

RESOLUTION NO. 21-76

Resolution Of The City Council Of The City Of Emeryville Calling For A Municipal Election To Be Held On November 2, 2021, To Fill A City Council Vacancy; Requesting That Said Special Municipal Election Be Consolidated with A Statewide Election And/Or Any Other Election Held By Other Jurisdictions Within the Territory Of The City Of Emeryville, Should Another Election(s) Be Held On That Date; Requesting the County Registrar of Voters To Perform Specified Services In Connection with Said Municipal Election; Authorizing The City Manager On Behalf Of The City Of Emeryville To Reimburse The County Registrar Of Voters For Election Services Performed; And Determining How a Successful Candidate Will Be Selected If A Tie-Vote

WHEREAS, in a letter dated May 18, 2021, to the City Clerk, former City Council Member Christian R. Patz resigned from the City Council, effective June 20, 2021; and

WHEREAS, with former Council Member Patz' resignation, there exists a vacancy for an at large City Council seat, with a term expiring in 2024; and

WHEREAS, pursuant to Government Code section 36512(d), the City Council is not allowed to make an appointment to fill a city council vacancy if the "appointment would result in a majority of the members serving on the council having been appointed"; and

WHEREAS, as the City currently has three Council Members who were appointed to the City Council pursuant to City Council Resolution No. 20-87; and

WHEREAS, under state law, to fill the vacancy, the Council may either call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call or, if the City Council does not call an election, the vacancy shall be filled at the next regularly established election date, (Government Code Section 36512, subsections (d)(2); (d)(3)); and

WHEREAS, pursuant to Elections Code Section 1000, the date of the next regularly established election, which is not less than 114 days following the call of the election from the date of this Resolution, is November 2, 2021; and

WHEREAS, pursuant to Emeryville Municipal Code Section 2-1.204, municipal elections are held in even years; and

WHEREAS, the City Council desires to call for a special election to fill the Council seat left vacant by former Council Member Patz' resignation; and

WHEREAS, Section 10002 of the Elections Code of the State of California provides that the governing body of a City may by resolution request the Board of Supervisors of the County to permit the County elections official to render specified services to the City relating to the conduct of elections, which the City desires to request; and

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WHEREAS, pursuant to Elections Code Section 10002, the City Council of the City of Emeryville desires that the Alameda County Elections Department be permitted to render specified services to the City of Emeryville relating to its conduct of the special Municipal Election to be held on November 2, 2021, and consolidate said election with those being held by other jurisdictions, if any, within the City of Emeryville on November 2, 2021; now therefore, be it

RESOLVED, that pursuant to the requirements of the laws of the State of California, there is called and ordered to be held in the City of Emeryville, California, on Tuesday, November 2, 2021, a special election for the purpose of electing one member of the City Council of the City of Emeryville for the remainder of the four-year term being vacated by Christian R. Patz (“Municipal Election”); and

BE IT FURTHER RESOLVED that the City of Emeryville hereby requests the Board of Supervisors of the County of Alameda to consolidate the Municipal Election with the statewide election, if any, and/or any other election held by other jurisdictions which may be held in whole or in part of the territory of the City of Emeryville, if any, as provided in Elections Code Sections 10400, 10402 and 10403, and acknowledges that any such consolidated election will be conducted in the manner prescribed by Elections Code Section 10418; and

BE IT FURTHER RESOLVED, pursuant to Section 10002 of the Elections Code of the State of California, the City of Emeryville hereby requests the Alameda County Board of Supervisors to permit the Alameda County Elections Department to render to the City of Emeryville the services relating to the conduct of the Municipal Election of November 2, 2021; and

BE IT FURTHER RESOLVED, the City Clerk of the City of Emeryville is hereby authorized and directed to forward a certified copy of this resolution to the Alameda County Board of Supervisors and upon notification of the granting of such permission, supply the County Elections Department with any and all other information that may be necessary in connection with the conduct of said election; and

BE IT FURTHER RESOLVED, for and in consideration of the election services to be rendered by the Alameda County Elections Department, the City of Emeryville authorizes the City Manager, on behalf of the City, to pay to Alameda County the City’s proportionate share of the reasonable expenses of said election, said share to consist of all expenses directly related to the conduct of the City of Emeryville’s Special Municipal Election, including the costs for all candidates related to the publication of the Candidate’s Statement pursuant to Emeryville Resolution No. 99-90, and also the City of Emeryville’s proportionate share of expense for election services rendered by Alameda County that are being shared equally with other jurisdictions, if any, in the City of Emeryville on November 2, 2021; and

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BE IT FURTHER RESOLVED, that in the event a tie vote has been determined and certified by the County Elections Department, a successful candidate will be chosen by lot certification of the election results.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, July 6, 2021, by the following vote:

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

DocuSigned by:

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MAYOR

ATTEST:

DocuSigned by:

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CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

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INTERIM CITY ATTORNEY