

CITY COUNCIL

Gary L Hansen, Mayor
Jim Yoder, Vice Mayor
Larry Domenighini, Council Member
Lawrence Mello, Council Member
Jeff Williams, Council Member



INTERIM CITY MANAGER
Fire Chief Wayne Peabody

CITY CLERK
Natalie Butler

201 North Lassen Street
Willows, CA 95988
(530) 934-7041
www.cityofwillows.org

CITY COUNCIL SPECIAL MEETING AGENDA
Council Chambers, 201 North Lassen Street
Thursday, August 25, 2016
2:00 p.m.

1. **Call to Order:** 2:00 p.m.
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Public Comment** – Public Comment is restricted to only those topics listed on the agenda and is generally restricted to three minutes.
5. **City Council Election November 8, 2016:**

Council discussion and consideration whether to continue with Municipal Election on November 8, 2016, where only 3 nominations have been received for 3 open Council positions or, alternatively, to adopt resolutions (see below) appointing 3 nominees to open City Council positions, as permitted by California Elections Code.

Proposed Resolutions:

1. Appointing nominee Kerri Warren to the Willows City Council for a four-year term effective November 22, 2016 and cancelling the General Municipal Election currently scheduled for November 8, 2016, and requesting the Board of Supervisors of the County of Glenn to take all steps required to remove said election from the consolidated election scheduled for that date.
 2. Appointing nominee Gary Hansen to the Willows City Council for a four-year term effective November 22, 2016 and cancelling the General Municipal Election currently scheduled for November 8, 2016, and requesting the Board of Supervisors of the County of Glenn to take all steps required to remove said election from the consolidated election scheduled for that date.
 3. Appointing nominee Larry Mello to the Willows City Council for a four-year term effective November 22, 2016, and Cancelling the General Municipal Election currently scheduled for November 8, 2016, and requesting the Board of Supervisors of the County of Glenn to take all steps required to remove said election from the consolidated election scheduled for that date.
6. **Adjournment**

CERTIFICATION: Pursuant to Government Code § 54956 the agenda for this meeting was properly posted on or before August 24, 2016.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider

AGENDA ITEM

TO: Honorable Mayor Hansen and members of the City Council
FROM: Natalie Butler, City Clerk
SUBJECT: General Election – November 8, 2016

RECOMMENDATION

It is recommended that the Council discuss and consider whether to continue with the Municipal Election on November 8, 2016 where only 3 nominations have been received for 3 open City Council positions or, alternatively, to adopt resolutions appointing 3 nominees to open City Council positions, as permitted by California Elections Code.

SITUATION (or BACKGROUND):

The three Council positions subject to the November election are those of Council Members Larry Domenighini, Larry Mello and Mayor Gary Hansen.

California Elections Code Section 10225(a) states that “if nomination papers for an incumbent officer of the city are not filed by or on the 88th day before the election...the voters shall have until the 83rd day before the election to nominate candidates other than the person who was the incumbent on the 88th day, for that incumbent’s elective office”. Because Incumbent Larry Domenighini did not file by or on the 88th day, the filing period was extended from August 12 to August 17.

At close of nominations at 5:00 p.m. on August 17, 2016, the only nomination papers filed were those of Kerri Warren, Gary Hansen & Larry Mello.

Section 10229(a) of the California Elections Code indicates that when there is only one person who has been nominated for each office, the City Clerk shall notify the City Council and they may adopt one of the following courses of action:

1. Appoint to the office the person who has been nominated.
2. Hold the election, if either no one, or only one person has been nominated.

Pursuant to Section 10229(b), Section 10229(a) shall not apply if, “at the regularly scheduled municipal election, more than one person has been nominated to another city office to be elected on a citywide basis or a city measure has qualified and is to be submitted to the voters at that municipal election”. *In this instance there are no other city offices up for election other than these 3 council positions, and there are no city measures on the ballot.*

In order to preserve the Council's options under the Elections Code, a legal notice was sent to the paper for publication on August 20, 2016, establishing a special meeting for August 25, 2016 at 2:00 p.m. in the Council Chambers. The purpose of this special meeting is to make the determination of whether to appoint or hold the election.

