



NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH THE GOVERNOR'S NEW EXECUTIVE ORDER N-29-20, ISSUED ON MARCH 17, 2020, REGARDING THE OPEN MEETING REQUIREMENTS OF THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT IN AN EFFORT TO HELP AVOID THE SPREAD OF COVID-19, TO MAXIMIZE TRANSPARENCY, AND PROVIDE PUBLIC ACCESS TO CITY COUNCIL MEETINGS.

**NOTICE AND CALL OF A
SPECIAL CITY COUNCIL MEETING
WEDNESDAY, AUGUST 19, 2020 – 6:00 P.M.**

VIA TELECONFERENCE OR VIRTUAL PLATFORM ONLY – NO PUBLIC LOCATION OF THIS MEETING
CITY HALL IS LOCATED AT 6707 THIRD STREET, RIVERBANK, CA 95367

A G E N D A

(THE AGENDA PACKET IS AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

CALL TO ORDER

Mayor Richard D. O'Brien

FLAG SALUTE

Mayor Richard D. O'Brien

ROLL CALL

Mayor Richard D. O'Brien
Vice Mayor Luis Uribe (CM-D1)
Councilmember District 2 Cindy Fosi
Councilmember District 3 Cal Campbell
Councilmember District 4 Darlene-Barber Martinez

CONFLICT OF INTEREST

Any Council Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken)

Pursuant to Government Code in reference to a special meeting, the public has the opportunity to address the City Council only on items appearing on this special meeting notice. Individual comments are limited to a **maximum of 3 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person.

Written public comments received via email **no later than today by 4:00 p.m.** will be provided to the City Council for consideration. Email cityclerk@riverbank.org and indicate Item Number in the subject line. For comments during the ZOOM meeting, refer to the procedures page.

2. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless requested by an individual Council Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council.

Item 2.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

3. BUSINESS

Item 3.1: A **Resolution** Directing that Pursuant to Election Code Section 10229 the Course of Action Shall Be the Appointment of Incumbent Richard D. O'Brien to the Office of Mayor and Request to Cancel Further County Election Services Related to the Conduct of the Election of this Office; and

A **Resolution** Directing that Pursuant to Election Code Section 10229 the Course of Action Shall Be the Appointment of Incumbent Darlene Barber-Martinez to the Office of Councilmember District 4 and Request to Cancel Further County Election Services Related to the Conduct of the Election of this Office; or

A **Resolution** Directing that Pursuant to Election Code Section 10229 the Course of Action Shall Be to Hold the Scheduled Consolidated General Municipal Elections on Tuesday, November 3, 2020 for [(To Be Determined) Office of Mayor At-Large; or, Office of Councilmember District 4; or, Offices of the Mayor and Councilmember District 4]

It is recommended that the City Council discuss and consider the adoption of the proposed resolutions to declare the action so ordered for the nomination of only one person for the office of Mayor, and the nomination of only one person for the office of Councilmember District 4.

4. COMMENTS

ADJOURNMENT

(The next regular City Council meeting is on Tuesday, August. 25th @ 6:00 pm)

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted at least 24 hours prior to the meeting in accordance to the Brown Act.

Posted this 18th day of August, 2020

/s/ Annabelle H. Aguilar City Clerk, City of Riverbank

Notice Regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (209) 863-7122 or cityclerk@riverbank.org. Notification least (12) hours before the meeting may enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.



**PUBLIC PARTICIPATION PROCEDURES
FOR THE SPECIAL CITY COUNCIL MEETINGS HELD IN A
TELECONFERENCE OR VIRTUAL PLATFORM IN CONFORMANCE WITH
THE GOVERNOR'S EXECUTIVE ORDER N-29-20**

CHANGES TO THIS NOTICE OF PROCEDURES

In accordance with the Governor's Executive Order, should the meeting procedures change, the City may use the most rapid means of communication available at the time including, but not limited to, posting the notice of changes on the City's website.

PUBLIC "LIVE" VIEWING -

- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Must be received by **4:00 p.m.** on the day of the meeting.)

Via Email to cityclerk@riverbank.org:

- Written Comments via Email before the meeting only: (Will be distributed to the City Council)
 - o **Submit No later than 4:00 p.m.** on the day of the meeting; and
 - o Indicate Agenda Item # in the ***subject line***.

