

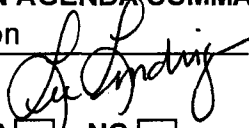
THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Clerk Recorder - Elections Division

BOARD AGENDA # A-8d

Urgent

Routine



AGENDA DATE September 1, 2009

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Request Appointment in Lieu of Election to the Board of the Empire Municipal Advisory Council

STAFF RECOMMENDATIONS:

Whereas not more than one person was nominated for each of the elective offices to be filled at the Consolidated District Election to be held on Tuesday, November 3, 2009, or there were no nominees as of 5:00pm on Wednesday, August 12, 2009, request the Board of Supervisors make appointments in lieu of election as indicated:

Three full term council member positions - Three candidates filed:

Kathaleen Allen, Curtis Erickson, Paul R. Souza

One short term council member position - No candidate filed.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-585

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT: Request Appointment in Lieu of Election to the Board of the Empire Municipal Advisory Council

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DISCUSSION: Pursuant to California Elections Code 10515 (a) (4), "The election official... shall submit a certificate of these facts to the supervising authority..."

POLICY ISSUE: Pursuant to Election Code 10515 (a) (4), "The county election official ... shall request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments. (b) If no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for the office."

STAFFING IMPACT: There is no staffing impact associated with this item.

NOTE:



**OFFICE OF CLERK-RECORDER
REGISTRAR OF VOTERS**

LEE LUNDRIGAN
County Clerk-Recorder

1021 "I" Street, Suite 101, Modesto, CA 95354
Telephone: 209-525-5200 Fax 209-525-5210

**CERTIFICATE OF COUNTY CLERK
REQUEST FOR APPOINTMENT OF OFFICES
IN LIEU OF ELECTION FOR THE
EMPIRE MUNICIPAL ADVISORY COUNCIL**

I, LEE LUNDRIGAN, County Clerk of the County of Stanislaus, hereby certify as follows:

As of the close of the candidate nomination filing period at 5:00 p.m. on August 7, 2009, not more than one person had been nominated for each of the elective offices for said District to be filled at the Consolidated District Election to be held on Tuesday, November 3, 2009, and no petition signed by the voters of said District requesting the election be conducted was presented to this office.

The following person(s) have been nominated:

Three Council Members – (Full term) - Kathaleen Allen, Curtis Erickson,
Paul R. Souza

One Council Member – (Short term) - No candidate(s) filed

Request is hereby made that, pursuant to Section 10515 of the Elections Code, the Board of Supervisors of the County of Stanislaus declare elected said nominees. If no person filed for any office, the supervising authority shall appoint any qualified person to the office who is qualified by the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at the general district election.

I certify under penalty of perjury that the foregoing is true and correct.

Dated this 19th day of August 2009.

Sincerely,

LEE LUNDRIGAN
County Clerk-Recorder & Registrar of Voters

Communication may be made with the district by contacting:

Empire MAC
Attn: District Secretary
P O Box 1556
Empire CA 95319