



The City of Oakdale recognizes and supports the Choose Civility program, an initiative of the Stanislaus County Office of Education.

CITY OF OAKDALE CITY COUNCIL SPECIAL MEETING AGENDA

City Council Chambers
277 North Second Avenue • Oakdale • CA 95361

Thursday, August 25, 2016

6:00 PM

City Council Chambers

Welcome to your City of Oakdale City Council meeting.

Your City Council are:

Mayor Pat Paul

Mayor Pro Tem Tom Dunlop

Council Member Cherilyn Bairos

Council Member J.R. McCarty

Council Member Richard Murdoch

Note: California law prohibits the City Council from taking action on any matter that is not on the posted agenda unless it is determined to be an emergency by the Council. All items will be referred to staff for follow-up and placed on a future agenda.

1. Call to Order – 6:00 p.m.

2. Council Members Present/Absent

3. Pledge of Allegiance

4. Additions/Deletions

5. Public Comments

Pursuant to California Government Code Section 54954.3(a), members of the public wishing to address the Council may do so, and such comments shall be limited to the Special Meeting topic(s).

6. Staff Reports

6.1: Consider a Resolution of the City of Oakdale City Council Providing for the Appointment of the Only Nominees to the Offices of this City that were to be Elected Tuesday, November 8, 2016. Canceling the General Municipal Election Currently Scheduled for November 8, 2016, and Requesting the Board of Supervisors of the County of Stanislaus to take all Steps Required to Remove said Election from the Consolidated Election Scheduled for that Date.

Recommended Action: Adopt Resolution 2016-___, a Resolution of the City of Oakdale City Council Providing for the Appointment of the Only Nominees to the Offices of this City that were to be Elected Tuesday, November 8, 2016, Canceling



**CITY OF OAKDALE
CITY COUNCIL
SPECIAL MEETING AGENDA
Thursday, August 25, 2016**

Next City Council Resolution: 2016-106

Next Ordinance: 1242

the General Municipal Election Currently Scheduled for November 8, 2016, and Requesting the Board of Supervisors of the County of Stanislaus to take all Steps Required to Remove said Election from the Consolidated Election Scheduled for that Date.

7. Adjournment

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Hall, 209-845-3571. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28CFR 35.102-35.104 ADA Title II).

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 in the City Clerk's office at City Hall located at 280 North Third Avenue, Oakdale, California.

DECLARATION OF POSTING

I, Kathy Teixeira, City Clerk for the City of Oakdale, certify that I caused to be posted a copy of the City of Oakdale City Council Agenda for the Special Meeting of Thursday, August 25, 2016 at the City Council Chambers, 277 North Second Avenue, Oakdale, CA, 95361 on Tuesday, August 23, 2016.

Dated: August 23, 2016

/s/Kathy Teixeira
Kathy Teixeira, CMC
City Clerk



CITY OF OAKDALE
CITY COUNCIL STAFF REPORT

Meeting Date: August 25, 2016

To: Mayor Pat Paul and Members of the Oakdale City Council

From: Kathy Teixeira, City Clerk

Subject: Possible appointment of uncontested nominees to the offices of this City that were to be elected on Tuesday, November 8, 2016 and cancelation of the General Municipal Election currently scheduled for November 8, 2016.

I. BACKGROUND

At the close of the nomination period on August 12, 2016, only two individuals were nominated for the two “at large” City Council positions and one individual was nominated for the City Clerk position. The incumbent City Treasurer did not seek reelection, which extended the nomination period for the City Treasurer seat to August 17, 2016. At the close of the August 17, 2016 nomination period, only one candidate was nominated. Elections Code §10229 allows for appointment of those persons who have been nominated when there are not more candidates than offices to be elected.

Pursuant to §10229 of the Elections Code, the City Clerk submitted a Certification of the Facts to the City Council stating that there were not more candidates than offices to be elected. The Certification of the Facts is attached to the proposed resolution as Exhibit A. A Notice that there were not more candidates than offices to be elected was published in the *Modesto Bee* on Friday, August 19, 2016. City Council can adopt one of the following courses of action:

- 1) Appoint to the office the person(s) who has/have been nominated.
- 2) Appoint to the office an eligible elector if no one has been nominated.
- 3) Hold the election, if either no one or only one person has been nominated.

II. ANALYSIS

The offices up for election this election cycle are two at-large City Council seats, City Treasurer, and City Clerk. The offices of City Treasurer and City Clerk each have one nominee. There are two nominees for City Council's two open seats. As a result, each candidate is unopposed for their respective office.



CITY OF OAKDALE
CITY COUNCIL STAFF REPORT

SUBJECT: Possible appointment of the only nominees to the offices of this City that were to be elected on Tuesday, November 8, 2016 and cancelation of the General Municipal Election currently scheduled for November 8, 2016.
MEETING DATE: August 25, 2016

There is a nominee for each office, eliminating option two as an available course of action for the City Council. The Council may either appoint the nominated individuals to office under option one, or proceed with the election under option three. If by the 75th day before the municipal election (August 25, 2016), no person has been appointed to office, the election shall be held.

