



AGENDA

CITY OF SEASIDE
CITY COUNCIL/
SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY

SPECIAL MEETING
440 HARCOURT AVE
Thursday, August 25, 2022
1:00 PM

NOTICE: *The City Council and the City's Boards, Commissions and Committees, will hold its public meetings in person, with a virtual option for public participation based on availability. The City of Seaside utilizes Zoom tele-conferencing technology for virtual public participation; however, we make no representation or warranty of any kind, regarding the adequacy, reliability, or availability of the use of this platform in this manner. Participation by members of public through this means is at their own risk.*

VIRTUAL PUBLIC PARTICIPATION INSTRUCTIONS

1. To view this meeting: Please click on the following link to the City of Seaside YouTube Channel: <https://www.youtube.com/c/CityofSeasideCalifornia>
2. To participate in this meeting: Using the Zoom application on your smart phone, laptop, tablet or desktop and click on this link: <https://us02web.zoom.us/j/81936832059>
WEBINAR ID: 819 3683 2059
3. To participate by phone: Please call (669) 900-9128
Enter the meeting ID 819 3683 2059 when prompted. There is no participate code – press the pound sign # after the recording prompts you.
4. To make public comment, the following options are available:
 - Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item #___" (insert the agenda item number relevant to your comment). Written comments must be received at least two (2) hours prior to the meeting time on the day of the meeting.
 - During the Meeting via Oral Comments: When the Chair calls for public comment, attendees can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9.

IN PERSON PARTICIPATION INSTRUCTIONS

Members of the public participating in person and wishing to address the Commission may approach the podium when the Chair calls for public comment.

1. CALL TO ORDER

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor
David R. Pacheco	Mayor Pro Tem
Jason Campbell	Council Member
Jon Wizard	Council Member
Alexis Garcia-Arrazola	Council Member

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

5. BUSINESS ITEMS

A. CONSIDER RESOLUTION OF THE APPOINTMENT OF NOMINATED CITY OFFICIALS AS IF ELECTED AT NOVEMBER 8, 2022, MUNICIPAL ELECTION AND CANCELLING THE NOVEMBER 8, 2022, CITY OF SEASIDE MUNICIPAL ELECTION OR HOLDING THE ELECTION

RECOMMENDATION: Adopt a resolution appointing Ian N. Oglesby to the Office of the Mayor, for the term of two (2) years, Alex Miller to the Office of City Council, for a term of four (4) years, and Rita Burks to the Office of City Council, for a term of four (4) years, and canceling the November 8, 2022 General Municipal Election for the City of Seaside, pursuant to California Elections Code Section 10229.

B. CONSIDER RESOLUTION RESCINDING RESOLUTION 22-81, CANCEL THE NOVEMBER 8, 2022, ELECTION, AND TERMINATE THE SERVICE AGREEMENT WITH THE SERVICES AGREEMENT FOR THE PROVISION OF ELECTION SERVICES BETWEEN THE CITY AND MONTEREY COUNTY REGISTRAR OF VOTERS

RECOMMENDATION: Rescind Resolution 22-81 and terminate the service agreement with the Monterey County Registrar of Voters.

6. ADJOURNMENT

Next Regularly Scheduled Meeting:
September 1, 2022

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at (831) 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas and videos of past meetings are available on demand are posted at: <http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the Office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



CITY OF SEASIDE STAFF REPORT

Item No.: 5.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dominique Davis, City Clerk

DATE: August 25, 2022

SUBJECT: **CONSIDER RESOLUTION OF THE APPOINTMENT OF
NOMINATED CITY OFFICIALS AS IF ELECTED AT NOVEMBER 8,
2022, MUNICIPAL ELECTION AND CANCELLING THE
NOVEMBER 8, 2022, CITY OF SEASIDE MUNICIPAL ELECTION
OR HOLDING THE ELECTION**

RECOMMENDATION

Adopt a resolution appointing Ian N. Oglesby to the Office of the Mayor, for the term of two (2) years, Alex Miller to the Office of City Council, for a term of four (4) years, and Rita Burks to the Office of City Council, for a term of four (4) years, and canceling the November 8, 2022 General Municipal Election for the City of Seaside, pursuant to California Elections Code Section 10229.

