



REPORT TO CITY COUNCIL

Approved by:

Hilda Cantú Montoy

Hilda Cantú Montoy, City Attorney

Alicia Gonzales

Alicia Gonzales, City Clerk

Arnoldo Rodriguez

Arnoldo Rodriguez, City Manager

Council Meeting of: August 24, 2022

Agenda Number: A-1

SUBJECT:

Determination under Elections Code Section 10229 whether to Appoint Nominated Candidates in Council Districts 1, 3, and 5

RECOMMENDATION:

1. Adopt a Resolution to Appoint Candidates, or
2. Adopt a Resolution to Hold the Election, or
3. Take no action

SUMMARY:

Per California Elections Code Section 10229, when there is only one or no nominees for elective office, the governing board may appoint such nominee to off or hold the election as scheduled. Here, the City has one nominee for the Council seats in Districts 1, 3, and 5. Therefore, the Council may appoint the nominees or proceed with holding the election.

DISCUSSION:

The City is holding a Consolidated General Election on November 8, 2022, for the purpose of electing councilmembers to Districts 1, 3, and 5. The period for nominating candidates closed on Friday, August 12, 2022 with only one candidate each being nominated to Council Districts 1, 3, and 5. See Attachment 1, letter of August 16, 2022, from the Madera Registrar of Voters.

The candidates are incumbents:

- Cecelia “Cece” Gallegos (District 1)
- Steve Montes (District 3), and
- Elsa Mejia (District 5)

Under these circumstances and in accordance with Elections Code 10229, the City Council may take 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 any eligible elector (voter) if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

In the event the person nominated is appointed to office, the person appointed shall qualify and take office and serve exactly as if elected. In addition, the City Clerk shall not accept for filing any statement of write-in candidacy after the appointment is made.

The City Clerk has complied with Elections Code Section 10229 by providing the City Council with her Certification (Attachment 2) and by publishing the required notice in a newspaper of general circulation.

The Council has the option to adopt a Resolution making the appointments (Option 1) or to adopt a Resolution to hold the election (Option 2).

FINANCIAL IMPACT:

The cost for election services for the three Council seats is estimated to be \$120,000. The amount is included in the proposed budget for Fiscal Year 2022/23; however, should the election not be held the cost of the election would potentially be a savings to the City.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Strategy 302 – District Representation: Establish district representation in Madera with a separate election process for Mayor.

ATTACHMENTS:

1. Letter from Madera County Registrar
2. City Clerk Certification
3. Resolution Option 1: Making Appointments
4. Resolution Option 2: Hold Election as Scheduled

ATTACHMENT 1



REBECCA MARTINEZ

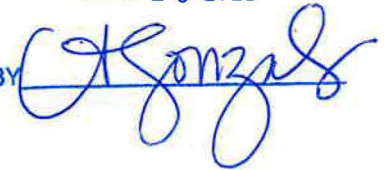
County Clerk-Recorder and Registrar of Voters

August 16, 2022

City of Madera
Attn: City Clerk
201 West Fourth Street
Madera, CA 93637

RECEIVED
OFFICE OF THE CITY CLERK

AUG 16 2022

BY 

Re: Consolidated General Election City Office Nominations

Dear Ms. Gonzales:

The Nomination/Declaration of Candidacy period for the upcoming Consolidated General Election has closed and the following candidates have completed the necessary requirements to run for the respective offices:

City of Madera, Councilmember, District 1

- Cecelia "Cece" Gallegos

City of Madera, Councilmember, District 3

- Steve Montes

City of Madera, Councilmember, District 5

- Elsa Mejia

In accordance with Elections Code Section 10229 (a) If, by the 88th day before the election, or the 83rd day before the election, if an incumbent fails, (i) no one or only one person has been nominated for any office that is elected on a citywide basis, or (ii) no one or only one person is nominated to be elected from or by a legislative district, or (iii) in the case of any office or offices to be elected at large, the number of persons who have been nominated for those offices does not exceed the number to be filled at that election; the city elections official shall submit a certificate of these facts to the governing body of the city and inform the governing body of the city that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action:



Re: Consolidated General Election City Office Nominations

City of Madera

August 16, 2022

- (1) Appoint to the office the person who has 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.

