

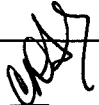
THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # *A-6

Urgent

Routine



AGENDA DATE July 16, 2013

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Consolidate the City of Waterford Special Municipal Election with the Consolidated District Election (UDEL) on November 5, 2013

STAFF RECOMMENDATIONS:

Approve the consolidation of the Special Municipal Election for the City of Waterford with the Consolidated District Election (UDEL) on November 5, 2013.

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. 2013-345

On motion of Supervisor De Martini, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, De Martini and Chairman Chiesa

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.



BOARD OF SUPERVISORS

July 5, 2013

2013 JUL -8 A 8:11

Phone 209.874.2328

101 "E" Street
P.O. Box 199
Waterford, CA 95386

www.cityofwaterford.org

Christine Ferraro Tallman, Clerk of the Board
Stanislaus County Board of Supervisors
1010 Tenth St., Ste 6500
Modesto, CA 95353

Re: City of Waterford Special Municipal Election – November 5, 2013

Charlie Goeken
Mayor

Jose Aldaco
Vice-Mayor

Michael Van Winkle
Council Member

Ken Krause
Council Member

Murray Day
Council Member

Dear Christine:

Enclosed is a certified copy of Waterford City Council Resolution # 2013-73 calling for a special election to be held on November 5, 2013 for the purpose of filling the vacancy on the Waterford City Council created by the resignation of Council Member Murray Day and requesting the Board of Supervisors to consolidate the City of Waterford's Special Municipal Election with Stanislaus County's Consolidated District Election (UDEL) to be held on Tuesday, November 5, 2013.

The City of Waterford is requesting Stanislaus County Elections Division to render election services on behalf of the City of Waterford for their November 5, 2013 Special Municipal Election for the purpose of filling the vacancy on the Waterford City Council created by the resignation of Council Member Murray Day and for the submission to the voters a question relating to the formation of Community Facilities District 2013-01. The request for consolidation of the ballot measure was submitted and approved by the Board of Supervisors at a regular meeting held on July 2, 2013. The vacancy on the Waterford City Council was not known at the time of the submittal of the ballot measure.

The City of Waterford will be responsible to publish the Notice of Election, including the election date, election location, vacancy on the Waterford City Council, ballot question, passage requirement and argument and rebuttal deadlines. The City of Waterford respectively requests the Stanislaus County Elections Division to furnish all other services, facilities, supplies and equipment. The City of Waterford will reimburse the County of Stanislaus for all actual costs for services performed relating to the conduct of the special municipal election.

If you need any additional information, please feel free to contact me at your convenience.

Very truly yours,

Lori Martin, MMC
City Clerk

Cc: Lee Lundrigan, Stanislaus County Clerk-Recorder/Registrar of Voters

Enclosure

**WATERFORD CITY COUNCIL
"AMENDED" RESOLUTION 2013-73**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATERFORD CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, FOR THE PURPOSE OF FILLING THE VACANCY ON THE WATERFORD CITY COUNCIL CREATED BY THE RESIGNATION OF COUNCIL MEMBER MURRAY DAY

WHEREAS, at the June 20, 2013 Waterford City Council meeting, Council Member Day announced his resignation as Council Member effective August 1, 2013 and subsequently amended his resignation date to July 3, 2013 at 12:00 p.m. by submitting a written letter of resignation to the Mayor and Council Members and has filed a copy with the City Clerk; and

WHEREAS, pursuant to California Government Code §1770 (c) the resignation of Council Member Day creates a vacancy on the Waterford City Council effective July 3, 2013; and,

WHEREAS, in accordance with California Government Code §36512 the City Council shall, within 60 days from the commencement of the vacancy, fill the vacancy by appointment or by calling a special election for that purpose; and,

WHEREAS, a special election to fill the vacancy, if called, must be held on the next regularly established election date not less than 114 days from the call of the special election; and,

