



# CITY OF NEWARK CITY COUNCIL

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## SPECIAL MEETING

City Administration Building  
6:00 p.m.  
City Council Chambers

## Agenda

Monday, August 20, 2018

**NOTICE IS HEREBY GIVEN** that the City Council has called for a Special City Council Meeting to be held on Monday, August 20, 2018, beginning at 6:00 p.m. in the City Council Chambers located at 37101 Newark Boulevard, 6<sup>th</sup> Floor.

- A. ROLL CALL**
- B. Adoption of a resolution providing for appointment to offices of the City that were to be elected on Tuesday, November 6, 2018 and cancelling the General Municipal Election – from City Clerk Harrington. (RESOLUTION)**

Members of the public are welcome to participate in the discussion and may do so by raising their hand when the Mayor invites public comment. Once recognized, you will be given an opportunity to speak once on the item under discussion. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor.

- C. ADJOURNMENT**

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5<sup>th</sup> Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.

**B. Adoption of a resolution providing for appointment to offices of the City that were to be elected on Tuesday, November 6, 2018 and cancelling the General Municipal Election – from City Clerk Harrington. (RESOLUTION)**

**Background/Discussion** – On June 28, 2018, the City Council ordered and called a General Municipal Election to fill a two-year term for Mayor and four-year terms for two City Council seats. The nomination period began on July 16, 2018 and closed on August 10, 2018. At the close of the nomination period, only the incumbents (Mayor Nagy, Council Member Hannon, and Council Member Bucci) had filed papers to qualify for the ballot. The Alameda County Registrar of Voters has certified the necessary number of signatures filed on the nomination papers for these three candidates.

Pursuant to Elections Code Section 10229, the City Council has the option to appoint the incumbents in lieu of holding a General Municipal Election. The appointments must be made by the 75<sup>th</sup> day before the election, which is August 23, 2018. If the City Council takes no action by that date, then the General Municipal Election would proceed as scheduled.

The fiscal impact of cancelling the General Municipal Election would be a cost saving of approximately \$75,000.

If the Mayor and Council Members are appointed, they would qualify, take office, and serve exactly as if elected at the General Municipal Election. The Oath of Office for the new terms would be administered at a City Council meeting in November or December.

**Attachments**

**Action** - It is recommended that the City Council, by resolution, provide for the appointment to the offices of this City that were to be elected on Tuesday, November 6, 2018 and cancel the General Municipal Election.



## CITY OF NEWARK, CALIFORNIA

37101 Newark Boulevard • Newark, California 94560-3796 • (510) 578-4266 • FAX (510) 578-4306

### CITY CLERK'S CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED

I, Sheila Harrington, City Clerk of the City of Newark, 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 6, 2018:

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

The person(s) so nominated are:

Alan L. Nagy for Mayor  
Michael K. Hannon for Council  
Mike Bucci for Council

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 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.

A notice of these facts will be published on August 14, 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(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 75<sup>th</sup> 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.

Sheila Harrington  
City Clerk

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 6, 2018 AND CANCELING THE GENERAL MUNICIPAL ELECTION

WHEREAS, pursuant to Section 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 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 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 was published on August 14, 2018, in the Tri-City Voice, a newspaper of general circulation pursuant to law.

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

SECTION 1. That pursuant to Section 10229 of the Elections Code of the State of California, the following persons are being appointed to the offices to which they were nominated:

Alan L. Nagy, Mayor	Two-year term
Michael K. Hannon, City Council Member	Four-year term
Mike Bucci, City Council Member	Four-year term

SECTION 2. The General Municipal Election scheduled to be held on Tuesday, November 6, 2018, is now canceled.

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. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.