

**STAFF REPORT  
CITY COUNCIL MEETING OF AUGUST 24, 2022**

**DATE:** August 24, 2022  
**TO:** Mayor and Council  
**FROM:** Matt Flood, Assistant City Manager  
**SUBJECT:** Determination under Elections Code Section 10229 whether to appoint two nominated candidates to two Council Seats

**RECOMMENDATION:**

1. Adopt a Resolution to Appoint Candidates Adam Flores and Dora Martha Mejia and cancel the general consolidated election **OR**
2. Adopt a Resolution to hold the November 8, 2022, consolidated general election.

**SUMMARY:**

Per California Elections Code Section 10229, when there is only one or no nominees for elective office, the governing board may appoint such nominee to office or hold the election as scheduled. For the 2022 election, only two individuals qualified to run for two seats. Therefore, the Council may appoint the nominees or proceed with holding the election.

**DISCUSSION:**

The City is holding a Consolidated General Election on November 8, 2022, for the purpose of electing two councilmembers. The period for nominating candidates closed on Friday, August 12, 2022 with only two candidates qualifying as nominees (see Attachment 1, email of August 13, 2022, from the Fresno County Registrar of Voters). The candidates are incumbents Adam Flores and Dora Martha Mejia.

Under these circumstances and in accordance with Elections Code 10229, the City Council may take one of the following courses of action:

- (1) Appoint to the office the person(s) who has/have been nominated.
- (2) Hold the election if either no one or only one person has been nominated.

If Council chooses to appoint, the person(s) appointed shall qualify and take office and serve exactly as if elected. In addition, the City Clerk shall not accept for filing any statement of write-in candidacy after the appointment is made.

The City Clerk has complied with Elections Code Section 10229 by providing the City Council with her Certification (Attachment 2) and by publishing the required notice in a newspaper of general circulation, which, in this case, was the Fresno Bee.

Not holding the election will save the City the cost of the election.

Staff has included two possible resolutions for Council to consider, depending on which option the Council decides to take. Attachment 3 is the Resolution declaring Council will appoint the two qualifying candidates to the two available City Council seats, and Attachment 4 is the Resolution declaring that the City Council wishes to go forward with the election as normally scheduled.

**ATTACHMENTS:**

1. Email from County Elections Office
2. City Clerk Certification
3. Resolution Option 1: Making Appointments
4. Resolution Option 2: Hold Election as Scheduled

## Lupe Estrada

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**From:** Najera, Victoria <VNajera@fresnocountyca.gov>  
**Sent:** Saturday, August 13, 2022 5:30 PM  
**To:** Lupe Estrada  
**Cc:** Clerk-Elections; Kus, James; Lopez, Rachel R.  
**Subject:** November 8, 2022 Consolidated Statewide General Election - Cities to appoint per EC 10229

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Lupe,

First, we would like to thank you for the outstanding job you did in handling the candidate filing documents for this election. Excellent work!

\*\*\*\*\*There is an opportunity for your City to appoint an unchallenged candidate for one of your city seats, instead of having the race go on the ballot. Please review Election Code Section 10229 with your city attorney.

Contest 5185 - City of San Joaquin - City Council are unchallenged.

The time period for the City to appoint this unchallenged candidate is very short. The City appointment must be completed by E-75 (August 25, 2022). It is critical for you to let us know asap whether your city will be pursuing this opportunity, because we are now moving into our next phase of the election set-up process and we need to know exactly what seats are going on the ballot.

Please let us know if your city will be appointing a candidate, and then please send us a copy of the executed city resolution that confirms the appointment.

Thank you

**CITY OF SAN JOAQUIN CITY CLERK CERTIFICATION THAT THERE  
ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED TO  
CITY COUNCIL**

I, Lupe Estrada, City Clerk of the City of San Joaquin, do hereby certify pursuant to Section 10229 of the Elections Code of the State of California, the following facts relating to the General Municipal Election to be held on Tuesday, November 8, 2022.

