

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-2

Urgent Routine *CF*

AGENDA DATE May 15, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Request from the City of Newman to Consolidate their Municipal Election with the November 6, 2012, Presidential General Election

STAFF RECOMMENDATIONS:

Approve request from the City of Newman to consolidate their Municipal Election with the November 6, 2012, Presidential General Election.

Contact person: Christine Ferraro Tallman, Clerk of the Board Telephone: 525-4494

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2012-224

On motion of Supervisor Withrow, Seconded by Supervisor Chiesa
and approved by the following vote,
Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.



May 3, 2012

Christine Ferraro Tallman, Clerk of the Board
Stanislaus County Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354

Re: November 6, 2012 Presidential General Election

Dear Christine:

On behalf of the City of Newman, this letter is to formally request that the Board of Supervisors consolidate the City of Newman's November 6, 2012 Municipal Election with the County's Presidential General Election on the same date and conduct said election on behalf of the City, per Election Code 10002.

The Newman City Council at their April 24, 2012 regular meeting, adopted Resolution No. 2012-25, Requesting that the Board of Supervisors Consolidate the November 6, 2012 City of Newman Municipal Election with the Presidential General Election To Be Held On The Same Date. Enclosed please find a certified copy of the aforementioned resolution.

The City of Newman appreciates the ongoing cooperation of Stanislaus County. Should you require additional information or have any questions, please contact me.

Sincerely,

Mike Maier
Deputy City Clerk
mmaier@cityofnewman.com

cc: Lee Lundrigan, Stanislaus County Clerk-Recorder

2012 MAY - 4 P 2:24
BOARD OF SUPERVISORS

RESOLUTION NO. 2012-25

A RESOLUTION REQUESTING THAT THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY CONSOLIDATE THE NOVEMBER 6, 2012 CITY OF NEWMAN MUNICIPAL ELECTION WITH THE PRESIDENTIAL GENERAL ELECTION TO BE HELD ON THE SAME DATE


WHEREAS, the City of Newman will hold a municipal election on November 6, 2012.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that the Board of Supervisors of Stanislaus County, California, is hereby requested to order the consolidation of the City of Newman municipal election to be held on November 6, 2012, for the purpose of electing a Mayor, two Council Members and a City Treasurer with the Presidential General Election to be held on the same date.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 24th day of April, 2012 by Council Member Davis who moved its adoption, which motion was duly seconded and it was upon roll call vote adopted.

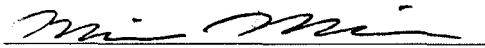
AYES: Candea, Davis, Hutchins and Mayor Pro Tem Martina.
NOES: None.
ABSENT: Mayor Katen.

APPROVED:



Mayor Pro Tem of the City of Newman

ATTEST:


Deputy City Clerk of the City of Newman

I hereby certify that the foregoing resolution is a full, correct and true copy of a resolution passed by the City Council of the City of Newman, a Municipal Corporation of the County of Stanislaus, State of California, at a regular meeting held on April 24, 2012 and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED: *April 26,* 2012

ATTEST:

Mi Mai
Deputy City Clerk

RESOLUTION NO. 2012-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPOINTING UNCONTESTED NOMINEE, DAVID REED AS CITY TREASURER OF THE CITY FOR A FULL TERM OF FOUR YEARS TO SERVE EXACTLY AS IF ELECTED AT THE SCHEDULED ELECTION FOR NOVEMBER 6, 2012, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229

WHEREAS, pursuant to §10229 of the Elections Code of the State of California, as of the close of the nomination period on August 10, 2012, there are not more candidates than offices to be elected, and 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 persons who have been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election, if either no one, or only one person has been nominated.

WHEREAS, a notice of these facts was posted on August 17, 2012 and published in a newspaper of general circulation in the City of Newman on August 18, 2012 pursuant to law.

NOW, THEREFORE, the City Council of the City of Newman, California, does hereby resolve, declare, determine, and order as follows:

Section 1

That pursuant to §10229 of the Elections Code of the State of California, uncontested Council Member Nominee, David Reed be appointed as Council Member of the City for a full term of four years.

Section 2

The election scheduled to be held on Tuesday, November 6, 2012 is now cancelled.

Section 3

The person appointed shall qualify and take office and serve exactly as if elected at the scheduled November 6, 2012 municipal election for this office.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Newman held on the 23rd day of August, 2012 by Council Member Martina who moved its adoption, which motion was duly seconded and was adopted by the following vote.

AYES: Davis, Hutchins, Martina and Mayor Katen
NOES: None
NOT PARTICIPATING: None
ABSENT: Candea

APPROVED:



Mayor of the City of Newman

ATTEST:



Deputy City Clerk

CERTIFICATE OF FACTS

I, Mike Maier, Deputy City Clerk of the City of Newman, do hereby certify that the number of nominees for the offices of Mayor, Council Member and Treasurer did not exceed the number of offices to be filled at the Consolidated Election to be held on November 6, 2012.

