

CITY COUNCIL MEETING
DECEMBER 16, 1987

VARIOUS ACTIONS
TAKEN REGARDING
APRIL 12, 1988
GENERAL MUNICIPAL
ELECTION

CC-18

City Clerk Reimche introduced various matters pertaining to the April 12, 1988 General Municipal Election. Following discussion, Council took the following actions:

RES. NO. -174

On motion of Council Member Pinkerton, Reid second, Council adopted Resolution No. 87-174 ordering the Canvass of the April 12, 1988 General Municipal Election.

RES. NO. 87-175

On motion of Council Member Reid, Snider second, Council adopted Resolution No. 87-175 - A resolution of the City Council of the City of Lodi providing for the appointment to the offices of this City that were to be elected April 12, 1988 of the persons who have been nominated if there are not more candidates than offices to be elected.

RES. NO. 87-176

On motion of Council Member Reid, Snider second, Council adopted Resolution No. 87-176 - A Resolution of the City Council of the City of Lodi, California, providing that the determination of a tie vote by candidates who received an equal number of votes and the highest number of votes for one office for the April 12, 1988 General Municipal Election will be by lot.

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:
DECEMBER 16, 1987

SUBJECT: ADOPT RESOLUTION ORDERING THE CANVASS OF THE GENERAL MUNICIPAL ELECTION TO BE
 HELD ON TUESDAY, APRIL 12, 1988 TO BE MADE BY THE CITY CLERK

RECOMMENDED ACTION: It would be appropriate for the Lodi City Council to adopt the
 attached resolution ordering the canvass of the General Municipal
 Election to be held on Tuesday, April 12, 1988 be made by the City
 Clerk.

Section 22932 and 22932.5 of the Elections Code of the State of California provides for the governing body, by resolution duly adopted prior to the election, to order the canvass of the election to be made by the City Clerk prior to the first tuesday after the election. Upon the completion of the canvass the City Clerk shall certify the results to the governing body on the first tuesday after the election.

The governing body of the city shall meet at their usual place of meeting on the first tuesday after the election to receive the canvass of the election and to install the newly elected officers. The body shall declare elected, the persons having the highest number of votes given for each office. Upon the completion and receipt of the canvass, and before installing the new officers, the body shall pass a resolution reciting the fact of the election in form as set forth by the Elections Code of the State of California.

Alice M. Reimche
Alice M. Reimche
City Clerk

AMR:jj

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RESOLUTION NO. 87-174

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LODI, CALIFORNIA,
ORDERING THE CANVASS OF THE GENERAL MUNICIPAL ELECTION
TO BE HELD ON TUESDAY, APRIL 12, 1988,
BE MADE BY THE CITY CLERK

WHEREAS, a General Municipal Election will be held and conducted in the City of Lodi, California, on Tuesday, April 12, 1988 as required by law; and

WHEREAS, the City Council desires the canvass of the election to be made by the City Clerk;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to Section 22932.5 of the elections Code of the State of California, the canvass of the General Municipal Election to be held is ordered to be made by the City Clerk.

SECTION 2. That the City Clerk shall complete the canvass of the election prior to April 19, 1988; and shall certify the results to the City Council on April 19, 1988.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

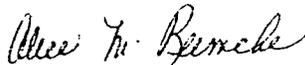
Dated: December 16, 1987

I hereby certify that Resolution No. 87-174 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 16, 1987 by the following vote:

Ayes: Council Members - Pinkerton, Reid, Snider and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - Hinchman


Alice M. Reimche
City Clerk

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:
DECEMBER 16, 1987

SUBJECT: ESTABLISH POLICY IF NO ONE, OR ONLY ONE, PERSON IS NOMINATED FOR AN ELECTIVE
 OFFICE IN THE APRIL 12, 1988 GENERAL MUNICIPAL ELECTION

RECOMMENDED ACTION: That Council adopt Resolution No. 87-175 - A Resolution of the City Council of the City of Lodi providing for the appointment to the offices of this city that were to be elected Tuesday, April 12, 1988 of the persons who have been nominated if there are not more candidates than offices to be elected.

Section 22843.5 and 22844 of the Elections Code allows for one of the following courses of action to be taken by the City Council in the event there are not more candidates than offices to be elected, or if no one is nominated:

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.