Join via ZOOM Platform:

- 1) Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.
- 2) Join by this link: <https://us02web.zoom.us/j/87960191790>
- 3) Join by accessing website: <https://zoom.us/join>
 - a. Webinar ID: **879 6019 1790**
- 4) Join by telephone: **1 669 900 9128** or **1 253 215 8782**

- **HOW DO I COMMENT?** The Mayor will announce when public comment may be made for the agenda item, at which time you will:
 - o Using a computer - click on the "raise hand" feature in the webinar controls. This will let us know you wish to speak.
 - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.
 - o Using a Phone - Dial ***9**, which will notify us that you have a "raised hand"
 - Once you are told "you may make your comments" you will have 3 minutes to make your comments.
- **Learn about using ZOOM** - Visit <https://support.zoom.us/hc/en-us/categories/201146643>

SPECIAL RIVERBANK CITY COUNCIL MEETING ITEM NO. 2.A

SECTION 2: CONSENT CALENDAR

Meeting Date:	August 19, 2020
Subject:	Waiver of Readings
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council approve the waiver of readings of any proposed ordinances and resolutions for consideration, except by title.

SUMMARY

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The full text of the proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council prior to the scheduled date and time of the meeting.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

SPECIAL RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.1

SECTION 3: BUSINESS

Meeting Date: August 19, 2020

Subject: Consideration of:

A **Resolution** Directing that Pursuant to Election Code Section 10229 the Course of Action Shall Be the Appointment of Incumbent Richard D. O'Brien to the Office of Mayor and Request to Cancel Further County Election Services Related to the Conduct of the Election of this Office; and

A **Resolution** Directing that Pursuant to Election Code Section 10229 the Course of Action Shall Be the Appointment of Incumbent Darlene Barber-Martinez to the Office of Councilmember District 4 and Request to Cancel Further County Election Services Related to the Conduct of the Election of this Office; or

A **Resolution** Directing that Pursuant to Election Code Section 10229 the Course of Action Shall Be to Hold the Scheduled Consolidated General Municipal Elections on Tuesday, November 3, 2020 for [(To Be Determined) Office of Mayor At-Large; or, Office of Councilmember District 4; or, Offices of the Mayor and Councilmember District 4]

From: Sean Scully, City Manager

Submitted by: Annabelle Aguilar, CMC, City Clerk/Elections Official

RECOMMENDATION

It is recommended that the City Council discuss and consider the adoption of the proposed resolutions to declare the action so ordered for the nomination of only one person for the office of Mayor, and the nomination of only one person for the office of Councilmember District 4.

BACKGROUND

The City of Riverbank's Consolidated General Municipal Election on Tuesday, November 3, 2020, consists of the elections for the offices of the Mayor at-large, Councilmember District 2, and Councilmember District 4. Riverbank registered voters had the opportunity to obtain and file nomination papers for candidacy with the City's Elections Official beginning Monday, July 13, 2020, through Friday, August 7, 2020, or if extended, until

August 12, 2020. By 5:00 p.m. on August 7, 2020, all three incumbents of the offices to be elected had filed to be candidates for re-election; as a result, the nomination period was closed.

Upon finalization of the nomination process it is declared that Incumbent Richard D. O'Brien is the only person nominated for the office of Mayor, and Incumbent Darlene Barber-Martinez is the only person nominated for the office of Councilmember District 4.

As required by California Elections Code Section 10229, should the nominations for candidacy result in having no one or only one nominee for an office up for election, the City's Elections Official must certify those facts (Attachment A) to the City Council informing them that they may adopt one of the following courses of action:

- 1) Appoint to the office the person who has been nominated; or
- 2) Appoint to the office any eligible voter if no one has been nominated (*this option does not apply*); or
- 3) Hold the election if either no one or only one person has been nominated (*allows for a write-in candidate to qualify by October 20, 2020*).

If the City Council makes an appointment, the City Elections Official shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made; any person(s) appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office; and the elections of the office(s) shall be canceled from the November 3rd ballot.

Council Action by Resolution

Each office is a distinct and separate office; therefore, three resolutions are presented so that the City Council may consider and take action on each matter separately:

1. The first resolution is to adopt the action of appointing the sole nominee, Incumbent Richard D. O'Brien to the office of Mayor, and request to have the election of this office canceled. If this appointment is not made, the third resolution presented will reflect Council's confirmation to proceed with the election of this office, and have it placed on the November 3rd ballot, as scheduled. In addition, proceeding with the election of the Mayor will allow for a write-in candidate to be nominated during the period of September 7th through October 20th, and placed on the November 3rd ballot, if qualified.
2. The second resolution is to adopt the action of appointing the sole nominee, Incumbent Darlene Barber-Martinez to the office of Councilmember District 4, and request to have the election of this office canceled. Again, if this appointment is not made, the third resolution presented will reflect Council's confirmation to proceed with the election of this office, and have it placed on the November 3rd ballot, as scheduled. This action will also allow for a write-in candidate to be nominated during the period of September 7th through October 20th, and placed on the November 3rd ballot, if qualified.