WHEREAS, Tuesday, November 5, 2013 is the next regularly established election date in Stanislaus County and is more than 114 days from the date of this Resolution; and,

WHEREAS, the Waterford City Council called for a special municipal election for the submittal of a ballot measure and requested Stanislaus County to consolidate Waterford's special municipal election with the Stanislaus County UDEL Election scheduled on November 5, 2013 at a regular meeting of the Waterford City Council held on June 6, 2013 by submission of Waterford City Council Resolution #2013-56 and 2013-57 to the Stanislaus County Board of Supervisors and the Stanislaus County Elections Division; and,

WHEREAS, the Waterford City Council finds and determines that it is in the best interests of the City to call a special municipal election to be held on Tuesday, November 5, 2013 for the purpose of the election of one (1) Member of the City Council for the term of office in which a vacancy was created and which ends November 2014.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATERFORD DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS

Section 1. That under the provisions of the Elections Code, there is called and ordered to be held in the City of Waterford, California, on Tuesday, November 5, 2013 a special municipal election for the purpose of electing one (1) member of the City Council for a short term of the remaining 15 months of the vacated office, holding office until December 2014.

Section 2. That pursuant to the requirements of Elections Code Section 10403, the City of Waterford requests the Board of Supervisors of Stanislaus County to consolidate the special municipal election with the Consolidated District Election (UDEL) to be held on Tuesday, November 5, 2013.

Section 3. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

Section 4. That the polls for the election shall be open at 7:00 a.m. on November 5, 2013 the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in Elections Code Section 14401.

Section 5. That the Stanislaus County Election Department is authorized to canvass the returns of the special municipal election.

Section 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 8. That in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the County of Stanislaus Registrar-Recorder/County Clerk, the City Council, in accordance with Election Code § 15651 (a), the City Council shall determine the tie by lot at a time and place determined by the City Council.

Section 9. That the candidates are to adhere to Elections Code Section 13307 and the policies as established by Waterford City Council Resolution # 2012-48, which: 1) requires candidates to pay for the publication of the candidate's statement, 2) limits the number of words that a candidate may use in their candidate's statement to 200 words.

Section 10. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

Section 11. That the City Clerk is directed to file without delay a certified copy of this resolution with the Stanislaus County Board of Supervisors and the Stanislaus County Registrar of Voters.

The foregoing Resolution was passed and adopted by the City Council of the City of Waterford at a regular meeting thereof held on the 3rd day of July 2013, by the following vote:

AYES: 4 Goeken, Aldaco, Vanwinkle, Krause
NOES: 0
ABSENT: 0
ABSTAIN: 0

CITY OF WATERFORD




Charlie Goeken, Mayor

ATTEST:

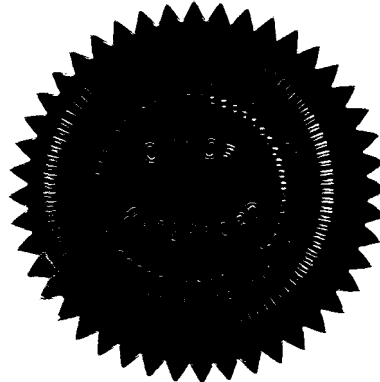


Lori Martin, MMC, City Clerk

APPROVED AS TO FORM:



Corbett J. Browning, City Attorney



STATE OF CALIFORNIA)

COUNTY OF STANISLAUS) ss.

CITY OF WATERFORD)


I, Lori Martin, City Clerk of the City of Waterford, County of Stanislaus, State of California do hereby certify that the foregoing Resolution No. 2013-73 was regularly adopted by the City Council of said City of Waterford at a special meeting of said City Council held on the 3rd day of July, 2013 by the following vote:

AYES: 4 Goeken, Aldaco, VanWinkle, Krause

NOES: Ø

ABSENT: Ø

ABSTAINED: Ø



Lori Martin, MMC, City Clerk
City of Waterford