



**AGENCY:** City Council  
**MEETING DATE:** August 13, 2020  
**DEPARTMENT:** Administrative Services  
**PRESENTED BY:** June Lemos, CMC  
**EMAIL ADDRESS:** jlemos@fortbragg.com

## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Consider Adoption of City Council Resolutions Providing for Appointments to the Offices of the City of Fort Bragg that Were to Be Elected on Tuesday, November 3, 2020**

**ISSUE:**

Only two candidates qualified to be on the ballot for the two open seats on the City Council in the November 3, 2020 election. The Council has the option to appoint the two nominees and cancel the election, or to direct that the election be held.

**ANALYSIS:**

Every two years, a City Council election is held, alternating between two and three available seats. This year's election is to fill the two seats held by Mayor Will Lee and Vice Mayor Bernie Norvell. The nomination period for candidates was open from 8:00 AM on July 13, 2020 until 5:00 PM on August 7, 2020. During this period, individuals who intend to run for office officially receive, circulate and file their nomination papers for candidacy. This year, only Mayor Lee and Vice Mayor Norvell filed papers that were certified as sufficient by the Mendocino County Clerk/Registrar of Voters. No other individuals were issued nomination papers.

After 5:00 PM on August 7, the City Clerk posted a Notice that There are Not More Candidates than Offices to be Elected (**Attachment 1**) in six locations in downtown Fort Bragg. Elections Code § 10229 provides that five days after posting, the Council can vote on whether to appoint the candidates to office and cancel the election or hold the election as scheduled.

Pursuant to Elections Code § 10229(a), if no one or only one person has been nominated for any elective office to be filled at the next election, the city elections official (the City Clerk) shall submit a certificate of these facts to the governing body of the city (**Attachment 2**). The City Council may, at a regular or special meeting held before the election, adopt one of the following courses of action:

- (a) Appoint to the office the person who has been nominated;
- (b) Appoint to the office an eligible voter if no one has been nominated;
- (c) Hold the election, if either no one or only one person has been nominated.

Item (b) above does not apply, as the two incumbents have qualified for election to the two seats available. Therefore, the Council's choice is to adopt resolutions appointing the Mayor and Vice Mayor and cancel the election, or to hold the election as scheduled.

In the event the Council wishes to appoint, this decision must be made by the 75<sup>th</sup> day prior to the municipal election, or by August 20, 2020. Otherwise, if no one has been appointed by that date, the election shall be held.

If City Council adopts the resolutions appointing Lee and Norvell (**Attachments 3 and 4**), then the elections official shall not accept for filing any statement of write-in candidacy that is submitted after the appointments are made (Elections Code § 10229(c)).

**RECOMMENDED ACTION:**

Adopt the resolutions appointing incumbents William V. Lee and Bernie Norvell to each serve another four-year term on the City Council of the City of Fort Bragg. Two votes must be taken, one for each resolution, with each incumbent abstaining from his own appointment.

**ALTERNATIVE ACTION(S):**

Direct that the election be held as noticed on November 3, 2020 with only the two incumbents on the ballot.

**FISCAL IMPACT:**

Cancelling the unnecessary election will return the \$10,000 budgeted for the November election to the General Fund. If the election goes forward, anticipated costs are between \$6,000 and \$10,000.

**GREENHOUSE GAS EMISSIONS IMPACT:**

There may be a slight decrease in GHG emissions for those who were planning to drive to the polls in November only to vote for City Councilmembers. However, with federal, state and countywide elections on the ballot, this number is likely negligible.

**CONSISTENCY:**

The procedure for appointing the nominated candidates and cancelling the election is consistent with California Elections Code § 10229.

**IMPLEMENTATION/TIMEFRAMES:**

If appointed, the two Councilmembers will be sworn into office on December 14, 2020 exactly as if elected.

**ATTACHMENTS:**

1. Notice that There are Not More Candidates than Offices to be Elected
2. City Clerk's Certification
3. Resolution Appointing William V. Lee to City Council
4. Resolution Appointing Bernie Norvell to City Council

**NOTIFICATION:**

None.