3. The third resolution as stated above, will reflect Council's action to proceed with the election of any office that is not filled by appointment of the sole nominee. A copy of this resolution will be sent to the County Elections Office to confirm Council's action to proceed with the November 3rd elections for: 1) the office of the Mayor at-large; or 2) for the office of Councilmember District 4; or 3) for both offices of the Mayor at-large and the office of Councilmember District 4, as scheduled. (The final processing of this resolution by the City Clerk will reflect Council's action of the offices, if any, that will proceed to the November Municipal Elections.)

In regards to the office of Councilmember District 2, since there was more than one nominee that qualified for the November ballot, the election of this office will proceed to the November 3rd Municipal Elections. Any action taken by the City Council on the office of Mayor or the office of Councilmember District 4, does not affect the elections process of the office of Councilmember District 2.

Seating of the Council Members

The swearing-in and seating of any appointed nominee shall be conducted after City Council's adoption of a resolution accepting the certified November 3, 2020, General Municipal Elections results for the office of Councilmember District 2; usually at the first City Council meeting in December.

FINANCIAL IMPACT

The estimated total cost for the consolidation of the City's General Municipal Election with the Statewide General Election is approximately \$35,500.00, which is budgeted. Separately, the cost for the office of Mayor at-large is estimated at \$23,200, and the cost for the office of Councilmember District 4 is estimated at \$5,400. It is anticipated that there will be a cost-savings for the cancellation of rendered elections services from the County, and the removal of the office(s) from the ballot.

ATTACHMENTS

1. Proposed Resolution to Appoint the Nominee for Mayor
2. Proposed Resolution to Appoint the Nominee for Councilmember District 4
3. Draft Resolution to Hold the Election for (TBD) the Mayor, or Councilmember District 4, or Mayor and Councilmember District 4
4. Attachment A – Copy of Certificate of Facts

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, DIRECTING THAT PURSUANT TO ELECTION CODE SECTION 10229 THE COURSE OF ACTION SHALL BE THE APPOINTMENT OF INCUMBENT RICHARD D. O'BRIEN TO THE OFFICE OF MAYOR AND REQUEST TO CANCEL FURTHER COUNTY ELECTION SERVICES RELATED TO THE CONDUCT OF THE ELECTION OF THIS OFFICE

WHEREAS, the City of Riverbank's Consolidated General Municipal Election on Tuesday, November 3, 2020, consists of the elections for the offices of Mayor at-large, Councilmember District 2, and Councilmember District 4.; and

WHEREAS, the nomination period for candidacy began on Monday, July 13, 2020, and ended at 5:00 p.m. on Friday, August 7, 2020; and

WHEREAS, at the close of the City's nomination period on August 7, 2020, at 5:00 p.m., the number of nominated candidates does not exceed the number of offices to be filled at-large in the November 3, 2020, elections for the Office of Mayor; and

WHEREAS, in accordance with the California Elections Code (EC) § 10229, if there is no one or only one nominee for an office up for election after the close of the nomination period, or the close of an extended nomination period, the City's Elections Official must certify those facts to the City Council, and inform the City Council of the courses of action that may be taken; and

WHEREAS, a public notice of the facts was published in the Riverbank News on August 12, 2020, pursuant to the law; and

WHEREAS, pursuant to EC § 10229 on August 14, 2020, the Elections Official certified the facts, as specified in **Exhibit A** attached hereto and incorporated herein, informing the City Council that they may 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 voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby declare, determine, and order the following:

SECTION 1: That pursuant to California EC § 10229, uncontested nominee, Incumbent Richard D. O'Brien is hereby appointed to the office of Mayor for a full four-year term; expiring November 2024.

SECTION 2: That pursuant to EC § 10229, the person appointed shall qualify and take office and serve exactly as if elected at the scheduled Tuesday, November 3, 2020, General Municipal Elections.

SECTION 3: That the City's Elections Official shall file a certified copy of this resolution with the Stanislaus County Board of Supervisors, and the County Elections Official, requesting to cancel any further procedural requirements and any other processes or services incidental to and connected with the conduct of the election for the office of Mayor as part of the City's consolidation of its General Municipal Election on November 3, 2020, with the Statewide election.

