

RESOLUTION NO. C-2022-89

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY
APPOINTING ROBERT BROWNSTONE TO THE CITY COUNCIL TO REPRESENT ELECTORAL
DISTRICT NO. 1 FOR A FULL-TERM OF FOUR YEARS AND APPOINTING DEBORAH PENROSE TO
THE CITY COUNCIL TO REPRESENT ELECTORAL DISTRICT NO. 5 FOR A FULL-TERM OF FOUR
YEARS IN LIEU OF AN ELECTION, AND CANCELLING THE NOVEMBER 8, 2022, GENERAL
MUNICIPAL ELECTION CONTESTS FOR CITY COUNCILMEMBERS FROM ELECTORAL DISTRICT
NOS. 1 AND 5, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10229**

WHEREAS, on June 7, 2022, the City Council adopted Resolution No. C-2022-35, calling and giving notice of the holding of a general municipal election for the purpose of electing three members of the City Council (District 1, District 4, and District 5) for a full term of four years each; and

WHEREAS, as of the close of the nomination period on Friday, August 12, 2022, only one person each filed nomination papers to run for the office of City Councilmember representing Electoral District Nos. 1 and 5; and

WHEREAS, because of the above facts, Section 10229 of the California Elections Code allows the City Council to take one of the following courses of action:

1. Appoint to the office the person who has been nominated, or
2. Hold the election if either no one or only one person has been nominated.

WHEREAS, pursuant to Section 10229 of the California Elections Code, a notice, herein attached and incorporated by reference as Exhibit A, was published on August 13, 2022, in the San Mateo Daily Journal, certifying these facts and the courses available to the City Council; and

WHEREAS, pursuant to Section 10229 of the California Elections Code, if by the 75th day before the scheduled General Municipal Election (August 25, 2022), no person has been appointed to this office pursuant to (1) above, the election for Electoral District Nos. 1 and 5 are required to be held along with all other elective offices on the ballot. If an appointment is made to this office, the General Municipal Election for Electoral District Nos. 1 and 5 must be cancelled, but the General Municipal Election will be held for all other elective offices on the ballot; and

WHEREAS, if the City Council makes an appointment pursuant to Section 10229 of the California Elections Code, the City Clerk/Elections Official shall not accept for filing any statement of write-in candidacy for City Councilmember from Electoral District Nos. 1 and 5, which are submitted after the appointment is made; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the above recitals are true and correct.

SECTION 2. Pursuant to Section 10229 of the California Elections Code, the following action is taken:

The following persons are appointed to the office to which they were nominated, and are considered to be the same as being elected, pursuant to Section 10229(a) of the California Elections Code:

NAME	OFFICE	TERM
Robert Brownstone	City Council, Electoral District No. 1	Full four-year term
Deborah Penrose	City Council, Electoral District No. 5	Full four-year term

SECTION 3. Pursuant to Elections Code Section 10229, the General Municipal Election scheduled to be held on Tuesday, November 8, 2022, to elect a candidate for City Council Member from Electoral District Nos. 1 and 5 are hereby cancelled since only one person is nominated to be elected in those Districts, and the City Council has made the above appointment. The General Municipal Election shall still be held to elect candidates for City Councilmember from Electoral District No. 4.

SECTION 4. The persons appointed shall qualify and take office and serve exactly as if elected at the General Municipal Election for the office.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Resolution and so notify the San Mateo County Chief Elections Officer of the City Council's action; and enter the City Council's action into the official minutes and into the book of original resolutions.

I, the undersigned, hereby certify that the forgoing Resolution was duly passed and adopted on the 19th day of August, 2022 by the City Council of Half Moon Bay by the following vote:

Ayes, Councilmembers: Brownstone, Rarback, Penrose, Ruddock

Noes, Councilmembers: Jimenez

Absent, Councilmembers:

Abstain, Councilmembers:

Attest:

APPROVED:

Jessica Blair

Debbie Ruddock

Jessica Blair, City Clerk

Debbie Ruddock, Mayor