Adoption of the attached Resolution appoints Tom Dunlop and Richard Murdoch to the City Council, Kathy Teixeira to City Clerk, and Christine Sulhoff to City Treasurer. Each appointee will take office and serve exactly as if they were elected at the general municipal election. Each appointee's term will begin at the conclusion of the existing officers' terms and end in December 2020. The proposed Resolution cancels the November 8, 2016 election and requests the Board of Supervisors of the County of Stanislaus take all steps necessary to remove the election from the consolidated election scheduled for that date.

III. FISCAL IMPACT/FUNDING SOURCE

There is a potential savings to the City of \$29,010 to \$48,350 by canceling the General Municipal Election scheduled for November 8, 2016.

IV. RECOMMENDED ACTION

Staff recommends the City Council adopt a Resolution appointing the current nominees to the offices of City Council, City Clerk and City Treasurer positions; cancelling the General Municipal Election currently scheduled for Tuesday, November 8, 2016; and requesting the Board of Supervisors of the County of Stanislaus take all steps required to remove the election from the consolidated election scheduled for that date.

V. ATTACHMENTS

- A. Proposed Resolution 2016-106 with Exhibit A, the City Clerk's Certification that there are not more candidates than offices to be elected.

ATTACHMENT A



IN THE CITY COUNCIL
OF THE CITY OF OAKDALE
STATE OF CALIFORNIA
CITY COUNCIL RESOLUTION 2016-____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF OAKDALE
APPOINTING UNCONTESTED NOMINEES TO THE OFFICES OF CITY COUNCIL, CITY
CLERK, AND CITY TREASURER; CANCELING THE GENERAL MUNICIPAL ELECTION
CURRENTLY SCHEDULED FOR NOVEMBER 8, 2016; AND REQUESTING THE BOARD
OF SUPERVISORS OF THE COUNTY OF STANISLAUS TAKE ALL STEPS REQUIRED TO
REMOVE THE ELECTION SAID ELECTION FROM THE CONSOLIDATED ELECTION
SCHEDULED FOR THAT DATE**

WHEREAS, pursuant to Section 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 12, 2016, if there are not more candidates than offices to be elected, 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 an eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

WHEREAS, there are no other City offices to be filled at the November 8, 2016 election, and no City measure has qualified to be submitted to the voters at that election;

WHEREAS, the City Clerk's Certification that there were not more candidates than offices to be elected, attached hereto as Exhibit A, was submitted to the City Council; and

WHEREAS, a notice that there were not more candidates than offices to be elected was published on August 19, 2016 in the Modesto Bee pursuant to Government Code Section 6061.

NOW, THEREFORE, BE IT RESOLVED that the **CITY COUNCIL** of the **CITY OF OAKDALE** does hereby resolve, declare, determine and order as follows:

SECTION 1: Pursuant to Section 10229 of the Elections Code of the State of California, the following action is being taken:

The following persons are hereby appointed to the offices to which they were nominated:

NAME	OFFICE	TERM
Tom Dunlop	Member of the City Council	2016 - 2020
Richard Murdoch	Member of the City Council	2016 - 2020
Kathy Teixeira	City Clerk	2016 - 2020
Christine Sulhoff	City Treasurer	2016 - 2020

SECTION 2: The election scheduled to be held on Tuesday, November 8, 2016, is now canceled, the City Council's request to the Board of Supervisors to consolidate that election with the statewide election is hereby rescinded and the Board of Supervisors is hereby requested to direct the County Elections Official to take all steps required to remove reference



CITY OF OAKDALE
City Council Resolution 2016-__

to a general municipal election in the City of Oakdale from the ballot materials for such election and to otherwise implement the cancelation of said election with the cooperation and assistance of the City Clerk of the City of Oakdale.

SECTION 3: The persons appointed shall qualify and take office and serve exactly as if elected at a 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.

THE FOREGOING RESOLUTION IS HEREBY ADOPTED at a special meeting of the **CITY COUNCIL** of the **CITY OF OAKDALE** held on the **25th** day of **August, 2016** by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAINED: COUNCIL MEMBERS:

SIGNED:

Pat Paul, Mayor

ATTEST:

Kathy Teixeira, CMC
City Clerk



Exhibit A

CITY OF OAKDALE CERTIFICATE OF FACTS

I, Kathy Teixeira, City Clerk of the City Oakdale do hereby certify, pursuant to Section 10229 of the Elections Code of the State of California, 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 two at-large City Council positions are:

Tom Dunlop for City Council Member for the full term of four (4) years
Richard Murdoch for City Council Member for the full term of four (4) years

2. As of the close of the nomination period, the person so nominated for City Clerk is:

Kathy Teixeira for City Clerk for the full term of four (4) years

3. As of the close of the nomination period, the person so nominated for City Treasurer is:

Christine Sulhoff for City Treasurer 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 the person(s) who has/have been nominated.
2. Appoint to the office an eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

There are no other City offices to be filled at the November 8, 2016 election, and no City measure has qualified to be submitted to the voters at that election.

A notice of these facts was published on August 19, 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. 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.

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: August 19, 2016

Kathy Teixeira, CMC
City Clerk