



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.cityofSacramento.org

Staff Report
March 21, 2006

Honorable Mayor and
Members of the City Council

Subject: Determination under Elections Code Section 10229 whether to appoint nominated candidates in Council Districts 1 and 7 or hold election

Location/Council District: Districts 1 and 7

Recommendation: Adopt: 1) a Resolution to appoint candidates, or 2) A Resolution to hold the election, or 3) take no action.

Contact: Stephanie Mizuno, Assistant City Clerk, 808-7200
Shirley Concolino, City Clerk, 808-7200

Presenters: N/A

Department: City Clerk's Office

Division: N/A

Organization No.: 0700

Summary:

Pursuant to California Elections Code Section 10229, when there is only one nominee for an elective office, the governing body may appoint such nominee to office or hold the election as scheduled.

Committee/Commission Action: None.

Background Information:

The City of Sacramento is holding an election on June 6, 2006 for the purpose of electing council members to Districts 1, 3, 5 and 7. The period for nominating candidates closed on Friday, March 10, 2006 with only one candidate each being nominated to Council Districts 1 and 7. The candidates are incumbents Raymond L. Tretheway III and Robbie Waters.

Under these circumstances, and in accordance with California Elections Code Section 10229, the City Council may adopt, by resolution, one of the following courses of action: 1) Appoint to the office the person who has been nominated; 2) Appoint to the office any eligible elector if no one has been nominated; or 3) Hold the election as scheduled. Or, the City Council may choose to take no action.

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 by providing the City Council with notice of these facts, and has published a notice in a newspaper of general circulation.

Financial Considerations:

The cost savings associated with withdrawing the June 6, 2006 elections in Districts 1 and 7 is \$30,000 (\$17,000 and \$13,000 respectively.)

Environmental Considerations: None.

Policy Considerations:

The City Council is being presented with two resolutions, of which only one course of action may be adopted. Option 1 is to appoint the candidates to office and option 2 is to allow the election to continue as scheduled. The Council may also opt to take no action. This procedure is in accordance with California Elections Code 10229.

Emerging Small Business Development (ESBD): No impact.

Respectfully submitted by: *S. Mizuno*
Stephanie Mizuno
Assistant City Clerk

Recommendation Approved:

Shirley Concolino
SHIRLEY CONCOLINO
City Clerk

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RESOLUTION NO.

Adopted by the Sacramento City Council

_____, 2006

**APPOINT TO OFFICE RAYMOND L. TRETHERWAY III
(DISTRICT 1) AND ROBBIE WATERS (DISTRICT 7), AND
WITHDRAW THE ELECTION TO BE HELD FOR THESE
OFFICES FROM THE JUNE 6, 2006 ELECTION**

BACKGROUND:

- A. The Sacramento City Council has called a Primary Municipal Election to be held on Tuesday, June 6, 2006 for the purpose of electing officers in Council Districts 1, 3, 5 and 7.
- B. A nomination period was opened and closed in accordance with Elections Code and only one candidate each was nominated for offices in Council Districts 1 and 7.
- C. In accordance with Election Code Section 10229, the City Council may choose to appoint such persons to office.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES 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.

<u>Raymond L. Tretheway III</u>	<u>City Council Member District 1</u>	<u>Four-Year Term</u>
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<u>Robbie Waters</u>	<u>City Council Member District 7</u>	<u>Four-Year Term</u>
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Section 2. The election scheduled to be held on Tuesday, June 6, 2006 for these offices is now cancelled.

Section 3. The person(s) appointed, shall qualify and take office and serve exactly as if elected at the municipal election for that 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.

RESOLUTION NO.

Adopted by the Sacramento City Council

_____, 2006

**HOLD THE ELECTION FOR COUNCIL DISTRICTS 1
AND 7 ON JUNE 6, 2006 AS SCHEDULED**

BACKGROUND:

- A. The Sacramento City Council has called a Primary Municipal Election to be held on Tuesday, June 6, 2006 for the purpose of electing officers in Council Districts 1, 3, 5 and 7.
- B. A nomination period was opened and closed in accordance with Elections Code and only one candidate each was nominated for offices in Council Districts 1 and 7.
- C. In accordance with Election Code Section 10229, the City Council may choose to allow the election to continue as scheduled.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

Section 1. That pursuant to Section 10229 of the Elections Code of the State of California, although there are not more candidates that offices to be elected, the election shall be held as scheduled.

Section 2. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