SECTION 4: That pursuant to EC § 10229, the City's Elections Official shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

SECTION 5: That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a special City Council meeting held on the 19th day of August, 2020; motioned by _____, seconded by _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk/Elections Official

APPROVED:

Luis Uribe
Vice Mayor

Attachment: Exhibit A – Certification of Facts

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, DIRECTING THAT PURSUANT TO ELECTION CODE SECTION 10229 THE COURSE OF ACTION SHALL BE THE APPOINTMENT OF INCUMBENT DARLENE BARBER-MARTINEZ TO THE OFFICE OF COUNCILMEMBER DISTRICT 4 AND REQUEST TO CANCEL FURTHER COUNTY ELECTION SERVICES RELATED TO THE CONDUCT OF THE ELECTION OF THIS OFFICE

WHEREAS, the City of Riverbank's Consolidated General Municipal Election on Tuesday, November 3, 2020, consists of the elections for the offices of Mayor at-large, Councilmember District 2, and Councilmember District 4.; and

WHEREAS, the nomination period for candidacy began on Monday, July 13, 2020, and ended at 5:00 p.m. on Friday, August 7, 2020; and

WHEREAS, at the close of the City's nomination period on August 7, 2020, at 5:00 p.m., the number of nominated candidates does not exceed the number of offices to be filled in the November 3, 2020, elections for the Office of Councilmember District 4; and

WHEREAS, in accordance with the California Elections Code (EC) § 10229, if there is no one or only one nominee for an office up for election after the close of the nomination period, or the close of an extended nomination period, the City's Elections Official must certify those facts to the City Council, and inform the City Council of the courses of action that may be taken; and

WHEREAS, a public notice of the facts was published in the Riverbank News on August 12, 2020, pursuant to the law; and

WHEREAS, pursuant to EC § 10229 on August 14, 2020, the Elections Official certified those facts, as specified in **Exhibit A** attached hereto and incorporated herein, informing the City Council that they may 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 voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby declare, determine, and order the following:

SECTION 1: That pursuant to California EC § 10229, uncontested nominee, Incumbent Darlene Barber-Martinez is hereby appointed to the office of Councilmember District 4 for a full four-year term; expiring November 2024.

SECTION 2: That pursuant to EC § 10229, the person appointed shall qualify and take office and serve exactly as if elected at the scheduled Tuesday, November 3, 2020, General Municipal Elections.

SECTION 3: That the City's Elections Official shall file a certified copy of this resolution with the Stanislaus County Board of Supervisors, and the County Elections Official, requesting to cancel any further procedural requirements and any other processes or services incidental to and connected with the conduct of the election for the office of Councilmember District 4 as part of the City's consolidation of its General Municipal Election on November 3, 2020, with the Statewide election.

SECTION 4: That pursuant to EC § 10229, the City's Elections Official shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

SECTION 5: That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a special City Council meeting held on the 19th day of August, 2020; motioned by _____, seconded by _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk/Elections Official

APPROVED:

Richard D. O'Brien
Mayor

Attachment: Exhibit A – Certification of Facts

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, DIRECTING THAT PURSUANT TO ELECTION CODE SECTION 10229 THE COURSE OF ACTION SHALL BE TO HOLD THE SCHEDULED RIVERBANK CONSOLIDATED GENERAL MUNICIPAL ELECTIONS ON TUESDAY, NOVEMBER 3, 2020 FOR THE [(TBD) OFFICE OF MAYOR AT-LARGE; OR, OFFICE OF COUNCILMEMBER DISTRICT 4; OR OFFICES OF THE MAYOR AND COUNCILMEMBER DISTRICT 4]

WHEREAS, the City of Riverbank's Consolidated General Municipal Election on Tuesday, November 3, 2020, consists of the elections for the offices of Mayor at-large, Councilmember District 2, and Councilmember District 4.; and

WHEREAS, the nomination period for candidacy began on Monday, July 13, 2020, and ended at 5:00 p.m. on Friday, August 7, 2020; and

WHEREAS, at the close of the nomination period at 5:00 p.m. on Friday, August 7, 2020, the number of nominated candidates does not exceed the number of offices to be filled in the November 3, 2020, elections for office of Mayor at-large, and that the only qualified nominee is Richard D. O'Brien (Incumbent); and