The city elections official shall publish a notice of the facts described in this section and the courses of action available under this subdivision. Publication shall be made pursuant to Section 6061 of the Government Code in any newspaper of general circulation as designated by the city elections official.

Please provide proof of publication of the above referenced notice to my office upon receipt. Once I have received proof of publication and notice of the City Council's decision, my office will move forward accordingly.

If you have any questions, please do not hesitate to contact my office at (559) 675-7720.

Sincerely,



REBECCA MARTINEZ

County Clerk-Recorder & Registrar of Voters

ATTACHMENT 2

**CITY OF MADERA CITY CLERK CERTIFICATION THAT THERE ARE NOT MORE
CANDIDATES THAN OFFICES TO BE ELECTED**

I, Alicia Gonzales, City Clerk of the City of Madera, 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 Tuesday, November 8, 2022.

As of the close of the nomination period on Friday, August 12, 2022 for Members of the City Council representing Districts 1, 3, and 5, there are not more candidates than offices to be elected.

The person(s) so nominated are:

Cecelia "Cece" Gallegos	Member of City Council	District 1	4-Years
Steve Montes	Member of City Council	District 3	4-Years
Elsa Mejia	Member of City Council	District 5	4-Years

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 elector (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 posted on Thursday, August 18, 2022, and will be published on Thursday, August 18, 2022 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.

The City Council will meet at a Special Meeting on Wednesday, August 24, 2022, to either make the appointment(s) or direct an election to 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.

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.

Alicia Gonzales
City Clerk

ATTACHMENT 3
OPTION RESOLUTION (APPOINTMENTS)

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPOINTING TO CITY COUNCIL OFFICE CECELIA (“CECE”) GALLEGOS (DISTRICT 1), STEVE MONTES (DISTRICT 3), AND ELSA MEJIA (DISTRICT 5) AND WITHDRAWING THE ELECTION TO BE HELD FOR THESE OFFICES FROM THE NOVEMBER 8, 2022, CONSOLIDATED GENERAL ELECTION

WHEREAS, the Madera City Council has called a Municipal Election to be Consolidated with the Statewide Election (Consolidated General Election) on November 8, 2022; and

WHEREAS, a nomination period was opened and closed in accordance with the Elections Code and only one candidate each was nominated for offices in Districts 1, 3, and 5; and

WHEREAS, in accordance with Elections Code Section 10229, the City Council may choose to appoint such persons.

NOW THEREFORE, the City Council of the City of Madera resolves as follows:

1. The foregoing recitals are true and correct and incorporated by reference as fully set forth.
2. Pursuant to Elections Code 10229, the following persons are being appointed to the offices to which they were nominated:

Cecelia “Cece” Gallegos	City Councilmember, District 1	4-Years
Steve Montes	City Councilmember, District 3	4-Years
Elsa Mejia	City Councilmember District 5	4-Years
3. The election scheduled for Tuesday, November 8, 2022, is cancelled.
4. The persons appointed shall qualify and take office and serve exactly as if elected at the municipal election for that office.
5. The City Clerk shall certify to the passage and adoption of this Resolution and submit any required information and documents to the County Clerk-Recorder and Registrar of Voters.
6. This resolution is effective upon adoption.

ATTACHMENT 4
OPTION 2 RESOLUTION (HOLD ELECTION)

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA DETERMINING
TO HOLD THE ELECTION FOR COUNCIL DISTRICTS 1, 3, AND 5 AS SCHEDULED ON
THE CONSOLIDATED GENERAL ELECTION OF NOVEMBER 8, 2022**

WHEREAS, the Madera City Council has called a Municipal Election to be Consolidated with the Statewide Election (Consolidated General Election) on November 8, 2022; and

WHEREAS, a nomination period was opened and closed in accordance with the Elections Code and only one candidate each was nominated for offices in Districts 1, 3, and 5; and

WHEREAS, in accordance with Elections Code Section 10229, the City Council may choose to hold the election as scheduled.

NOW THEREFORE, the City Council of the City of Madera resolves as follows:

1. The foregoing recitals are true and correct and incorporated by reference as fully set forth.
2. Pursuant to Elections Code 10229, although there are not more candidates than offices to be elected, the election shall be held as scheduled.
3. The City Clerk shall certify to the passage and adoption of this Resolution and submit any required information and documents to the County Clerk-Recorder and Registrar of Voters.
4. This resolution is effective upon adoption.