BACKGROUND

On July 7, 2022, the City Council adopted Resolution No. 22-81, calling for the holding of a General Municipal Election for the purpose of electing one person to the office of the Mayor and two persons to the office of City Council.

The nomination period for the General Municipal Election commenced on July 18, 2022 and closed on August 12, 2022. Per California Elections Code Section 10229(a), if an incumbent fails to file pursuant to Section 10225, by or on the 88th day before the election, the voters shall have until the 83rd day before the election, to nominate candidates other than the person who was the incumbent on the 88th day, for that incumbent's elective office. Subsequently, the nomination period in the City of Seaside was extended until August 17, 2022.

At the close of the extended nomination period, the following nominees qualified for the ballot:

NOMINEE	OFFICE
Ian N. Oglesby	Mayor
Alex Miller	Council Member
Rita Burks	Council Member

Elections Code Section 10229 provides that if, by the statutory nomination filing deadline, no one or only one person is nominated to be elected by a legislative district, and if there are also no city-wide measures on the ballot, then the Elections Official (City Clerk) shall certify these facts to the City Council, publish a notice of the same, and after the fifth day of the publication, the City Council may take one of three courses of action:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office an eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated; and

Pursuant to Elections Code Section 10229, the Elections Official provided the required certification to the City Council that only one person has been nominated to be elected for one seat for Mayor and two seats for City Council at the August 18 City Council meeting and published a notice of the same in the August 20, 2022 Monterey County Herald. As of August 25, 2022, the required five-day notice period is complete.

FISCAL IMPACT

If the election was cancelled for City of Seaside, the City would save approximately \$150,000 in election costs incurred from services rendered by Monterey County Elections Department.

ATTACHMENTS

1. Resolution
2. Notice of Insufficient Nominees
3. Correspondence to Elections Program Manager

Reviewed for Submission to the City Council by:


 Jaime M. Fontes, City Manager

RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

PROVIDING FOR THE APPOINTMENT OF NOMINATED CITY OFFICIALS AS IF ELECTED AT THE NOVEMBER 8, 2022 MUNICIPAL ELECTION AND CANCELLING THE NOVEMBER 8, 2022 CITY OF SEASIDE MUNICIPAL ELECTION

WHEREAS, at the close of the nomination period of August 12, 2022, there are the exact total of candidates as offices to be elected at the November 8, 2022 Municipal Election; and

WHEREAS, at the close of the extended nomination period of August 17, 2022, there remained the exact total of candidates as offices to be elected at the November 8, 2022 Municipal Election; and

WHEREAS, pursuant to Elections Code Section 10229 allows one of three actions to be taken by the City Council; and

WHEREAS, if an incumbent fails to file pursuant to Section 10225, (i) no one or only one person has been nominated for any office that is elected on a citywide basis, or (ii) no one or only one person is nominated to be elected from or by a legislative district, or (iii) in the case of any office or offices to be elected at large, the number of persons who have been nominated for those offices does not exceed the number to be filled at that election; or, if, by the 88th day, during normal business hours as posted, before a municipal election to fill any vacancy in office, no one or only one person has been nominated for any elective office to be filled at that election, and the election is subject to Section 36512 of the Government Code, the city elections official shall submit a certificate of these facts to the governing body of the city and inform the governing body of the city that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office an eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated; and

WHEREAS, only one incumbent was nominated for the Mayor's position and only two candidates were nominated for the two City Council seats to be filled at the November 8, 2022 Election; therefore the City Council may take action pursuant to either Option 1 or Option 3; and

WHEREAS, no other City offices are to be filled at the November 8, 2022 Election, and no City measure has qualified to be submitted to the voters at that election; and

WHEREAS, the City Council determined that by appointing the officers as permitted by Elections Code Section 10229, the City will save the cost associated with the Municipal Election.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Seaside as follow:

Section 1. That pursuant to Section 10229 of the Elections Code, the following persons are hereby appointed to the office to which they are nominated:

NAME	OFFICE	TERM
Ian N. Oglesby	Mayor	2022-2024
Rita Burks	City Council Member	2022-2026
Alex Miler	City Council Member	2022-2026

Section 2. That the persons appointed by Section 1 of this Resolution shall qualify and take office at the first City Council meeting after receipt of certification of the General Election from the Monterey County Elections Department and serve exactly as if elected at the November 8, 2022 Municipal Election.