The last occasion when this same situation arose was in the November 2006 election. At that time the Council chose to appoint the two nominated candidates Peter Towne and Heather Baker.

FINANCIAL CONSIDERATIONS:

Minimal to no cost if Council chooses to make appointments.
Approximately \$7000 if Council chooses to hold the election.

NOTIFICATION

City Council
Press
Website
Agenda Distribution email list
Special Meeting notice published on August 20, 2016
3 Qualified candidates

ALTERNATE ACTIONS

1. Appoint to the office the person who has been nominated.
2. Hold the election, if either no one, or only one person has been nominated.

RECOMMENDATION

It is recommended that the Council discuss and consider whether to continue with the Municipal Election on November 8, 2016 where only 3 nominations have been received for 3 open City Council positions or, alternatively, to adopt resolutions appointing 3 nominees to open City Council positions, as permitted by California Elections Code.

Respectfully submitted,


Natalie Butler,
City Clerk

Attachments:
Three (3) Resolutions

RESOLUTION NO. XX-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS 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 GLENN TO TAKE ALL STEPS REQUIRED TO REMOVE SAID ELECTION FROM THE CONSOLIDATED ELECTION SCHEDULED FOR THAT DATE.

WHEREAS, pursuant to §10229 and §10225 of the Elections Code of the State of California, as of the close of the nomination period on August 17, 2016, if there are not more candidates than offices to be elected, §10229(a) 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, pursuant to §10229(b), §10229(a) shall not apply if, “at the regularly scheduled municipal election, more than one person has been nominated to another city office to be elected on a citywide basis or a city measure has qualified and is to be submitted to the voters at that municipal election”. In this instance there are no other city offices up for election other than these 3 council positions, and there are no city measures on the ballot.

WHEREAS, the City Clerk’s Certification that there were not more candidates than offices to be elected, Exhibit A, was submitted to City Council pursuant to law.

WHEREAS, a notice that there were not more candidates than offices to be elected was published on August 20, 2016 in the Sacramento Valley Mirror pursuant to law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows does hereby resolve, declare, determine and order as follows:

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

The following person(s) are hereby appointed to the offices to which they were nominated:

NAME	OFFICE	TERM
Kerri Warren	Member of the City Council	November 22, 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 Clerk to take all steps required to remove reference to a general municipal election in the City of Willows 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 Willows.

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.

DULY AND REGULARLY ADOPTED at a special meeting of the City Council of the City of Willows held on the 25th day of August, 2016 by the following roll-call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

NO VOTE CAST:

CITY OF WILLOWS

Jim Yoder, Vice Mayor

ATTEST:

Natalie Butler, City Clerk



MEMORANDUM

Date: August 17, 2016
To: Honorable Mayor Hansen and City Council Members
From: Natalie Butler, City Clerk
Subject: Certification Pursuant to Elections Code § 10229

FROM THE OFFICE OF THE CITY CLERK

Attached is the Certification of Facts pursuant to Election Code § 10229. A Notice of these facts will be published in the *Sacramento Valley Mirror* on August 20, 2016 regarding the November 8, 2016 General Municipal Election pursuant to Government Code § 6061.

At the close of the nomination period on August 17, 2016, 5:00 pm, three individuals have submitted nomination papers and were qualified as candidates. Those individuals are Gary Hansen, Larry Mello & Kerri Warren.

Pursuant to the Election Code 10229, the City Council must make a decision to either appoint the nominated candidates or conduct the election. The decision may be made after the fifth day of the published notice, which will not be in time to place this item on the agenda for the Regular August 23, 2016, Council Meeting. Therefore, there will be a Special City Council meeting scheduled to take place on August 25, 2016 at 2:00 p.m. in the Willows City Council Chambers, 201 North Lassen Street, Willows, California, in order to take action on this matter.

If you have any questions, feel free to contact me at 530-934-7041.

Attachment: Certification of Facts

Natalie Butler, City Clerk

EXHIBIT A



MEMORANDUM

Date: August 17, 2016
To: Honorable Mayor Hansen and City Council Members
From: Natalie Butler, City Clerk
Subject: Certification of Facts Related to the 2016 General Municipal Election

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

I, Natalie Butler, City Clerk of the City of Willows, do hereby certify that pursuant to Section 10229, Elections Code of the State of California, the following facts relating to the General Municipal Election to be held on November 8, 2016:

As of the close of the nomination period on August 17, 2016, there are not more candidates than offices to be elected.

