

City Council Meeting

COUNCIL CHAMBERS, 33 SOUTH MAIN STREET, COLFAX, CA

Mayor Kim Douglass · Mayor Pro Tem Sean Lomen
Councilmembers Caroline McCully · Larry Hillberg · Trinity Burruss

SPECIAL MEETING AGENDA

August 22, 2024

Special Session 6:00 PM

You may access the meeting and address the Council by the following means:

ZOOM at

<https://us02web.zoom.us/j/84968570574>

Dial in by calling one of the numbers listed below and enter the Webinar ID:

849 6857 0574

1 669 900 6833 / 1 669 444 9171 / 1 719 359 4580 / 1 253 205 0468

View Only on Facebook Live on our City of Colfax page: City of Colfax, California.

You may also submit written comments to the City Clerk via email at city.clerk@colfax-ca.gov, via regular mail to P.O. Box 702, Colfax CA 95713, or by dropping them off at City Hall, 33 S. Main Street, Colfax CA 95713. Comments received will be submitted to Council and made a part of the record.

1 **OPEN SESSION**

1A. **Call Open Session to Order**

1B. **Roll Call**

1C. **Public Comment**

1D. **2024 General Municipal Election – Council Members and City Treasurer Contests** *Pages 2-8*
Recommended Action: Discuss and consider adopting Resolution __-2024 canceling the November 5, 2024 election and appointing the nominated City Council and Treasurer candidates to the positions that were to be filled at the election

1E. **Adjournment**

I, Amanda Ahre, City Clerk for the City of Colfax, declare that this agenda was posted in accordance with the Brown Act at Colfax City Hall and Colfax Post Office. The agenda is also available on the City website at <http://colfax-ca.gov/>

Amanda Ahre, City Clerk

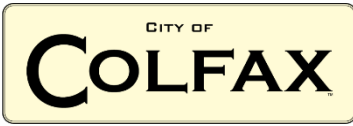
Administrative Remedies must be exhausted prior to action being initiated in a court of law. If you challenge City Council action in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice/agenda, or in written correspondence delivered to the City Clerk of the City of Colfax at, or prior to, said public hearing.

LEVINE ACT WARNING: In certain instances, parties, participants, and their agents before the City Council are subject to the campaign disclosure provisions detailed in Government Code Section 84308, California Code of Regulations Sections 18438.1 through 18438.8, and Fair Political Practices Commission Opinion 0-22-002. All parties, participants, and their agents are hereby directed to review these sections for compliance. If you believe that these provisions apply to you or a Council Member, please inform the City Clerk at the earliest possible opportunity.



Colfax City Council Meetings are ADA compliant. If you need disability-related modification or accommodation including auxiliary aids or services to participate in this meeting, please contact the City Clerk at (530) 346-2313 at least 72 hours prior to make arrangements for ensuring your accessibility.

August 22, 2024



Staff Report to City Council

FOR THE AUGUST 22, 2024 SPECIAL CITY COUNCIL MEETING

From: Ron Walker, City Manager
Prepared by: Amanda Ahre, City Clerk
Subject: 2024 General Municipal Election – Council Members and City Treasurer Contests

Budget Impact Overview:

N/A: X	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Discuss and consider adopting Resolution __-2024 canceling the November 5, 2024 election and appointing the nominated City Council and Treasurer candidates to the positions that were to be filled at the election.

Summary/Background

The City of Colfax was incorporated in 1910 as a General Law City and, therefore, must adhere to all laws pertaining to the conduct and holding of elections, as found in the California Elections Code.

Resolution No. 35-2024 called an election for Tuesday, November 5, 2024, to elect two members of the City Council and the City Treasurer. At the close of the nomination period on Friday, August 9, 2024 at 5:00 p.m., there was only one qualified candidate for each City Council seat and one for the City Treasurer. The qualified candidates are Caroline McCully and Larry Hillberg for City Council, and Timothy Ryan for City Treasurer, all incumbents.

California Election Code §10229 allows appointments to be made in lieu of an election if the number of nominated candidates does not exceed the number of offices to be filled at the election. Notice of this circumstance has been delivered and published as required by law. This allows the City Council to do one of the following:

- (1) Appoint to the office the persons who have been nominated; or
- (2) Hold the Election.

A Resolution canceling the election and appointing the candidates to the open office is presented for Council's consideration. If the appointments are made, the appointees shall qualify and take office and serve exactly as if elected to the office to which they are appointed.

Conclusions and Findings

Voters nominated and qualified only one candidate for each City Council and City Treasurer office during the voter-driven nomination process. Pursuant to the State law and the City regulations, the City Council may determine to have the Election for City Council Members and the City Treasurer, or cancel the City's Election and appoint the qualified candidates. Should the City Election be canceled, there is an estimated savings of approximately \$2,500 to the City. Under state law, cancellation would eliminate the write-in candidate process for this office because it would no longer be an open position.

