



STAFF REPORT

MEETING DATE: December 14, 2022

PRESENTER: Marci Reyes, City Clerk

SUBJECT: Declaring the Results of the 2022 General Election, Oaths of Office, and Annual Reorganization (MR)

RECOMMENDATION: Council review the Fresno County Elections Office canvass for Mayor and City Council positions and take the following action:

1. By motion adopt resolution declaring the results of the 2022 General Election as certified by the Fresno County Elections Office; and
2. Authorize the City Clerk to perform the Oaths of Office and present the Mayor and Council Members with Certificates of Election; and
3. Council to recognize outgoing Council Member for their years of service; and
4. Council to accept nominations for Mayor Pro-Tem and make appointment by motion.

EXECUTIVE SUMMARY

The 2022 General Election was held on Tuesday, November 8, 2022. Pursuant to California Elections Code Section 10263 the Council shall declare the results and install the newly elected officers no later than the fourth Friday after the election or no later than the next regularly scheduled city council meeting following presentation of the 28-day canvass of the returns or at a special meeting called for this purpose to declare the results and to install the newly elected officers.

The final vote tallies of the 2022 General Election are included for the City Council's review in the form of the Elections Official Certificate of Canvass which is attached to the resolution declaring the results of the election. By adopting the resolution, the Council declares the results as specified in the Official Certificate of Canvas electing Maria Pacheco as Mayor for a two-year term, electing Council Members Gary K. Yep, District 1 and Ismael Herrera, District 3 each for a four-year term, and declaring passage of Measure G (Kerman Hotel Tax).

FISCAL IMPACT

\$3,500.00

Attachments:

- A. Resolution w/Exhibit
- B. Election Results

RESOLUTION NO. 22-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN DECLARING
THE RESULTS OF THE NOVEMBER 8, 2022 ELECTION AS CERTIFIED BY THE FRESNO COUNTY
ELECTIONS OFFICE AND AS REQUIRED BY LAW**

WHEREAS, a consolidated General Municipal Election was duly called and held in the City on November 8, 2022; and

WHEREAS, under Section 10263 of the Elections Code, upon the completion of the canvass, and prior to the installation of officers, the City Council is required to adopt a resolution reciting the fact that the election was held and declaring the results of the election; and

WHEREAS, as required by Section 10263 of the Elections Code, the City desires to declare the results of the November 8, 2022, Municipal Election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kerman as follows:

SECTION 1. A General Municipal Election was duly called and regularly held on November 8, 2022, and was conducted in accordance with all applicable laws. Notice of the election was given in time, form, and manner provided by law, that voting precincts were properly established; election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns mad and said declared in time, form, and matter as required by the provisions of the Elections Code of the State of California, for the holding of elections in general law cities.

SECTION 2. The Fresno County Clerk/Registrar of Voters canvassed the returns of the November 8, 2022, election and the Elections Official has certified the results to the City Council. A copy of the certified results is attached as Exhibit 'A' and incorporated herein by reference as if fully set forth.

SECTION 3. The whole number of votes (ballots) cast in the precincts except by mail voter ballots and provisional ballots was 491; the whole number of Vote by Mail voter ballots cast in the City was 2298; and making a total of 2739 ballots cast in the City.

SECTION 4. The following persons appeared on the ballot for the full-term Mayor and received the respective votes noted:

Maria Pacheco	914 Votes
Juan Villarreal	830 Votes
Kevin Nehring	800 Votes

SECTION 5. The following person appeared on the ballot for full term member of the City Council District 1 and received the respective votes noted:

Gary K. Yep	653 Votes
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SECTION 6 The following person appeared on the ballot for full term member of the City Council District 3 and received the respective votes noted:

Ismael Herrera	386 Votes
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SECTION 7. The following measure was voted upon by the City's voters:

MEASURE G

Kerman Hotel Tax (Transient Occupancy Tax)

Shall the measure establishing a ten percent (10%) tax to be paid by hotel, motel, short-term hotel/motel/inn guests only (not by City residents) for maintaining essential City services such as keeping neighborhoods, parks, streets, public areas safe/clean; addressing homelessness, public safety, and other general city services, and generating approximately \$40,000.00 annually until ended by voters be adopted, with public disclosure and all funds for Kerman only be adopted?

SECTION 8. The total number of votes for and against Measure G was as follows:

Yes	1656 Votes
No	1004 Votes

SECTION 9. The number of votes given at each precinct, the number of votes for and against the measure, and for each of the individuals' names above for their respective office are listed in Exhibit 'A', attached hereto and incorporated by reference.

SECTION 10. The City Council does declare and determine that:

- A. Maria Pacheco was elected as Mayor of the City for the full term of two (2) years.
- B. Gary K. Yep was elected as a member of the City Council District 1 for the full term of four (4) years.
- C. Ismael Herrera was elected as a member of the City Council District 3 for the full term of four (4) years.

SECTION 11. The City Clerk shall enter on the records of the City Council of the City, a copy of this resolution and Exhibit 'A' showing: (1) the whole number of votes cast in the City; (2) the names of the persons voted for; (3) for what office each person was voted for; (4) the number of votes given at each precinct to each person and for and against each measure; and (5) the total number of votes given to each person, in accordance with the provisions of Elections Code Section 10264.

SECTION 12. The City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; shall cause to be administered to each person elected the Oath of Office prescribed in the Constitution of the State of California, and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted to the respective office to which he or she has been elected.

SECTION 13. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced by the City Council to the City of Kerman at a regular meeting of said Council held on the 14th day of December 2022, and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

Mayor

ATTEST:

Marci Reyes
City Clerk