As of the close of the nomination period on Friday, August 12, 2022 for two positions on the City Council, there are not more candidates than offices to be elected.

The person(s) so nominated are:

Dora Martha Mejia	Member of City Council	4-Years
Adam Flores	Member of City Council	4-Years

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 person(s) who has/have been nominated.
- (2) Appoint to the office any eligible elector (voter) 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 was posted and delivered to the City Council on Monday, August 22, 2022 and was published in a newspaper of general circulation in the city on Wednesday, August 17, 2022, 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.

The City Council will meet at a special meeting on Wednesday, August 24, 2022, at 12 noon to either make the appointment(s) or direct an election to be held.

If, by the 75<sup>th</sup> 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 § 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.



Lupe Estrada  
City Clerk

**RESOLUTION NO. 2022-45**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOAQUIN  
APPOINTING TO CITY COUNCIL OFFICE ADAM FLORES AND DORA  
MARTHA MEJIA AND CANCELLING THE ELECTION TO BE HELD FOR  
THESE OFFICES FROM THE NOVEMBER 8, 2022, CONSOLIDATED  
STATEWIDE GENERAL ELECTION**

**WHEREAS**, the San Joaquin City Council has called a Municipal Election to be Consolidated with the Statewide Election (Consolidated General Election) on November 8, 2022; and

**WHEREAS**, a nomination period was opened and closed in accordance with the Elections Code and only two candidates was nominated for the two offices; and

**WHEREAS**, in accordance with Elections Code Section 10229, the City Council may choose to appoint such persons.

**NOW THEREFORE**, the City Council of the City of San Joaquin resolves as follows:

1. The foregoing recitals are true and correct and incorporated by reference as fully set forth.
2. Pursuant to Elections Code 10229, the following persons are being appointed to the offices to which they were nominated:

Adam Flores	City Councilmember	4-Years
Dora Martha Mejia	City Councilmember	4-Years

3. The election scheduled for Tuesday, November 8, 2022, is cancelled.
4. The persons appointed shall qualify and take office and serve exactly as if elected at the municipal election for that office.
5. The City Clerk shall certify to the passage and adoption of this Resolution and submit any required information and documents to the County Clerk-Recorder and Registrar of Voters.
6. This resolution is effective upon adoption.

The foregoing resolution was adopted at a special meeting of the City Council of the City of San Joaquin the 24<sup>th</sup> day of August 2022 and passed at said meeting with the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Julia Hernandez, Mayor

ATTEST:

\_\_\_\_\_  
Lupe Estrada, City Clerk

**RESOLUTION NO. 2022-45**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOAQUIN  
DETERMINING TO HOLD THE ELECTION FOR CITY COUNCIL AS  
SCHEDULED ON THE CONSOLIDATED GENERAL ELECTION OF  
NOVEMBER 8, 2022**

**WHEREAS**, the San Joaquin City Council has called a Municipal Election to be Consolidated with the Statewide Election (Consolidated General Election) on November 8, 2022; and

**WHEREAS**, a nomination period was opened and closed in accordance with the Elections Code and only one candidate each was nominated for offices in Districts 1, 3, and 5; and

**WHEREAS**, in accordance with Elections Code Section 10229, the City Council may choose to hold the election as scheduled.

**NOW THEREFORE**, the City Council of the City of San Joaquin resolves as follows:

1. The foregoing recitals are true and correct and incorporated by reference as fully set forth.
2. Pursuant to Elections Code 10229, although there are not more candidates than offices to be elected, the election shall be held as scheduled.
3. The City Clerk shall certify to the passage and adoption of this Resolution and submit any required information and documents to the County Clerk-Recorder and Registrar of Voters.
4. This resolution is effective upon adoption.

The foregoing resolution was adopted at a special meeting of the City Council of the City of San Joaquin the 24<sup>th</sup> day of August 2022 and passed at said meeting with the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Julia Hernandez, Mayor

ATTEST:

\_\_\_\_\_  
Lupe Estrada, City Clerk