



CITY OF MONROVIA

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MEMORANDUM

TO: Honorable Mayor and Members of the City Council

CC: Laurie Lile, City Manager
Alice D. Atkins, CMC, City Clerk

FROM: Craig A. Steele

DATE: January 22, 2013

SUBJECT: Option to Cancel the 2013 Regular Municipal Election

Title: Consideration of whether to cancel the 2013 Regular Municipal Election because only one person has been nominated for each office to be filled at the election and appoint to office the individuals who have been nominated for each office.

Objective: To discuss and possibly take action on options relating to the 2013 Regular Municipal Election given the fact that, as of the close of the nomination period, only one person has been nominated to serve in each of the offices to be filled at the election. The City Council's options are:

1. Adopt Resolution No. 2013-02, cancelling the election and appointing to office those individuals nominated for each office; or
2. Hold the Regular Municipal Election on April 9, 2013 as scheduled.

Analysis: The City of Monrovia is scheduled to hold its Regular Municipal Election on April 9, 2013. The offices of Mayor, City Clerk, City Treasurer and two Members of the City Council are scheduled to be filled at that election. Pursuant to applicable law, the City Clerk conducted a nomination period for each office that began on December 17, 2012 and ended on January 11, 2013 for the Mayor, City Treasurer and City Clerk offices. Because incumbent members of the City Council did not file for re-election, the nomination period for those offices was extended by statute until January 16, 2013. Only one candidate was nominated to run for each of those offices. The City Clerk's certification of those facts has previously been provided to the City Council and is attached to this memorandum.

Under Elections Code Section 10229, when the number of individuals nominated for each office does not exceed the number of offices to be filled at the election, the City Council may choose to cancel the election and appoint the individuals nominated to office, or hold the election as

AR-2

CITY OF MONROVIA
MEMORANDUM

Honorable Mayor and Members of the City Council
January 22, 2013
Page 2

scheduled. If **any** office to be filled is to be the subject of an election, or if there is any measure to be voted on, **every** office must be on the ballot at the election. If the City Council intends to cancel the election, it must decide to do so by the 75th day prior to the election. This year, January 24 is the 75th day prior to the election. Thus, any decision to cancel the election must be made at the special meeting on January 24, 2013.

All statutory prerequisites for the City Council to cancel the election and appoint the nominated individuals to office have been met. The officers' appointments and new terms of office would take effect at the end of the current terms of office, following the April election date.

Fiscal Impact: Staff's estimate of the remaining cost to conduct the 2013 election is \$53,000. Cancelling the election would save approximately that amount. Some budgeted expenses have already been incurred during the nomination process.

Recommendation: Pleasure of the City Council. If the City Council decides to cancel the election and appoint the nominate individuals to office, adopt Resolution No. 2013-02.

**CITY CLERKS CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES
THAN OFFICES TO BE ELECTED**

I, Alice D. Atkins, City Clerk of the City of Monrovia, do hereby certify that pursuant to §10229, Elections Code of the State of California, to the following facts relating to the General Municipal Election to be held on Tuesday, April 9, 2013:

As of the close of the nomination period on January 16, 2013, there are not more candidates than offices to be elected.

The person(s) so nominated are:

Mary Ann Lutz for Mayor
Alexander Blackburn for Member of the City Council
Larry J. Spicer for Member of the City Council
Alice D. Atkins for City Clerk
Stephen R. Baker for City Treasurer

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 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.

A notice of these facts will be published on January 18, 2013, in a newspaper of general circulation in the city pursuant to § 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet to either make the appointment(s) or direct an election to be held. The person(s) 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 office(s) pursuant to (1) or (2) above, the election shall be held.

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



Alice D. Atkins, CMC
City Clerk

RESOLUTION NO. 2013-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, CANCELLING THE MUNICIPAL ELECTION THAT WAS TO BE HELD ON APRIL 9, 2013, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229 BECAUSE ONLY ONE INDIVIDUAL HAS BEEN NOMINATED FOR EACH OFFICE TO BE ELECTED, AND APPOINTING THE NOMINATED INDIVIDUALS TO OFFICE

WHEREAS, a Municipal Election is scheduled for Tuesday, April 9, 2013, to fill the offices of Mayor, City Treasurer, City Clerk and two seats on the City Council of the City of Monrovia; and

WHEREAS, a the City Clerk properly gave a Notice of Election on November 29, 2012; and

WHEREAS, the nomination period for said offices began on December 17, 2012, and ended on January 11, 2013, for the offices of Mayor, City Clerk and City Treasurer and on January 16, 2013, for the two City Council offices since the incumbents did not file nomination papers; and

WHEREAS, Section 10229 of the California Elections Code authorizes the appointment of the nominee for each office in a municipal election if the number of all individuals nominated for all offices to be elected does not exceed one; and

WHEREAS, as of January 16, 2013, only one person had been nominated for each office to be elected; and

WHEREAS, the City Clerk has submitted a certification of this fact to the City Council; and

WHEREAS, Section 10229 of the California Elections Code allows the City Council to take one of the following courses of action:

1. Appoint to the office the person who has been nominated.
2. Hold the election, if no appointment has been made.

WHEREAS, pursuant to Section 10229 of the California Elections Code, a notice that only one individual was nominated for each office was published in the Pasadena Star News, a newspaper of general circulation, on January 18, 2013, in form and content consistent with the requirements of Government Code Section 6061; and

WHEREAS, Section 10229 of the California Elections Code provides that said appointments may be made and the election cancelled "after the fifth day following the date of posting or publication" and by the 75th day prior to the election. January 24, 2013 is the 75th day prior to the election and more than five days following the publication.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONROVIA AS FOLLOWS:

SECTION 1: The recitals set forth above are true and correct.

SECTION 2: The election scheduled to be held on Tuesday, April 9, 2013, is hereby cancelled.

SECTION 3: Pursuant to California Elections Code Section 10229, the City Council appoints the following individuals to the offices to which they were nominated:

<u>NAME</u>	<u>OFFICE</u>	<u>TERM</u>
Mary Ann Lutz	Mayor	Two years
Alexander Blackburn	Member of the City Council	Four years
Larry J. Spicer	Member of the City Council	Four years
Alice D. Atkins	City Clerk	Four years
Steven R. Baker	City Treasurer	Four years

SECTION 4: The persons appointed herein shall qualify, take office and serve exactly as if elected at a regular municipal election for the office.

SECTION 5: The City Clerk shall certify to the passage, approval and adoption of this resolution, and shall cause this resolution and the City Clerk's certification to be entered in the permanent records of this City.

PASSED, APPROVED AND ADOPTED this 24th day of January, 2013.

Mary Ann Lutz, Mayor
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

Alice D. Atkins, CMC, City Clerk
City of Monrovia

Craig A. Steele, City Attorney
City of Monrovia