

## **RESOLUTION NO. 20-87**

### **Resolution Of The City Council Of The City Of Emeryville Cancelling The Municipal Election To Be Held On November 3, 2020 Due To Only One Person Being Nominated For Each Of Three Council Seats To Be Elected, And No Ballot Measures Being Qualified For The Election, And Appointing The Nominated Individuals To The City Council Seats**

**WHEREAS**, a municipal election is scheduled for Tuesday, November 3, 2020, to fill three at-large seats on the City Council of the City of Emeryville; and

**WHEREAS**, on the 88<sup>th</sup> day before the November 3, 2020 municipal election, only one person was nominated for each open City Council Member office with an expiring term that would be elected on a citywide basis at the election, and no ballot measures are qualified for the election; and

**WHEREAS**, Section 10229 of the California Elections Code authorizes the City Council to take one of the following courses of action: (1) appoint to office the person who has been nominated, or (2) hold the election; and

**WHEREAS** Section 10229 of the California Elections Code provides if, by the 75th day before the municipal election, no person has been appointed to office, the election shall be held; and

**WHEREAS**, by certificate attached to this Resolution as Exhibit A, the City Clerk has certified to these facts; and

**WHEREAS**, the City Clerk caused notice of these facts to be published pursuant to Section 6061 of the California Government Code and Section 10229 of the California Elections Code; now, therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville that the recitals set forth above are true and correct; and, be it further

**RESOLVED**, that the municipal election scheduled to be held on Tuesday, November 3, 2020, is hereby cancelled; and be it further

**RESOLVED**, that the City Council hereby appoints the following individuals for the offices to which they were nominated: (1) John J. Bauters for the office of City Council Member, (2) Ally Medina for the office of City Council Member and (3) Christian R. Patz for the office of City Council Member; and be it further

**RESOLVED**, that the persons herein appointed for each office shall qualify, take office, and serve exactly as if elected at a municipal election for such office; and be it further

**RESOLVED**, that 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 the City.

Resolution No. 20-87  
Cancellation of City Council Member Election  
City Council Special Meeting | August 19, 2020  
Page 2 of 2

**ADOPTED**, by the City Council of the City of Emeryville at a special meeting held Wednesday, August 19, 2020, by the following vote:

AYES:	<u>4</u>	Mayor Patz, Vice Mayor Martinez, and Council Members Bauters and Medina
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>1</u>	Council Member Donahue

DocuSigned by:



49BC4DC144904C0...

MAYOR

ATTEST:

DocuSigned by:



EB7B5D8EAB6A4BE...

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY