

# A G E N D A

Special  
Meeting of the  
**Scotts Valley City Council**

**Date: August 16, 2012**

**Time: 8:15 a.m.**

**CITY OF SCOTTS VALLEY**

1 Civic Center Drive  
Scotts Valley, CA 95066  
(831) 440-5602

**MEETING LOCATION**

City Council Chambers  
1 Civic Center Drive  
Scotts Valley, CA 95066

**POSTING:** The agenda was posted 8-10-12 at City Hall, the SV Senior Center, the SV Library and on the Internet at [www.scottsvalley.org](http://www.scottsvalley.org).

**CALL TO ORDER**

**ROLL CALL**

**SPECIAL SET MATTER**

**CONSENT AGENDA**

- A. Approve Resolution No. 1876.2 providing for the appointment to the offices of City Council of the City of Scotts Valley that were to be elected on Tuesday, November 6, 2012 in accordance with California Elections Code §10229

**ADJOURNMENT**

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## City of Scotts Valley INTEROFFICE MEMORANDUM

**DATE:** August 16, 2012  
**TO:** Honorable Mayor and City Council  
**FROM:** Tracy A. Ferrara, City Clerk  
**SUBJECT:** **NOMINATIONS FOR CITY COUNCIL**

### SUMMARY OF ISSUE

As you know, there are three Council Member seats expiring in November 2012. The candidate nomination period ended on August 10, 2012 at 5:00 pm, and as of that date and time, the only qualified nomination papers received were from the three incumbents: Dene Bustichi, Randy Johnson, and Donna Lind.

In the event that the number of persons who have been nominated for City Council Member does not exceed the number of seats to be filled in the election, Elections Code 10229(a) states as follows:

*“If, by 5 p.m. on the 88th day prior to the day fixed for a regularly scheduled municipal election (8/10/2012) or the 83rd day (8/15/2012) if an incumbent fails to file pursuant to Section 10225, (i) no one or only one person has been nominated for any office which 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 (8/10/10), 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 any eligible elector if no one has been nominated.*
- (3) Hold the election, if either no one, or only one person has been nominated. The city elections official shall publish a notice of the facts described in this section and the courses of action available under this subdivision. Publication shall be made pursuant to Section 6061 of the Government Code in any newspaper of general circulation as designated by the city elections official.*

*After the fifth day following the date of posting or publication, the governing body of the city may make the appointment or direct an election to be held in the affected territory. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office. Notwithstanding Section 10403, if, by the 75th day (8-23-12) before the municipal election, no person has been appointed to office pursuant to paragraph (1) or (2), the election shall be held.”*

In accordance with Section 10229(a) of the Elections Code, on August 10, 2012 at 5:00 pm, the attached notice was posted in three locations: (1) Scotts Valley City Hall; (2) Scotts Valley Public Library; and (3) Scotts Valley Senior Center.

Based on Section 10229(a), the City Council must decide whether to appoint Dene Busdtichi, Randy Johnson, and Donna Lind to the City Council or conduct the election on November 6, 2012.

**FISCAL IMPACT**

The estimated cost of the November 6, 2012 election is approximately \$18,000

**STAFF RECOMMENDATION**

The City Council approve Resolution No. 1876.2 appointing qualified candidates/incumbents Dene Busdtichi, Randy Johnson, and Donna Lind to the three open council member seats expiring in November 2012, with four-year terms to expire in November 2016, in accordance with Elections Code §10229(a).

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**RESOLUTION NO. 1876.2**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SCOTTS VALLEY PROVIDING FOR THE  
APPOINTMENT TO THE OFFICES OF THIS CITY THAT  
WERE TO BE ELECTED ON TUESDAY, NOVEMBER 6, 2012**

**WHEREAS**, pursuant to §10229 of the Elections Code of the State of California, as of the close of the nomination period on August 10, 2012, there are not more candidates than offices to be elected, and 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 elector if no one has been nominated.
- (3) Hold the election, if either no one, or only one person has been nominated; and

**WHEREAS**, a notice of these facts was posted on August 10, 2012 in at least three (3) locations pursuant to law.

**NOW, THEREFORE**, the City Council of the City of Scotts Valley, California, does hereby resolve, declare, determine, and order as follows:

SECTION 1. That pursuant to §10229 of the Elections Code of the State of California, the following action is being taken:

The following persons are being appointed to the offices to which they were nominated:

Dene Bustichi, Member of the Scotts Valley City Council  
Randy Johnson, Member of the Scotts Valley City Council  
Donna Lind, Member of the Scotts Valley City Council

SECTION 2. The election scheduled to be held on Tuesday, November 6, 2012 is now cancelled.

SECTION 3. The persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing Resolution was adopted by the City Council of the City of Scotts Valley at a special meeting held on the 16<sup>th</sup> day of August, 2012, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Approved: \_\_\_\_\_  
Donna R. Lind, Vice Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk



**CITY OF SCOTTS VALLEY  
PUBLIC NOTICE THAT THERE ARE NOT MORE  
CANDIDATES THAN OFFICES TO BE ELECTED**

NOTICE IS HEREBY GIVEN that pursuant to §10229, Elections Code of the State of California, relating to the Municipal General Election in the City of Scotts Valley, to be held on Tuesday, November 6, 2012:

As of the close of the nomination period on August 10, 2012, there are not more candidates than offices to be elected.

Section 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 elector 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 at a special meeting on August 16, 2012 at 8:15 am** to either make the appointments 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 75<sup>th</sup> day before the election, no person has been appointed to the office(s) pursuant to (1) or (2) above, the election shall be held.

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

Date: August 10, 2012

Tracy A. Ferrara, City Clerk  
1 Civic Center Drive  
Scotts Valley, CA 95066  
831-440-5602



# CITY OF SCOTTS VALLEY

## OFFICE OF THE CITY CLERK

One Civic Center Drive • Scotts Valley • California • 95066  
Phone (831) 440-5602 • Facsimile (831) 438-2793 • www.scottsvally.org

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

I, Tracy A. Ferrara, City Clerk of the City of Scotts Valley, do hereby certify, pursuant to §10229, Elections Code of the State of California, the following facts relating to the Municipal General Election to be held on Tuesday, November 6, 2012:

As of the close of the nomination period on August 10, 2012, there are not more candidates than offices to be elected.

The persons so nominated are:

Dene Bustichi, Incumbent  
Randy Johnson, Incumbent  
Donna Lind, Incumbent

Section 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 elector if no one has been nominated.
- (3) Hold the election, if either no one, or only one person has been nominated.

Pursuant to Government Code §6061, a notice of these facts was posted on August 10, 2012 at 5:05 pm in the following three locations: (1) Scotts Valley City Hall; (2) Scotts Valley Public Library; and (3) Scotts Valley Senior Center. After the fifth day following the date of posting, 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 75<sup>th</sup> day before the election, no person has been appointed to the office(s) pursuant to (1) or (2) above, the election shall be held.

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

Date: August 10, 2012

Tracy A. Ferrara, City Clerk