If the City Council decides to cancel the Election and appoint the qualified candidates, the attached Resolution must be adopted by August 22, 2024 (the 75th day before the Election). If the City Council takes no action on

this matter by August 22, 2024 or only takes the action to receive and file the certification, the Election will proceed in accordance with the California Elections Code.

Fiscal Impacts

Sufficient funds are available for the conduct of the General Municipal Election Budget (100-110). A savings of approximately \$2,500 would be realized if the City Council cancels the Election.

Attachments:

1. Resolution __-2024
2. Certification of Number of Qualified Candidates
3. Notice advising that there are no more candidates than offices to be filled for Council members and City Treasurer

City of Colfax

City Council

Resolution № __-2024

CANCELING THE NOVEMBER 5, 2024 ELECTION FOR MEMBERS OF THE COLFAX CITY COUNCIL AND CITY TREASURER AND APPOINTING THE THREE NOMINATED CANDIDATES TO THE THREE SEATS WHICH WERE TO BE FILLED AT SAID ELECTION

WHEREAS, on June 12, 2024, the Colfax city council adopted Resolution No. 35-2024 calling for an election to be held in the City of Colfax on Tuesday, November 5, 2024 for the purpose of filling two Council Member seats and one City Treasurer seat whose terms expire in November, 2024; and

WHEREAS, August 9, 2024 was the 88th day prior to the November 5, 2024 election; and

WHEREAS, the nomination period for candidates to duly file for election to the two City Council seats and one City Treasurer seat subject to election on November 5, 2024 expired at 5:00 p.m. on August 9, 2024; and

WHEREAS, as of the close of the nomination period, incumbent Council Members Caroline McCully, and Larry Hillberg and City Treasurer Timothy Ryan were the only individuals to submit nomination papers for election; and

WHEREAS, members of the Colfax City Council and City Treasurer are elected at large; and

WHEREAS, the number of candidates nominated for election to the Colfax City Council and City Treasurer does not exceed the number of open seats; and

WHEREAS, in these circumstances California Election Code, Section 10229 allows the city Council the choice of either appointing to the City Council the individuals who have been duly nominated or holding the election; and

WHEREAS, the Colfax City Clerk, as the City's elections official, has certified to the City Council that only the two incumbent City Council Members Caroline McCully and Larry Hillberg and one incumbent City Treasurer Timothy Ryan duly submitted nomination papers for reelection on November 5, 2024, that no other individuals filed for election and that the City Council may, at a regular or special meeting, either appoint to the Colfax City Council and the City Treasurer the individuals who have been duly nominated or hold the election; and

WHEREAS, in accordance with California Elections Code Section 10229(a), the Colfax City Clerk, as the City's elections official, duly posted notice that the City Council may either appoint to the

Colfax City Council and City Treasurer the individuals who have been nominated or direct that an election be held in the City.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Colfax that the City Council hereby cancels the November 5, 2024 election only insofar as it affects the election of members of the Colfax City Council and City Treasurer and appoints the three nominated candidates, Caroline McCully and Larry Hillberg, and Timothy Ryan three seats which were to be filled at said election.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Special Meeting of the City Council of the City of Colfax held on the 22nd day of August 2024 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Kim Douglass, Mayor

ATTEST:

Amanda Ahre, City Clerk

**CITY CLERK'S CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES
THAN OFFICES TO BE ELECTED**

I, Amanda Ahre, City Clerk of the City of Colfax, California, 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, November 5, 2024

As of the close of the nomination period on Friday, August 9, 2024, there are not more candidates than offices to be elected.

The person(s) so nominated are:

City Council Member:	Caroline McCully
City Council Member:	Larry Hillberg
City Treasurer:	Timothy Ryan

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 elector 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 Saturday, August 17, 2024 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 Elections Code §10229, the City Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.



Amanda Ahre,
City Clerk, *Elections Official*



**CITY OF COLFAX NOTICE THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES
TO BE ELECTED FOR CITY COUNCIL MEMBERS AND FOR CITY TREASURER**

NOTICE IS HEREBY GIVEN that pursuant to California Elections Code § 10229 relating to the General Municipal Election in the City of Colfax to be held on Tuesday, November 5, 2024:

As of the close of the nomination period on August 9, 2024, there are not more candidates than offices to be elected.

The persons so nominated are:

City Council Member – Caroline McCully
City Council Member – Larry Hillberg
City Treasurer – Timothy Ryan

That California Elections Code § 10229 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 elector if no one has been nominated; or
3. Hold the election if either no one or only one person has been nominated.

The City Council will hold a special meeting on Thursday, August 22, 2024 at 6:00 p.m. to either make the appointments or direct the election to be held. The persons appointed 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 offices pursuant to (1) or (3) above, the election shall be held.

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

You can provide public comment via email to city.clerk@colfax-ca.gov or see the Special Meeting Agenda for additional public comment options.

Published: August 17, 2024



Amanda Ahre, City Clerk