Council may recall that a number of years ago only the incumbents were nominated for office at the General Municipal Election. State Statute, at that time, mandated that the election be held. The City had to bear the cost of the election and the voter turnout was extremely low. State Statutes have since been amended to allow for a number of courses of action, which can be followed, should this happen; However, the decision on which course of action is to be followed must be adopted by the Council prior to the election.

The provisions of this statute does not apply if, at the subject election, more than one person has been nominated to another city office to be elected on a City-wide bases or a city measure has qualified to be placed on the ballot.

In the event that no nominations are received, this matter will be brought back to the Council following the close of nominations for Council to decide if it wishes to appoint eligible voters to the office or hold the election which would then allow for write-in candidates.

Alice M. Reimche
Alice M. Reimche
City Clerk

AMR:jj

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TXTA.02D

RESOLUTION NO. 87-175

RESOLUTION OF THE LODI CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,
PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY
THAT WERE TO BE ELECTED TUESDAY APRIL 12, 1988,
OF THE PERSONS WHO HAVE BEEN NOMINATED IF THERE ARE NOT MORE
CANDIDATES THAN OFFICES TO BE ELECTED

WHEREAS, Section 22843.5 and 22844 of the Elections Code of the State of California allows for one of the following courses of action to be taken by the City Council if there are not more candidates than offices to be elected:

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

RESOLVED, that the City Council of the City of Lodi does hereby declare its intention to appoint to the office the person who has been nominated.

BE IT FURTHER RESOLVED that the City Council of the City of Lodi does hereby direct the City Clerk to proceed with the provisions of 22843.5 and 22844 of the State of California Elections Code as they pertain to the General Municipal Election of April 12, 1988.

Dated: December 16, 1987

I hereby certify that Resolution No. 87-175 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 16, 1987 by the following vote:

Ayes: Council Members - Pinkerton, Reid, Snider and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - Hinchman

Alice M. Reimche
Alice M. Reimche
City Clerk

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:
DECEMBER 16, 1987

SUBJECT: ESTABLISH PROCEDURE TO BE FOLLOWED IN THE EVENT OF A TIE VOTE INVOLVING THOSE
 CANDIDATES WHO RECEIVE AN EQUAL NUMBER OF VOTES AND THE HIGHEST NUMBER OF VOTES
 FOR AN ELECTIVE OFFICE

RECOMMENDED ACTION: That Council adopt Resolution No. 87-176 (Exhibit A) providing that
 the determining of a tie vote by candidates who receive an equal
 number of votes and the highest number of votes for one office in the
 April 12, 1988 General Municipal Election be by lot.

Section 20501 of the State of California Elections Code provides for determining a tie vote
by lot by candidates who receive an equal number of votes and the highest number of votes
for an office. In lieu of resolving a tie vote by lot, the legislative body may resolve a
tie vote by the conduct of a special runoff election involving those candidates who receive
an equal number of votes and the highest number of votes. (See sample resolutions attached)

It is recommended that, rather than go through the time and expense of a special runoff
election, that the tie vote be determined by lot.

Alice M. Reimche
Alice M. Reimche
City Clerk

AMR:jj

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TXTA.02D

RESOLUTION NO. 87-176

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,
PROVIDING THAT THE DETERMINATION OF A TIE VOTE BY CANDIDATES
WHO RECEIVE AN EQUAL NUMBER OF VOTES AND THE HIGHEST NUMBER OF VOTES
FOR ONE OFFICE IN THE APRIL 12, 1988 GENERAL MUNICIPAL ELECTION
WILL BE BY LOT

RESOLVED that pursuant to Section 20501 of the State of California Elections Code, the City Council of the City of Lodi does hereby order that the determination of a tie vote by candidates who receive an equal number of votes and the highest number of votes for one office in the April 12, 1988 General Municipal Election will be by lot.

Section 1. That this resolution shall apply only to the election to be held April 12, 1988 and shall then be repealed.

Section 2. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Passed, approved and adopted on December 16, 1988

Dated: December 16, 1987

I hereby certify that Resolution No. 87-176 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 16, 1987 by the following vote:

Ayes: Council Members - Pinkerton, Reid, Snider and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - Hinchman


Alice M. Reimche
City Clerk