



CITY OF CLEARLAKE

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**SPECIAL MEETING OF
CLEARLAKE CITY COUNCIL &
REDEVELOPMENT SUCCESSOR AGENCY
CLEARLAKE CITY HALL COUNCIL CHAMBERS
14050 OLYMPIC DRIVE
CLEARLAKE, CA 95422**

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Council Members to attend City Council meetings telephonically. Please be advised that some, or all, of the Clearlake City Council Members may attend this meeting telephonically.

Furthermore, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which waives the mandate of public, in-person accessibility to Council meetings provided there are other means for the public to participate. **Effective immediately** and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the Clearlake City Council meetings will be viewable via livestreaming on the City of Clearlake's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA/) and now the public may participate through Zoom (<https://clearlakeca.zoom.us/j/96663592373>).

Balancing the health risks associated with COVID-19, while appreciating the public's right to conduct the people's business in a transparent and open manner, the City wants you to know that you can submit your comments and questions in writing for City Council consideration by sending them to the Administrative Services Director/City Clerk at mwsanson@clearlake.ca.us. You can also visit our Town Hall site and submit written comments through our portal at https://www.opentownhall.com/portals/327/forum_home. To give the City Council adequate time to review your questions and comments, please submit your written comments prior to 4:00 p.m. on Thursday, August 19th.

This meeting, and any future meetings while under a declared emergency, **will not** be viewable in person. You may view the meeting live on YouTube at the City of Clearlake's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA/) or on the Lake County PEG TV "**Lake County PEG TV Live Stream**".

WEDNESDAY	AUGUST 19, 2020	3:30 P.M.
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ROLL CALL:

- _____ Mayor Russ Cremer
- _____ Vice Mayor Dirk Slooten
- _____ Councilmember Phil Harris
- _____ Councilmember Joyce Overton
- _____ Councilmember Russell Perdock

PLEDGE OF ALLEGIANCE

MEETING PROCEDURES:

All items on the agenda will be open for public comment before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

During the August 19, 2020 City Council meeting, comment on agenda items will be accepted via email, via Zoom and through the City's Town Hall portal. If you would like to comment remotely, please follow the protocols below:

- The public may send comments via email to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us or via the City's Town Hall portal at https://www.opentownhall.com/portals/327/forum_home prior to the commencement of the Council meeting.
- Members of the public may also now view the meeting and provide comment directly through Zoom (<https://clearlakeca.zoom.us/j/96663592373>).
- Identify the subject you wish to comment on in your email's subject line or in your online Town Hall submission.
- Each comment emailed to the Administrative Services Director/City Clerk will be read aloud by the Mayor or a member of staff for up to three minutes or will be displayed on a screen.
- Emailed comments and Town Hall submissions on each item will be accepted after the start of the meeting, but before the Mayor announces that public comment for that item is closed.
- Emails and Town Hall submissions received after the closing of public comment for each item will not be included in the record.

BUSINESS:

1. Discussion Regarding Election and/or Appointment of City Councilmembers
Recommended Action: Provide direction on whether to appoint nominated councilmembers to serve another term in lieu of holding an election for those seats; provide direction on whether to appoint an elector to serve on the City Council in lieu of holding an election on that seat

ADJOURNMENT

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk, at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext. 131, or via email at mswanson@clearlake.ca.us prior to the meeting, to allow time to provide for special accommodations.

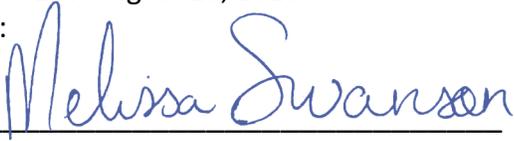
AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us.

Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at www.clearlake.ca.us.

POSTED: August 18, 2020

BY:

A handwritten signature in blue ink that reads "Melissa Swanson". The signature is written in a cursive style with a large initial "M".

Melissa Swanson
Melissa Swanson, Administrative Services Director/City Clerk

CITY OF CLEARLAKE

CITY COUNCIL STAFF REPORT

MEETING OF: August 19, 2020

Agenda Item No. 1

Subject: Discussion Regarding Election and/or Appointment of City Councilmembers **Date:** August 18, 2020

From: Alan D. Flora, City Manager
Melissa Swanson, City Clerk
Ryan Jones, City Attorney

<p>Reviewed & Approved:</p> 
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Recommended Action: Provide direction on whether to appoint nominated councilmembers to serve another term in lieu of holding an election for those seats; provide direction on whether to appoint an elector to serve on the City Council in lieu of holding an election on that seat.