WHEREAS, at the close of the nomination period at 5:00 p.m. on Friday, August 7, 2020, the number of nominated candidates does not exceed the number of offices to be filled in the November 3, 2020, elections for the office of Councilmember District 4, and that the only qualified nominee is Darlene Barber-Martinez (Incumbent); and

WHEREAS, in accordance with the California Elections Code (EC) § 10229, if there is no one or only one nominee for an office up for election after the close of the nomination period, or the close of an extended nomination period, the City's Elections Official must certify those facts to the City Council, and inform the City Council of the courses of action that may be taken; and

WHEREAS, a public notice of the facts was published in the Riverbank News on August 12, 2020, pursuant to the law; and

WHEREAS, pursuant to EC § 10229 on August 14, 2020, the Elections Official certified those facts, as specified in **Exhibit A** attached hereto and incorporated herein, informing the City Council that they may 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 voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby declare, determine, and order the following:

SECTION 1: That pursuant to EC § 10229, the action to be taken shall be to hold the Riverbank Consolidated General Municipal Elections as scheduled: (To be determined - The action indicated below will reflect Council's adopted action.)

1. For the office of Mayor at-large; or
2. For the office of Councilmember District 4; or
3. For the offices of Mayor at-large and Councilmember District 4.

SECTION 2: That the City's Elections Official shall file a certified copy of this resolution with the Stanislaus County Board of Supervisors, and the County Elections Official to confirm said action taken by the City Council.

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

PASSED AND ADOPTED by the City Council of the City of Riverbank at a special City Council meeting held on the 19th day of August, 2020; motioned by _____, seconded by _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Luis Uribe
Vice Mayor

Attachment: Exhibit A – Certification of Facts



CERTIFICATE OF FACTS

THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED IN THE NOVEMBER 3, 2020, GENERAL MUNICIPAL ELECTION OF THE CITY OF RIVERBANK FOR THE OFFICES OF MAYOR AND COUNCILMEMBER DISTRICT 4

I, Annabelle H. Aguilar, CMC, City Clerk and Elections Official of the City of Riverbank do hereby declare and submit to the City Council of the City of Riverbank, the following facts related to the General Municipal Election to be held on Tuesday, November 3, 2020, in accordance with California Elections Code (EC) § 10229:

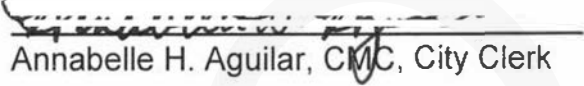
- A. **That**, as of the close of the City's nomination period on August 7, 2020, at 5:00 p.m., the number of nominated candidates does not exceed the number of offices to be filled *at-large* in the November 3, 2020, elections for the Office of Mayor; and, that there is only one (1) Mayor office seat to be filled at-large, and that person so nominated is: *Richard D. O'Brien (Incumbent)*.
- B. **That**, as of the close of the City's nomination period on August 7, 2020, at 5:00 p.m., the number of nominated candidates does not exceed the number of offices to be filled *by-district* in the November 3, 2020, elections for the Office of Councilmember District 4; and, that there is only one (1) Councilmember District 4 office seat to be filled, and that the person so nominated is: *Darlene Barber-Martinez (Incumbent)*.
- C. **That** pursuant to EC § 10229 the City Council 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; or
 - 2) Appoint to the office any eligible voter if no one has been nominated (*this option does not apply*); or
 - 3) Hold the election if either no one or only one person has been nominated (*allows for a write-in candidate to qualify by October 20, 2020*).
- D. **That**, if the City Council makes an appointment to an office pursuant to Election Code § 10229, the City Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.
- E. **That**, after the fifth day following the date of the publication of the facts, the City Council will hold a special City Council meeting on Wednesday, August 19, 2020, at 6:00 p.m. to either make the appointment(s) or direct an election to be held.

action (1) above, the election shall be held.

- G. **That,** a notice of these facts was published in the Riverbank News on Wednesday, August 12, 2020, as required.
- H. **That,** the person(s) appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.
- I. **That,** in accordance with the Elections Code, upon City Council adopting a resolution to appoint a nominee to the respective offices, the City's Elections Official may perform all processes required to cancel the elections for said offices.

I, hereby certify that the aforementioned facts were submitted to the City Council of the City of Riverbank, on the 14th day of August, 2020.

WITNESS my hand and the Seal
of the City of Riverbank, affixed this
14th day of August, 2020.


Annabelle H. Aguilar, CMC, City Clerk