Number of Positions:

- Mayor, two-year term expiring 2014 – 1 to be elected
- Council Member, four-year term expiring 2016 – 2 to be elected
- City Treasurer, four-year term expiring 2016 – 1 to be elected

In accordance with California Election Code § 10229, I hereby request that the Newman City Council at a special meeting to be held Thursday, the 23rd day of August, 2012, appoint the following candidates who filed a declaration of candidacy and who shall take office and serve exactly as if elected at the Consolidated Election.

Mayor
Ed Katen
658 Lee Ave
Newman, CA 95360

Council Member
Robert A. Martina
1353 Red Teal Drive
Newman, CA 95360

Treasurer
David Reed
1541 Kern Street
Newman, CA 95360

Roberta Davis
1436 Merced Street
Newman, CA 95360

WITNESS MY HAND THIS 16th DAY OF AUGUST 2012.


Mike Maier
Deputy City Clerk

DATE: August 16, 2012
PUBLISHED: August 18, 2012

RESOLUTION NO. 2012-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPOINTING UNCONTESTED NOMINEE, ROBERTA DAVIS AS COUNCIL MEMBER OF THE CITY FOR A FULL TERM OF FOUR YEARS TO SERVE EXACTLY AS IF ELECTED AT THE SCHEDULED ELECTION FOR NOVEMBER 6, 2012, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229

WHEREAS, pursuant to §10229 of the Elections Code of the State of California, as of the close of the nomination period on August 10, 2012, there are not more candidates than offices to be elected, and 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 persons who have been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election, if either no one, or only one person has been nominated.

WHEREAS, a notice of these facts was posted on August 17, 2012 and published in a newspaper of general circulation in the City of Newman on August 18, 2012 pursuant to law.

NOW, THEREFORE, the City Council of the City of Newman, California, does hereby resolve, declare, determine, and order as follows:

Section 1

That pursuant to §10229 of the Elections Code of the State of California, uncontested Council Member Nominee, Roberta Davis be appointed as Council Member of the City for a full term of four years.

Section 2

The election scheduled to be held on Tuesday, November 6, 2012 is now cancelled.

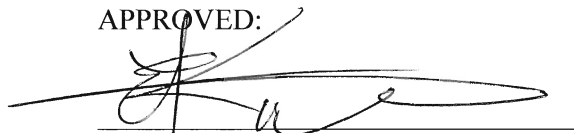
Section 3

The person appointed shall qualify and take office and serve exactly as if elected at the scheduled November 6, 2012 municipal election for this office.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Newman held on the 23rd day of August, 2012 by Council Member Hutchins who moved its adoption, which motion was duly seconded and was adopted by the following vote.

AYES: Hutchins, Martina and Mayor Katen
NOES: None
NOT PARTICIPATING: Davis
ABSENT: Candea

APPROVED:



Mayor of the City of Newman

ATTEST:



Deputy City Clerk

CERTIFICATE OF FACTS

I, Mike Maier, Deputy City Clerk of the City of Newman, do hereby certify that the number of nominees for the offices of Mayor, Council Member and Treasure did not exceed the number of offices to be filled at the Consolidated Election to be held on November 6, 2012.

Number of Positions:

- Mayor, two-year term expiring 2014 – 1 to be elected
- Council Member, four-year term expiring 2016 – 2 to be elected
- City Treasurer, four-year term expiring 2016 – 1 to be elected

In accordance with California Election Code § 10229, I hereby request that the Newman City Council at a special meeting to be held Thursday, the 23rd day of August, 2012, appoint the following candidates who filed a declaration of candidacy and who shall take office and serve exactly as if elected at the Consolidated Election.

Mayor

Ed Katen
658 Lee Ave
Newman, CA 95360

Council Member

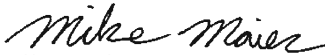
Robert A. Martina
1353 Red Teal Drive
Newman, CA 95360

Treasurer

David Reed
1541 Kern Street
Newman, CA 95360

Roberta Davis
1436 Merced Street
Newman, CA 95360

WITNESS MY HAND THIS 16th DAY OF AUGUST 2012.



Mike Maier
Deputy City Clerk

DATE: August 16, 2012
PUBLISHED: August 18, 2012

RESOLUTION NO. 2012-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPOINTING UNCONTESTED NOMINEE, ROBERT A. MARTINA AS COUNCIL MEMBER OF THE CITY FOR A FULL TERM OF FOUR YEARS TO SERVE EXACTLY AS IF ELECTED AT THE SCHEDULED ELECTION FOR NOVEMBER 6, 2012, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229

WHEREAS, pursuant to §10229 of the Elections Code of the State of California, as of the close of the nomination period on August 10, 2012, there are not more candidates than offices to be elected, and 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 persons who have been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election, if either no one, or only one person has been nominated.

WHEREAS, a notice of these facts was posted on August 17, 2012 and published in a newspaper of general circulation in the City of Newman on August 18, 2012 pursuant to law.

