



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

**AGENDA
THURSDAY, AUGUST 25, 2016 – 4:30 P.M.**

CALL TO ORDER: Mayor Matt Beekman

ROLL CALL: Mayor Matt Beekman
Mayor Pro Tem Jeramy Young
Councilmember Jill Silva
Councilmember George Carr
Councilmember Harold Hill

FLAG SALUTE:

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. 2016-30, 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 8, 2016 and Canceling the November 8, 2016 City Election.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.

6. NEW BUSINESS: NONE.

7. CORRESPONDENCE: NONE.

8. COMMENTS: NONE.

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:

September 5	▪ Labor Day Holiday – City Hall Closed
May 5- Sept 29	▪ Hughson Farmers’ Market (Thursday), 5:00 P.M. – 9:00 P.M.
September 12	▪ City Council Meeting, City Hall Chambers, 7:00 P.M.
Sept 15 – Sept 17	▪ Hughson Concert Series, 5:00 P.M.

AFFIDAVIT OF POSTING

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this Agenda will be made available at the City Clerk’s counter at City Hall located at 7018 Pine Street, Hughson, CA.

DATE: August 24, 2016 **TIME:** 4:30 pm
NAME: Susana Diaz **TITLE:** Deputy City Clerk

**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 25, 2016
Subject: Consideration of Resolution No. 2016-30, 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 8, 2016 and Canceling the November 8, 2016 City Election.
Enclosures: Resolution No. 2016-30
Certificate of Facts
Presented By: Susana Diaz, Management Analyst/Deputy City Clerk
Dan J. Schroeder, City Attorney

Approved: _____

Staff Recommendation:

Adopt Resolution No. 2016-30, a resolution of the City Council of the City of Hughson, 1) canceling the November 8, 2016, election of Mayor and two (2) City Council positions since the number of candidates does not exceed the number of positions up for election, 2) appointing the candidates that filed nomination papers with the City Clerk for the position of Mayor and City Council, and 3) appointing a qualified person to the position of City Council for which no nominations were received.

Background:

At its regularly scheduled meeting of June 13, 2016, the Hughson City Council approved Resolution 2016-21 giving notice of the holding of a Municipal Election on Tuesday, November 8, 2016, 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. On June 28, 2016, the Stanislaus County Board of Supervisors formally approved consolidating the Municipal Election for the City of Hughson with the Presidential General Election.

Discussion:

Upon approval from Council to consolidate the City of Hughson Municipal Election with Stanislaus County, City staff caused a Notice of Election to be published in

the local newspaper giving the citizens of Hughson notice that the office of Mayor would be open for election for a full term of two (2) years, and two city council member seats would be open for election for a full term of four (4) years. This notice was also posted on social media in order to reach as many citizens as possible in the Hughson community.

The details of the process were posted informing the community of the nomination period beginning July 18, 2016 and ending August 12, 2016. During this period, staff did not receive interest from incumbents currently in office; therefore, the nomination period was extended to August 17, 2016.

During the nomination period, staff met with five (5) interested candidates whom decided to pull nomination papers, one (1) for the office of Mayor and four (4) for the two council member seats. Unfortunately, three (3) of the five candidates withdrew their interest for candidacy to these offices. Staff received completed nomination papers from two (2) interested candidates, one (1) for the office of Mayor and one (1) for one (1) of the two (2) council seats to be filled by the specified deadline.

Pursuant to § 10229 of the Elections Code of the State of California, the City is provided two options on how to address this situation. The first is to cancel the election and appoint qualified individuals to the positions that are subject to election for which they filed nomination papers with the City Clerk and a qualified person for positions where no nominating papers were filed. The second is to do nothing and allow the election to proceed and incur the cost of the election. If the City Council desires to proceed with the first option, it must cancel the election and make the appointments by no later than Thursday August 25, 2016 and notify the Registrar of Voters by the close of business.

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.

Fiscal Impact:

The estimated cost to hold the General Municipal Election is between \$4,000 and \$15,000. The City of Hughson budgeted \$6,000 in Fiscal Year 2016-2017. If the 2016 General Municipal Election is canceled the cost savings to the General Fund in the City of Hughson are \$6,000.

CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2016-30

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 8, 2016 AND CANCELING THE NOVEMBER 8, 2016 CITY ELECTION.

WHEREAS, at its regularly scheduled meeting of June 13, 2016, the Hughson City Council; approved Resolution 2016-21 giving notice of the holding of a General Municipal Election on Tuesday, November 8, 2016, 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 17, 2016, 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 19, 2016 and on August 23, 2016 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 8, 2016, 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.

Mark D. Fontana for the office of council member for the full term of four (4) years.

Section 3. Pursuant to § 10229 of the Elections Code of the State of California, the following person is being appointed to the office(s) to which no person has been nominated:

_____ for the office of council member for City Council for a full term of four (4) years.

Section 4. 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 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 by the City Council of the City of Hughson at its special meeting held on this 25th day of August, 2016 by the following roll call votes: ()

AYES:

NOES:

ABSENT:

ABSTENTIONS:

JERAMY YOUNG, Mayor Pro Tem

ATTEST:

SUSANA DIAZ, Deputy City Clerk



CITY OF HUGHSON CERTIFICATE OF FACTS

I, Susana Diaz, Deputy City Clerk 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 8, 2016.

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:

Mark D. Fontana 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 19, 2016 in three public places and August 23, 2016 in a newspaper of general circulation in the City pursuant to Section 6061 of the government Code. The City Council will meet on August 25, 2016 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 25, 2016
Susana Diaz,
Deputy City Clerk