The persons so nominated are: Gary Hansen, Larry Mello & Kerri Warren.

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 persons who have been nominated; (2) Appoint to the office any eligible voter if no one has been nominated; or (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 20, 2016, in a newspaper of general circulation pursuant to Section 6061 of the Government Code. After the fifth day following the date of publication, on August 25, 2016 at 2:00 p.m., the City Council will conduct a special meeting at the Willows Civic Center, 201 North Lassen Street, Willows, California, to either make the appointments or direct an election to be held. The persons 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 offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to Section 10229 of the Election Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.

Natalie Butler
City Clerk

EXHIBIT A

**CITY OF WILLOWS
PUBLIC NOTICE
CITY CLERK'S CERTIFICATION THAT THERE ARE NOT MORE
CANDIDATES THAN OFFICES TO BE ELECTED**

I, Natalie Butler, City Clerk of the City of Willows, do hereby certify that pursuant to Section 10229, Elections Code of the State of California, the following facts relating to the General Municipal Election to be held on November 8, 2016:

As of the close of the nomination period on August 17, 2016, there are not more candidates than offices to be elected.

The persons so nominated are: Gary Hansen, Larry Mello & Kerri Warren.

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 persons who have been nominated; (2) Appoint to the office any eligible voter if no one has been nominated; or (3) Hold the election if either no one or only one person has been nominated.

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If the City Council makes an appointment pursuant to Section 10229 of the Election Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.

/s/ Natalie Butler, City Clerk

Publication date: Saturday, August 20, 2016; Sacramento Valley Mirror

RESOLUTION NO. XX-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS 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 GLENN TO TAKE ALL STEPS REQUIRED TO REMOVE SAID ELECTION FROM THE CONSOLIDATED ELECTION SCHEDULED FOR THAT DATE.

WHEREAS, pursuant to §10229 and §10225 of the Elections Code of the State of California, as of the close of the nomination period on August 17, 2016, if there are not more candidates than offices to be elected, §10229(a) 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, pursuant to §10229(b), §10229(a) shall not apply if, “at the regularly scheduled municipal election, more than one person has been nominated to another city office to be elected on a citywide basis or a city measure has qualified and is to be submitted to the voters at that municipal election”. In this instance there are no other city offices up for election other than these 3 council positions, and there are no city measures on the ballot.

WHEREAS, the City Clerk’s Certification that there were not more candidates than offices to be elected, Exhibit A, was submitted to City Council pursuant to law.

WHEREAS, a notice that there were not more candidates than offices to be elected was published on August 20, 2016 in the Sacramento Valley Mirror pursuant to law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows does hereby resolve, declare, determine and order as follows:

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

The following person(s) are hereby appointed to the offices to which they were nominated:

NAME	OFFICE	TERM
Gary Hansen	Member of the City Council	November 22, 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 Clerk to take all steps required to remove reference to a general municipal election in the City of Willows 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 Willows.

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.

DULY AND REGULARLY ADOPTED at a special meeting of the City Council of the City of Willows held on the 25th day of August, 2016 by the following roll-call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

NO VOTE CAST:

CITY OF WILLOWS

Jim Yoder, Vice Mayor

ATTEST:

Natalie Butler, City Clerk



MEMORANDUM

Date: August 17, 2016
To: Honorable Mayor Hansen and City Council Members
From: Natalie Butler, City Clerk
Subject: Certification Pursuant to Elections Code § 10229

FROM THE OFFICE OF THE CITY CLERK

Attached is the Certification of Facts pursuant to Election Code § 10229. A Notice of these facts will be published in the *Sacramento Valley Mirror* on August 20, 2016 regarding the November 8, 2016 General Municipal Election pursuant to Government Code § 6061.

At the close of the nomination period on August 17, 2016, 5:00 pm, three individuals have submitted nomination papers and were qualified as candidates. Those individuals are Gary Hansen, Larry Mello & Kerri Warren.