Section 3. That the November 8, 2022 Municipal Election is cancelled in the City of Seaside and Resolution No. 22-81, calling said election and requesting consolidation, is rescinded. The City Council authorizes the City Manager to terminate the agreement with Monterey County Elections Department for consolidation of the General Election.

Section 4. That the City Clerk shall certify to the passage and adoption of this Resolution and shall transmit a certified copy to the Monterey County Elections Department and the Board of Supervisors of Monterey County.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Seaside duly held on the ____ day of August 2022, by the following vote:

AYES:	COUNCIL MEMBERS
NOES:	COUNCIL MEMBERS
ABSENT:	COUNCIL MEMBERS
ABSTAIN:	COUNCIL MEMBERS

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

Sheri L. Damon, City Attorney



City Clerk's Office

440 Harcourt Avenue
Seaside, CA 93955

Telephone: (831) 899-6707

Fax: (831) 718-8594

**NOTICE THAT THERE ARE NOT MORE CANDIDATES
THAN OFFICES TO BE ELECTED**

NOTICE IS HEREBY GIVEN that pursuant to § 10229 of the Elections Code of the State of California relating to the General Municipal Election in the City of Seaside to be held Tuesday, November 8, 2022:

As of the close of the extended nomination period on August 17, 2022, there are not more candidates than offices to be elected.

The persons so nominated are:

MAYORAL SEAT CANDIDATES:

Ian N. Oglesby (incumbent)

COUNCIL MEMBER SEAT CANDIDATES:

Alex Miller

Rita Burks

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 persons who have 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.

The City Council will meet on August 25, 2022 at 1:00 p.m. at Seaside City Hall, 440 Harcourt Avenue, Seaside, to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at 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 (2) above, the election shall be held.

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

/S/ Dominique L. Davis, City Clerk, City of Seaside



PUBLIC AFFAIRS & CITY CLERK DEPARTMENT

440 Harcourt Avenue
Seaside, CA 93955
www.ci.seaside.ca.us

Telephone 831-899-6707
Fax 831-718-8594

August 25, 2022

Monterey County Elections Department
c/o Genesis Cabaccang, Program Manager
1441 Schilling Pl – North Bldg.
Salinas, CA 93901

Dear Ms. Cabaccang,

At the close of the August 17, 2022 Extended Nomination Period, only one incumbent was nominated for Mayor, and two individuals were nominated for were nominated for the two City Council seats to be filled for the November 8, 2022 Municipal Election. The California Elections Code, Section 10229 (1) allows for the appointment to the office the person who was nominated. The nomination of Ian N. Oglesby for Mayor, and Alex Miller and Rita Burks for Council Members to fill the Council seats by appointment, was adopted per Resolution 22-106 to the City Council at the August 25, 2022 Seaside City Council special meeting.

A certified Resolution will be mailed to the Elections Department following passage and adoption by the Seaside City Council of the Resolution providing for the appointment of nominated City Officials as if elected and cancelling the November 8, 2022 City of Seaside Municipal Election.

If you have any questions, you may reach me at (831) 899-6707, or via email at ddavis@ci.seaside.ca.us

Kindest Regards,

A handwritten signature in cursive script that reads "Dominique L. Davis".

Dominique L. Davis
City Clerk



CITY OF SEASIDE STAFF REPORT

Item No.: 5.B.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dominique Davis, City Clerk

DATE: August 25, 2022

**SUBJECT: CONSIDER RESOLUTION RESCINDING RESOLUTION 22-81,
CANCEL THE NOVEMBER 8, 2022, ELECTION, AND TERMINATE
THE SERVICE AGREEMENT WITH THE SERVICES AGREEMENT
FOR THE PROVISION OF ELECTION SERVICES BETWEEN THE
CITY AND MONTEREY COUNTY REGISTRAR OF VOTERS**

RECOMMENDATION

Rescind Resolution 22-81 and terminate the service agreement with the Monterey County Registrar of Voters.

