) of the Elections Code:

Jeremy Young for the office of Mayor for the full term of two (2) years.

George Carr for the office of council member for the full term of four (4) years.

Harold Hill for the office of council member for the full term of four (4) years.

Section 3. The person(s) 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.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Hughson at its special meeting held on this 22nd day of August, 2018 by the following roll call votes: ()

AYES:

NOES:

ABSENT:

ABSTENTIONS:

JERAMY YOUNG, Mayor

ATTEST:

LISA WHITESIDE, Finance Manager



CITY OF HUGHSON CERTIFICATE OF FACTS

I, Lisa Whiteside, Finance Manager of the City of Hughson do hereby certify that pursuant to Section 10229 of the Elections Code of the State of California to the following facts relating to the General Municipal Election to be held on November 6, 2018.

1. As of the close of the nomination period, the persons so nominated for the Mayor position are:

Jeremy Young for the full term of two (2) years.

2. As of the close of the nomination period, the persons so nominated for the two at-large City Council Positions are:

George Carr for City Council Member for the full term of four (4) years.

Harold Hill for City Council Member for the full term of four (4) years.

Section 10229 of the Elections Code of the State of California allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office of 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 was published or posted on August 15, 2018 in three public places and August 21, 2018 in a newspaper of general circulation in the City pursuant to Section 6061 of the government Code. The City Council will meet on August 22, 2018 to either make the appointment(s) or direct that the election 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 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.

Dated: August 22, 2018

Lisa Whiteside

Finance Manager

CITY OF HUGHSON
PUBLIC NOTICE OF FACTS PURSUANT TO ELECTION CODE SECTION 10229
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 Hughson to be held on Tuesday, November 6, 2018 for the purpose of electing a mayor for a term of (2) years and electing two council members each for a term of four (4) years:

As of the close of the nomination period on August 10, 2018 for the office of Mayor and City Council, the City of Hughson Election Official had received nomination papers from one person to run for Mayor, Jeramy Young, and two people to run for City Council, George Carr and Harold Hill. Since the number of individuals who have been nominated for the offices does not exceed the number to be filled at the election, it is an uncontested election.

At a special City Council Meeting held on August 14, 2018, the Council was advised of these facts and the two options available to the City to address this situation under California Election Code Section 10229. The first is to allow the election to go forward and the individuals that submitted nomination papers would be elected. The second is to cancel the election and appoint those identified below:

| <u>Office</u> | <u>Nominated Candidate</u> | <u>Term of Office</u> |
|----------------------------|-----------------------------------|------------------------------|
| Mayor | Jeramy Young | Two Years |
| Member of the City Council | George Carr | Four Years |
| Member of the City Council | Harold Hill | Four Years |

The City Council will hold a special meeting on August 22, 2018, at 6:30 P.M. or as soon thereafter in the Council Chambers located at 7018 Pine Street, Hughson, California to either make the appointment(s) identified above and cancel the election 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 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.

Dated: 8/15/2018
Lisa Whiteside
Finance Manager