NOW, THEREFORE, the City Council of the City of Newman, California, does hereby resolve, declare, determine, and order as follows:

Section 1

That pursuant to §10229 of the Elections Code of the State of California, uncontested Council Member Nominee, Robert A. Martina be appointed as Council Member of the City for a full term of four years.

Section 2

The election scheduled to be held on Tuesday, November 6, 2012 is now cancelled.

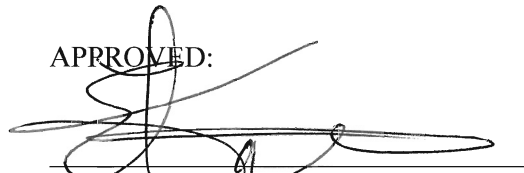
Section 3

The person appointed shall qualify and take office and serve exactly as if elected at the scheduled November 6, 2012 municipal election for this office.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Newman held on the 23rd day of August, 2012 by Council Member Hutchins who moved its adoption, which motion was duly seconded and was adopted by the following vote.

AYES: Davis, Hutchins and Mayor Katen
NOES: None
NOT PARTICIPATING: Martina
ABSENT: Candea

APPROVED:



Mayor of the City of Newman

ATTEST:



Deputy City Clerk

CERTIFICATE OF FACTS

I, Mike Maier, Deputy City Clerk of the City of Newman, do hereby certify that the number of nominees for the offices of Mayor, Council Member and Treasurer did not exceed the number of offices to be filled at the Consolidated Election to be held on November 6, 2012.

Number of Positions:

- Mayor, two-year term expiring 2014 – 1 to be elected
- Council Member, four-year term expiring 2016 – 2 to be elected
- City Treasurer, four-year term expiring 2016 – 1 to be elected

In accordance with California Election Code § 10229, I hereby request that the Newman City Council at a special meeting to be held Thursday, the 23rd day of August, 2012, appoint the following candidates who filed a declaration of candidacy and who shall take office and serve exactly as if elected at the Consolidated Election.

Mayor

Ed Katen
658 Lee Ave
Newman, CA 95360

Council Member

Robert A. Martina
1353 Red Teal Drive
Newman, CA 95360

Treasurer

David Reed
1541 Kern Street
Newman, CA 95360

Roberta Davis
1436 Merced Street
Newman, CA 95360

WITNESS MY HAND THIS 16th DAY OF AUGUST 2012.


Mike Maier
Deputy City Clerk

DATE: August 16, 2012
PUBLISHED: August 18, 2012

RESOLUTION NO. 2012-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPOINTING UNCONTESTED NOMINEE, ED KATEN AS MAYOR OF THE CITY FOR A FULL TERM OF TWO YEARS TO SERVE EXACTLY AS IF ELECTED AT THE SCHEDULED ELECTION FOR NOVEMBER 6, 2012, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229

WHEREAS, pursuant to §10229 of the Elections Code of the State of California, as of the close of the nomination period on August 10, 2012, there are not more candidates than offices to be elected, and 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 persons who have been nominated.
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3. Hold the election, if either no one, or only one person has been nominated.

WHEREAS, a notice of these facts was posted on August 17, 2012 and published in a newspaper of general circulation in the City of Newman on August 18, 2012 pursuant to law.

NOW, THEREFORE, the City Council of the City of Newman, California, does hereby resolve, declare, determine, and order as follows:

Section 1

That pursuant to §10229 of the Elections Code of the State of California, uncontested Mayoral Nominee, Ed Katen be appointed as Mayor of the City for a full term of two years.

Section 2

The election scheduled to be held on Tuesday, November 6, 2012 is now cancelled.

Section 3

The person appointed shall qualify and take office and serve exactly as if elected at the scheduled November 6, 2012 municipal election for this office.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Newman held on the 23rd day of August, 2012 by Council Member Martina who moved its adoption, which motion was duly seconded and was adopted by the following vote.

AYES: Davis, Hutchins and Mayor Pro Tem Martina
NOES: None
NOT PARTICIPATING: Mayor Katen
ABSENT: Candea

APPROVED:



Mayor Pro Tem of the City of Newman

ATTEST:


Deputy City Clerk

CERTIFICATE OF FACTS

I, Mike Maier, Deputy City Clerk of the City of Newman, do hereby certify that the number of nominees for the offices of Mayor, Council Member and Treasure did not exceed the number of offices to be filled at the Consolidated Election to be held on November 6, 2012.

Number of Positions:

- Mayor, two-year term expiring 2014 – 1 to be elected
- Council Member, four-year term expiring 2016 – 2 to be elected
- City Treasurer, four-year term expiring 2016 – 1 to be elected

In accordance with California Election Code § 10229, I hereby request that the Newman City Council at a special meeting to be held Thursday, the 23rd day of August, 2012, appoint the following candidates who filed a declaration of candidacy and who shall take office and serve exactly as if elected at the Consolidated Election.

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WITNESS MY HAND THIS 16th DAY OF AUGUST 2012.


Mike Maier
Deputy City Clerk

DATE: August 16, 2012
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