



**AGENDA
SPECIAL MEETING OF THE OAKLEY CITY COUNCIL**

**Wednesday, August 21, 2024
6:30 PM**

Oakley Council Chambers located at 3231 Main Street, Oakley, California 94561

MISSION STATEMENT: The City of Oakley will create a resilient future that fosters and attracts a vibrant and evolving community that welcomes and values all people.

VISION STATEMENT: The City of Oakley celebrates our unique Delta lifestyle and small-town feel where we Live in a safe, dynamic community, **Work** together to build the future, and **Play** in our own backyard.

Agendas are posted in Oakley at Oakley City Hall-3231 Main Street, outside the gym at Delta Vista Middle School-4901 Frank Hengel Way and outside the Library at Freedom High School-1050 Neroly Road. Agendas are also posted on the City's Internet Website www.ci.oakley.ca.us.

A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley City Council and/or City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency or Oakley Public Financing Authority regarding any item on this agenda will be made available for public inspection, during regular business hours, at the front counter in the Main Lobby of the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561. Agendas may be picked up at the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561 for no charge. To request information regarding placement on the City's agenda e-mail distribution list, please contact us at (925) 625-7000.

The City of Oakley provides social media options to stay connected to City Hall through Facebook, Twitter, Next Door and Instagram. Other opportunities to connect with City Hall include Envision Oakley, Oakley OnDemand on the City's website, and by emailing info@ci.oakley.ca.us.

If you require special accommodation, please call the City Clerk's office at (925) 625-7000 before the meeting or contact City staff at the meeting.

Please keep cell phones/electronic devices turned off during the meeting. Please be advised that City Council meetings are video recorded and attendees may appear on

video.

Information Regarding Public Comment

Members of the public may address the Council on items of interest that are within the City's jurisdiction. In compliance with State law, the council may not take action or have discussion on any item that is not specifically listed on the agenda. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. Public comments on items listed on the agenda will be heard as the Mayor calls the items. In compliance with State law, the Council may not take action on an item that is not specifically listed on the agenda. If you would like to speak on any agenda item, please fill out a public speaker card available in the lobby and submit it to the City Clerk seated in the Council Chamber **prior to the agenda item being called**. The Mayor will call you by name to the podium to hear your comment. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. Online public comments are accepted until 5 p.m. the day of the meeting and can be submitted at <https://www.ci.oakley.ca.us/online-public-comment-card/>.

1. Call to Order and Roll Call

2. Pledge of Allegiance to the Flag

3. Public Comments

At this time, the public is permitted to address the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority on non-agendized items.

4. Regular Calendar

4.1 Adopt a Resolution accepting the City Clerk's notice of facts and options available pursuant to California Elections Code § 10229 that there are not more candidates than offices to be elected in Districts 1 and 3 for the November 5, 2024 General Municipal Election in the City of Oakley as there is one nominated candidate and one seat available in each Districts 1 and 3, and either appoint the nominated candidate for each Districts 1 and 3, or direct an election to be held in Districts 1 and 3 (Libby Vreonis, City Clerk)
Staff Report

1. Notice of facts and options available pursuant to California Elections Code § 10229

2. Proposed Resolution to accept the notice of facts and options available under California Elections Code § 10229 and appoint the nominated candidate, Aaron Meadows, to District 1 for the November 5, 2024 City of Oakley General Municipal Election

3. Proposed Resolution to accept the notice of facts and options available under California Elections Code § 10229 and appoint the nominated candidate, Anissa Williams, to District 3 for the November 5, 2024 City of Oakley General Municipal Election

4. Proposed Resolution to accept the notice of facts and options available under California Elections Code § 10229 and direct an election to be held for District 1 for the November 5, 2024 City of Oakley General Municipal Election

5. Proposed Resolution to accept the notice of facts and options available under California Elections Code § 10229 and direct an election to be held for District 3 for

the November 5, 2024 City of Oakley General Municipal Election

5. Adjourn

DATE: August 21, 2024
TO: Joshua McMurray, City Manager
FROM: Derek Cole, City Attorney
SUBJECT: **Adopt a Resolution accepting the City Clerk's notice of facts and options available pursuant to California Elections Code §10229 that there are not more candidates than offices to be elected in Districts 1 and 3 for the November 5, 2024 General Municipal Election in the City of Oakley as there is one nominated candidate and one seat available in each Districts 1 and 3, and either appoint the nominated candidate for each Districts 1 and 3, or direct an election to be held in Districts 1 and 3**

Approved and
Forwarded to the
City Council

Background and Analysis

The nomination period for the November 5, 2024 General Municipal Election for Districts 1, 3 and 5 in the City of Oakley closed Friday, August 9, 2024. One candidate was nominated for District 1, one candidate was nominated for District 3, and three candidates were nominated for District 5. The election will be held for District 5. This staff report addresses options available for Districts 1 and 3 where only one candidate in each district has been nominated.