BACKGROUND

On July 7, 2022, the City Council adopted Resolution 22-81 to consolidate the November 8, 2022 election with the County of Monterey, pursuant to Elections Code 10002 and Elections Code 10403. Per California Elections Code Section 10229, if an incumbent fails to file pursuant to Section 10225, the city elections official shall submit a certificate of these facts to the governing body of the city and inform the governing body of the city that it may, at a regular or special meeting held before the municipal election, adopt one of three actions as follows:

- (1) Appoint to the office the person who has been nominated.
- (2) Appoint to the office an eligible elector if no one has been nominated.
- (3) Hold the election if either no one or only one person has been nominated.

The incumbents for the City Council seats did not file, and only one individual duly filed for nomination for each of the seats available for the November 8, 2022 General Election. The Elections Official recommends that the City Council adopts a resolution to appoint the nominees that have registered and qualified for the election. By doing so, the City Council would need to rescind resolution No. 22-81 and authorize the City

Manager to terminate the service agreement for the provision of election services between the City and Monterey County Registrar of Voters.

FISCAL IMPACT

In the event that the agreement is terminated prematurely, the City shall pay to the Registrar a sum equal to the actual cost of such services performed or supplies/expenses incurred as of the effective date of the termination.

ATTACHMENTS

1. Resolution
-

Reviewed for Submission to the City Council by:


Jaime M. Fontes, City Manager

RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

RESCINDING RESOLUTION NO. 22-81 TO ORDER AN ELECTION, REQUESTING THE COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION, AND REQUESTING CONSOLIDATION OF THE ELECTION

WHEREAS, on July 7, 2022, the City Council adopted resolution 22-81 to order an election requesting the County Elections Department to conduct the election, and requesting consolidation of the election; and

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election. The City or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, on July 7, 2022, the City entered into a service agreement for the provision of election services between the City and Monterey County Registrar of Voters for the November 8, 2022 General Election; and

WHEREAS, at the close of the extended nomination period of August 17, 2022, there remained the exact total of candidates as offices to be elected at the November 8, 2022 Municipal Election; and

WHEREAS, pursuant to Elections Code Section 10229 allows one of three actions to be taken by the City Council; and

WHEREAS, if an incumbent fails to file pursuant to Section 10225, (i) no one or only one person has been nominated for any office that is elected on a citywide basis, or (ii) no one or only one person is nominated to be elected from or by a legislative district, or (iii) in the case of any office or offices to be elected at large, the number of persons who have been nominated for those offices does not exceed the number to be filled at that election; or, if, by the 88th day, during normal business hours as posted, before a municipal election to fill any vacancy in office, no one or only one person has been nominated for any elective office to be filled at that election, and the election is subject to Section 36512 of the Government Code, the city elections official shall submit a certificate of these facts to the governing body of the city and inform the governing body

of the city that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office an eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated; and

WHEREAS, only one incumbent was nominated for the Mayor's position and only two candidates were nominated for the two City Council seats to be filled at the November 8, 2022 Election; therefore the City Council may take action pursuant to either Option 1 or Option 3; and

WHEREAS, no other City offices are to be filled at the November 8, 2022 Election, and no City measure has qualified to be submitted to the voters at that election; and

WHEREAS, the City Council determined that by appointing the officers as permitted by Elections Code Section 10229, the City will authorize the City Manager to terminate the service agreement with the Monterey County Registrar of Voters to save the cost associated with the Municipal Election.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Seaside as follow:

1. Cancel the General Municipal Election on Tuesday, the 8th day of November for the purpose of election one (1) person to the office of Mayor for a term of two (2) years, and two (2) persons to the Office of Council Member for the term of four (4) years each; and
2. Return the costs of the Candidate's statement that was paid by the candidate to the city in the amount of \$387.00; and
3. The election shall not be consolidated with any other election to be held totally or partially within the boundaries of this City; and
4. The City Manager is hereby authorized to terminate the service agreement with the County of Monterey for the administration of part or all of the aforesaid Municipal Election by the County, and the County Registrar of Voters is authorized to bill the City, a sum equal to the actual cost of such services performed or supplies/expenses incurred as of the effective date of the termination.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Seaside duly held on the ____ day of August 2022, by the following vote:

AYES: COUNCIL MEMBERS
NOES: COUNCIL MEMBERS
ABSENT: COUNCIL MEMBERS
ABSTAIN: COUNCIL MEMBERS

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

Sheri L. Damon, City Attorney