BACKGROUND:

On August 12, 2020, the deadline to file nomination papers for those interested in running for City Council expired. The terms of three council seats are expiring this November, but the City only received complete nomination papers from two candidates; incumbent Joyce Overton and David Claffey. Because there more available offices and candidates, Elections Code § 10229 gives the City the option to appoint these candidates in lieu of holding an election. The City also has the option to appoint a qualified elector to the third council seat in lieu of holding an election. However, Government Code 36512(d) prohibits an appointment that would result in a majority of councilmembers serving by way of appointment. For this reason, the City cannot fill the three available council seats via appointment. It must hold an election on at least one seat, and it can make appointments on the remaining seats.

Appointments must be made before the 75th day before the election, which is August 20, 2020. If appointed, appointees take office and serve exactly as if they were elected by the voters.

The purpose of Elections Code § 10229 is to give the City the option of avoiding the cost of an election when there are less candidates than available offices, but due to the prohibition on appointing a majority of councilmembers, the City can't completely avoid incurring the cost of an election. The primary options before the Council are:

1. Hold the election for all three seats.

Because the City must hold the election for at least one council seat, the City could proceed with the election for all open seats. In this scenario, the third seat would be available to qualified write-in candidates, as allowed by State law. If the Council votes to hold the election for all three council seats, it need not adopt any of the attached resolutions and it need not take any further action. The absence of making any appointments by August 20, 2020 will result in the election being held for all three seats. Under this scenario, the two qualified candidates would be on the ballot and the third seat would be voted upon by write-in candidate who gets the most votes, provided a write-in candidate qualifies. If a write-in candidate does not qualify, the Council could then make an appointment or hold a special election for that council vacancy.

2. Appoint the two qualified candidates to office, while holding a special election in November for the third seat.
3. Appoint a qualified elector to the un-nominated seat and allow an election to be held on the two qualified candidates' seats. The qualified elector should be named by the Council and inserted into the Resolution.

The three resolutions attached to this staff report should be taken up separately. In any instance where an election is held, write in candidates will be permitted as allowed by State law.

ATTACHMENT:

Resolution appointing Councilmember Overton
Resolution appointing Mr. Claffey
Resolution appointing elector

RESOLUTION NO. 2020-35

A RESOLUTION OF THE CLEARLAKE CITY COUNCIL PROVIDING FOR THE APPOINTMENT TO CITY OFFICE THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2020

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on Friday, August 7, 2020, 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 person or 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.

WHEREAS, a Notice of these facts was posted in three public locations in the city pursuant to § 10229 of the Elections Code.

NOW, THEREFORE, the City Council of the City of Clearlake does resolve, declare, determine and order as follows:

Section 1: JOYCE OVERTON is appointed to the office to which she was nominated pursuant to § 10229(a)(1) of the Elections Code.

Section 2: The person appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office pursuant to § 10229(a)(3) of the Elections Code.

Section 3: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and Clearlake held on the 19th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Mayor, City of Clearlake

ATTEST:

City Clerk, City of Clearlake

RESOLUTION NO. 36-2020

A RESOLUTION OF THE CLEARLAKE CITY COUNCIL PROVIDING FOR THE APPOINTMENT TO CITY OFFICE THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2020

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on Friday, August 7, 2020, 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 person or 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.

WHEREAS, a Notice of these facts was posted in three public locations in the city pursuant to § 10229 of the Elections Code.

NOW, THEREFORE, the City Council of the City of Clearlake does resolve, declare, determine and order as follows:

Section 1: DAVID CLAFFEY is appointed to the office to which he was nominated pursuant to § 10229(a)(1) of the Elections Code.

Section 2: The person appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office pursuant to § 10229(a)(3) of the Elections Code.

Section 3: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and Clearlake held on the 19th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Mayor, City of Clearlake

ATTEST:

City Clerk, City of Clearlake

RESOLUTION NO. 2020-37

A RESOLUTION OF THE CLEARLAKE CITY COUNCIL PROVIDING FOR THE APPOINTMENT TO CITY OFFICE THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2020

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on Friday, August 7, 2020, 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 person or 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.

WHEREAS, a Notice of these facts was posted in three public locations in the city pursuant to § 10229 of the Elections Code.

NOW, THEREFORE, the City Council of the City of Clearlake does resolve, declare, determine and order as follows:

Section 1: _____ is appointed to the office of city councilmember pursuant to § 10229(a)(2) of the Elections Code.

Section 2: The person appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office pursuant to § 10229(a)(3) of the Elections Code.

Section 3: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and Clearlake held on the 19th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Mayor, City of Clearlake

ATTEST:

City Clerk, City of Clearlake