California Elections Code §10229(a)(1) provides that when there is one nominated candidate in an election, as exists in Districts 1 and 3, the City Council can appoint the person who has been nominated or hold the election. It requires the city election official to publish a notice of the facts and options available, and after the fifth day of publication, the City Council may make an appointment or direct an election to be held. If an appointment is made rather than holding the election, it must occur no later than the 75th day prior to the date the election, August 22, 2024. The notice of facts and options available was published Thursday, August 15, 2024, in the *East Bay Times* which is inclusive of the *East County Times*, and a special meeting is called this evening for the City Council to decide.

If a nominated candidate is appointed, the candidate would qualify and take office and serve exactly as if elected at a municipal election for the office. In this situation, the names of the appointed persons and candidate statements would not appear on the ballot for Districts 1 and 3, and pursuant to Elections Code §10229(c), no write-in candidates would be allowed.

During the November 8, 2022 General Municipal Election, there was a similar situation in that two candidates were nominated for District 2 and only one candidate



was nominated for District 4. There was a candidate that did not qualify for District 4 due to an insufficient minimum number of signatures on the nomination paper, and the unqualified candidate immediately inquired about being a write-in candidate. The Council voted to hold the election for District 4 to allow the voters to decide between the qualified candidate and write-in candidate. The qualified candidate received 1,784 votes (89.60%) and the write-in candidate received 206 votes (10.35%).

As of the close of the nomination period, staff had not been contacted by anyone expressing interest in being a write-in candidate for any of the districts.

If the City Council directs an election to be held, there is an associated cost with holding the election. Data from the Secretary of State that has been included in the County Elections Candidate Guide indicates that there are 27,295 registered voters in Oakley as of February 22, 2024. District 1 has 5,649 voters and District 3 has 5,736 voters. The estimated cost of the election is \$2.50-\$4.00 per registered voter, therefore the estimated cost is \$14,122.50-\$22,596 to hold the election for District 1 and \$14,340-\$22,944 for District 3.

If an election is held for Districts 1 and 3, the nominated candidate's name would appear on the ballot for each district, along with their ballot designation, and the candidate's statement would appear in the voter information guide. Write-in candidates would be allowed.

A person interested in being a write-in candidate must be a registered voter, reside within the district in which he/she/they will run for office, and file a "Statement of Write-in Candidacy" for office between September 9, 2024 and October 22, 2024. A minimum of 20 valid signatures must be obtained on the write-in candidate's nomination paper to qualify. A valid signature means a signer of the nomination paper must be registered to vote and reside within the same district as the write-in candidate. Write-in candidates file the same forms required of other candidates with the exception of the candidate statement form and ballot designation worksheet. Write-in candidates are not allowed to file a candidate statement and would not have a ballot designation. Only votes cast for qualified write-in candidates are reported.

Consistency with the Oakley Strategic Plan 27+

City Council appointments or elections are consistent with the City's Sustainable Organization and Community and Collaborative Partnerships Goals in the Oakley Strategic Plan 27+.



Fiscal Impact

Funds have been budgeted for the November 5, 2024 General Municipal Election for the three districts. There would a cost savings for the City of Oakley should the City Council appoint the nominated candidate for each Districts 1 and 3.

Staff Recommendation

Staff recommends that the City Council consider both options and adopt resolutions to either appoint the nominated candidate for each Districts 1 and 3 or direct an election to be held for each Districts 1 and 3.

Attachments

1. Notice of facts and options available pursuant to California Elections Code §10229.
2. Proposed Resolution to accept the notice of facts and options available under California Elections Code § 10229 and **appoint** the nominated candidate, **Aaron Meadows, to District 1** for the November 5, 2024 City of Oakley General Municipal Election
3. Proposed Resolution to accept the notice of facts and options available under California Elections Code § 10229 and **appoint** the nominated candidate, **Anissa Williams, to District 3** for the November 5, 2024 City of Oakley General Municipal Election
4. Proposed Resolution to accept the notice of facts and options available under California Elections Code § 10229 and **direct an election** to be held for **District 1** for the November 5, 2024 City of Oakley General Municipal Election
5. Proposed Resolution to accept the notice of facts and options available under California Elections Code § 10229 and **direct an election** to be held for **District 3** for the November 5, 2024 City of Oakley General Municipal Election



CITY CLERK CERTIFICATION
PURSUANT TO CALIFORNIA ELECTIONS CODE § 10229
THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED
IN DISTRICTS 1 AND 3

I, Libby Vreonis, City Clerk of the City of Oakley, do hereby certify that pursuant to California Elections Code § 10229, to the following facts relating to the General Municipal Election in the City of Oakley to be held on 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 in Districts 1 and 3. There is one seat available in District 1 and one candidate qualified for the election in District 1. There is one seat available in District 3 and one candidate qualified for the election in District 3.

