

STAFF REPORT

AGENDA ITEM: Resolution of the City Council of the City of Livingston Accepting Certification of the Election Results of the Special Recall Election of August 31, 2010, Reciting the Election Facts, and Directing the City Clerk to Administer Oaths of Office to the Mayor-Elect and Council Member-Elect

MEETING DATE: September 21, 2010

PREPARED BY: Donna Barnes, City Clerk

REVIEWED BY: Richard Warne, City Manager
Jonathan P. Hobbs, City Attorney

RECOMMENDATION:

Adopt Resolution of the City Council of the City of Livingston Accepting Certification of the Election Results of the Special Recall Election of August 31, 2010, Reciting the Election Facts, and Directing the City Clerk to Administer Oaths of Office to the Mayor-Elect and Council Member-Elect.

BACKGROUND/DISCUSSION:

On August 31, 2010, a special recall election was held for the recall of Mayor Daniel Varela, Sr., and Council Member Martha Nateras. Based on the tabulations from the Merced County Clerk-Registrar of Voters there were a sufficient number of votes to recall Mayor Varela and Council Member Nateras. The tabulation of the votes also indicates that Council Member Rodrigo Espinoza will succeed Mayor Daniel Varela, Sr., as the Mayor, and that Theresa Land will succeed Council Member Nateras as Council Member for the remainder of their terms. A copy of the certification of the election results from the Merced County Clerk-Registrar of Voters is attached.

FISCAL IMPACT:

The City is responsible for the costs of the special election. The City has not yet received a final bill from the County for the cost of the election. The costs of the election were previously estimated by the County at \$54,000.

ATTACHMENTS:

1. Resolution No. 2010-____
2. Certification of Election Results

RESOLUTION NO. 2010-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
ACCEPTING CERTIFICATION OF THE ELECTION RESULTS OF THE SPECIAL
RECALL ELECTION OF AUGUST 31, 2010, RECITING THE ELECTION FACTS,
AND DIRECTING THE CITY CLERK TO ADMINISTER OATHS OF OFFICE TO
THE MAYOR-ELECT AND COUNCIL MEMBER-ELECT**

WHEREAS, a special election was held and conducted in the City of Livingston, California, on Tuesday, August 31, 2010 (the "Special Election"), pursuant to applicable law; and

WHEREAS, the Merced County Clerk-Registrar of Voters executed a certification of the results of the canvass of the Special Election (the "Certificate of Election"), a true and correct copy of which is attached hereto as Exhibit A and incorporated herein by reference, and which was delivered to the City on or about September 10, 2010.

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

1. The City Council adopts and incorporates by reference the Registrar's Certificate of Election results attached hereto as Exhibit A, and incorporated herein by reference, reciting the facts of the election including: (a) the whole number of votes cast in the City; (b) the names of the persons voted for; (c) the measures voted upon; (d) what offices each person was voted for; (e) the number of votes given at each precinct to each person and for and against each measure; and (f) the number of votes given in the City to each person and for and against each measure.
2. The City Council declares and determines the results of the Special Election as follows: Mayor Daniel Varela, Sr., and Council Member Martha Nateras are recalled from the offices of Mayor and Council Member, respectively. Council Member Rodrigo Espinoza is elected as Mayor to succeed Mayor Daniel Varela, Sr., for the remainder of his term. Theresa Land is elected as Council Member to succeed Council Member Martha Nateras for the remainder of her term.
3. The City Clerk is authorized and directed to deliver to each of the persons so elected a copy of the Certificate of Election by the Merced County Clerk-Registrar of Voters and to administer to each person so elected the oath of office prescribed in the Constitution of the State of California, after which they shall be installed as the newly elected officers.

Passed and adopted this 21st day of September 2010, by the following vote:

AYES:

NOES:

ABSENT:

Daniel Varela, Sr., Mayor
of the City of Livingston

ATTEST:

I, Donna Barnes hereby certify that the foregoing resolution was regularly introduced, passed, and adopted at a regular meeting of the City Council of the City of Livingston this 21st day of September 2010.

Donna Barnes, City Clerk
of the City of Livingston

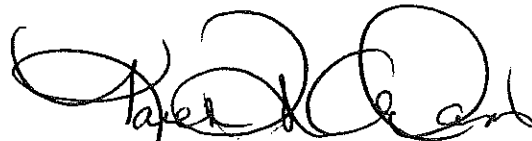
EXHIBIT A

**CERTIFICATION OF COUNTY CLERK-REGISTRAR OF VOTERS
TO THE RESULTS OF THE CANVASS OF THE AUGUST 31, 2010
SPECIAL MUNICIPAL RECALL ELECTION CITY OF LIVINGSTON**

STATE OF CALIFORNIA }
COUNTY OF MERCED } ss.

I, Karen D. Adams, County Clerk-Registrar of Voters of said county, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the Special Municipal Recall Election City of Livingston held in said County on August 31, 2010 for contests that were submitted to the vote of the voters, and that the Statement of Votes Cast to which this certificate is attached, is full, true and correct.

I hereby set my hand and official seal this 7th day of September 2010 at the County of Merced.



Karen D. Adams, CPA
County Clerk-Registrar of Voters
County of Merced
State of California

	RV E O GT IE BC SR AA TS LS E LT R O E T D S			TP UE RR NC OE UN TT A G E		Varela Recall Question Y e s (NON)		Varela Recall Candidates Mayor R R E O . S D P R I I N G O O Z A (NON)		Nateras Recall Question Y e s (NON)		Nateras Recall Question Councilmember T A L H . A E N R D E S A (NON)	
5 PRECINCTS													
0001 0106 LIV01	907	264	29.11	223	40	194	218	41	191				
0002 0107 LIV02-A	836	305	36.48	245	58	215	247	53	238				
0003 0107 LIV02-B	836	297	35.53	201	94	180	205	92	185				
0004 0108 LIV03	1090	391	35.87	299	92	271	298	87	266				
0005 0416 LIV04	461	230	49.89	173	52	166	167	53	160				
GRAND TOTALS	4130	1487	36.00	1141	336	1026	1135	326	1040				