Pursuant to the Election Code 10229, the City Council must make a decision to either appoint the nominated candidates or conduct the election. The decision may be made after the fifth day of the published notice, which will not be in time to place this item on the agenda for the Regular August 23, 2016, Council Meeting. Therefore, there will be a Special City Council meeting scheduled to take place on August 25, 2016 at 2:00 p.m. in the Willows City Council Chambers, 201 North Lassen Street, Willows, California, in order to take action on this matter.

If you have any questions, feel free to contact me at 530-934-7041.

Attachment: Certification of Facts

Natalie Butler, City Clerk

EXHIBIT A



MEMORANDUM

Date: August 17, 2016
To: Honorable Mayor Hansen and City Council Members
From: Natalie Butler, City Clerk
Subject: Certification of Facts Related to the 2016 General Municipal Election

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As of the close of the nomination period on August 17, 2016, there are not more candidates than offices to be elected.

The persons so nominated are: Gary Hansen, Larry Mello & Kerri Warren.

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 persons who have been nominated; (2) Appoint to the office any eligible voter if no one has been nominated; or (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 20, 2016, in a newspaper of general circulation pursuant to Section 6061 of the Government Code. After the fifth day following the date of publication, on August 25, 2016 at 2:00 p.m., the City Council will conduct a special meeting at the Willows Civic Center, 201 North Lassen Street, Willows, California, to either make the appointments or direct an election to be held. The persons 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 offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to Section 10229 of the Election Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.

Natalie Butler
City Clerk

EXHIBIT A

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CITY CLERK'S CERTIFICATION THAT THERE ARE NOT MORE
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/s/ Natalie Butler, City Clerk

Publication date: Saturday, August 20, 2016; Sacramento Valley Mirror

RESOLUTION NO. XX-2016

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WHEREAS, pursuant to §10229 and §10225 of the Elections Code of the State of California, as of the close of the nomination period on August 17, 2016, if there are not more candidates than offices to be elected, §10229(a) of the Elections Code allows one of the following courses of action to be taken by the City Council:

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WHEREAS, a notice that there were not more candidates than offices to be elected was published on August 20, 2016 in the Sacramento Valley Mirror pursuant to law.

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NAME	OFFICE	TERM
Larry Mello	Member of the City Council	November 22, 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 Clerk to take all steps required to remove reference to a general municipal election in the City of Willows 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 Willows.

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.

DULY AND REGULARLY ADOPTED at a special meeting of the City Council of the City of Willows held on the 25th day of August, 2016 by the following roll-call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

NO VOTE CAST:

CITY OF WILLOWS

Jim Yoder, Vice Mayor

ATTEST:

Natalie Butler, City Clerk



MEMORANDUM

Date: August 17, 2016
To: Honorable Mayor Hansen and City Council Members
From: Natalie Butler, City Clerk
Subject: Certification Pursuant to Elections Code § 10229

FROM THE OFFICE OF THE CITY CLERK

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Pursuant to the Election Code 10229, the City Council must make a decision to either appoint the nominated candidates or conduct the election. The decision may be made after the fifth day of the published notice, which will not be in time to place this item on the agenda for the Regular August 23, 2016, Council Meeting. Therefore, there will be a Special City Council meeting scheduled to take place on August 25, 2016 at 2:00 p.m. in the Willows City Council Chambers, 201 North Lassen Street, Willows, California, in order to take action on this matter.

If you have any questions, feel free to contact me at 530-934-7041.

Attachment: Certification of Facts

Natalie Butler, City Clerk

EXHIBIT A



MEMORANDUM

Date: August 17, 2016
To: Honorable Mayor Hansen and City Council Members
From: Natalie Butler, City Clerk
Subject: Certification of Facts Related to the 2016 General Municipal Election

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

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The persons so nominated are: Gary Hansen, Larry Mello & Kerri Warren.

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If the City Council makes an appointment pursuant to Section 10229 of the Election Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.

Natalie Butler
City Clerk

EXHIBIT A

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PUBLIC NOTICE
CITY CLERK'S CERTIFICATION THAT THERE ARE NOT MORE
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/s/ Natalie Butler, City Clerk

Publication date: Saturday, August 20, 2016; Sacramento Valley Mirror