The person nominated for District 1 is: Aaron Meadows

The person nominated for District 3 is: Anissa Williams

That § 10229 of the Elections Code allows one of the following courses of action to be taken by the Oakley City Council for each Districts 1 and 3:

- 1) Appoint to the office the person who has been nominated.
- 2) Appoint to the office any eligible voter if no one has been nominated.
- 3) Hold the election if either one or no one has been nominated.

Option 2 above is not applicable as Aaron Meadows and Anissa Williams have been nominated and qualified for Districts 1 and 3, respectively.

Notice of these facts will be published on August 15, 2024, in a newspaper of general circulation pursuant to Section 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet to either make an appointment or direct an election to be held for each Districts 1 and 3. The person appointed for District 1 and the person appointed for District 3, 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 election, August 22, 2024, no person has been appointed to the office for Districts 1 and 3, the election shall be held for Districts 1 and 3.

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 appointment is made.

Libby Vreonis, City Clerk
Dated: August 9, 2024

RESOLUTION NO. _____-24

**RESOLUTION OF THE OAKLEY CITY COUNCIL ACCEPTING THE
CITY CLERK'S NOTICE OF FACTS AND OPTIONS AVAILABLE UNDER
CALIFORNIA ELECTIONS CODE §10229 AND APPOINTING THE
NOMINATED CANDIDATE, AARON MEADOWS, TO DISTRICT 1 FOR THE
NOVEMBER 5, 2024 CITY OF OAKLEY GENERAL MUNICIPAL ELECTION**

BE IT RESOLVED by the City Council of the City of Oakley that it hereby accepts the City Clerk's notice of facts and options available under California Elections Code §10229 and appoints the nominated candidate, Aaron Meadows, to District 1, for the November 5, 2024 City of Oakley General Municipal Election, and he shall qualify and take office and serve exactly as if elected at a municipal election for the office.

The foregoing resolution was introduced at a regular meeting of the Oakley City Council held on the 21st day of August, 2024, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Anissa Williams, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

RESOLUTION NO. _____-24

**RESOLUTION OF THE OAKLEY CITY COUNCIL ACCEPTING THE
CITY CLERK'S NOTICE OF FACTS AND OPTIONS AVAILABLE UNDER
CALIFORNIA ELECTIONS CODE §10229 AND APPOINTING THE
NOMINATED CANDIDATE, ANISSA WILLIAMS, TO DISTRICT 3 FOR THE
NOVEMBER 5, 2024 CITY OF OAKLEY GENERAL MUNICIPAL ELECTION**

BE IT RESOLVED by the City Council of the City of Oakley that it hereby accepts the City Clerk's notice of facts and options available under California Elections Code §10229 and appoints the nominated candidate, Anissa Williams, to District 3 for the November 5, 2024 City of Oakley General Municipal Election, and she shall qualify and take office and serve exactly as if elected at a municipal election for the office.

The foregoing resolution was introduced at a regular meeting of the Oakley City Council held on the 21st day of August, 2024, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Anissa Williams, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

RESOLUTION NO. _____-24

**RESOLUTION OF THE OAKLEY CITY COUNCIL ACCEPTING THE CITY
CLERK'S NOTICE OF FACTS AND OPTIONS AVAILABLE UNDER
CALIFORNIA ELECTIONS CODE §10229 AND DIRECTING AN ELECTION TO
BE HELD FOR DISTRICT 1 FOR THE NOVEMBER 5, 2024 CITY OF OAKLEY
GENERAL MUNICIPAL ELECTION**

BE IT RESOLVED by the City Council of the City of Oakley that it hereby accepts the City Clerk's notice of facts and options available under California Elections Code §10229 and directs an election to be held for District 1 for the November 5, 2024 City of Oakley General Municipal Election.

The foregoing resolution was introduced at a regular meeting of the Oakley City Council held on the 21st day of August, 2024, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Anissa Williams, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

RESOLUTION NO. _____-24

**RESOLUTION OF THE OAKLEY CITY COUNCIL ACCEPTING THE CITY
CLERK'S NOTICE OF FACTS AND OPTIONS AVAILABLE UNDER
CALIFORNIA ELECTIONS CODE §10229 AND DIRECTING AN ELECTION TO
BE HELD FOR DISTRICT 3 FOR THE NOVEMBER 5, 2024 CITY OF OAKLEY
GENERAL MUNICIPAL ELECTION**

BE IT RESOLVED by the City Council of the City of Oakley that it hereby accepts the City Clerk's notice of facts and options available under California Elections Code §10229 and directs an election to be held for District 3 for the November 5, 2024 City of Oakley General Municipal Election.

The foregoing resolution was introduced at a regular meeting of the Oakley City Council held on the 21st day of August, 2024, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Anissa Williams, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date