

## **DRAFT RESOLUTION**

### **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS CANCELLING THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION AND APPOINTING NOMINATED CANDIDATES TO OFFICE PURSUANT TO ELECTION CODE SECTION 10229**

**WHEREAS**, On June 4, 2024, the Town Council adopted Resolution No. 2024-029, calling for the General Municipal Election to elect two Council Members on November 5, 2024; and

**WHEREAS**, as of the close of the nomination period on August 9, 2024, only two candidates were nominated for the two Town Council offices to be filled at the November 5, 2024, General Municipal Election; and

**WHEREAS**, there were not more candidates than offices to be elected and there is no town measure qualified to be submitted to the voters at that election; and

**WHEREAS**, Section 10229 of the California Elections Code allows the Town Council to take one of the following courses of action when there are no more candidates than offices to be elected:

1. Appoint to the office the person(s) who have been nominated.
2. Hold the election.

**WHEREAS**, the Town Clerk/Election Official submitted to the Town Council the certificate required by California Elections Code Section 10229 on August 9, 2024, which is attached hereto as Exhibit A; and

**WHEREAS**, pursuant to Section 10229 of the California Elections Code, a notice attached hereto as Exhibit "B", was published on August 14, 2024, in the Los Gatos Newspaper, certifying the facts there are not more candidates than offices to be elected and the options available to the Town Council; and

**WHEREAS**, if the Town Council makes an appointment pursuant to Section 10229 of the California Elections Code, the Town Clerk/Elections Official shall not accept for filing any statement of write in candidacy for Town Council Member which is submitted after the appointment is made; and

**WHEREAS**, the Town Council has determined that by appointing the officers as permitted by Elections Code Section 10229 the Town of Los Gatos will save approximately \$95,482; and

**WHEREAS**, pursuant to Section 10229 of the Elections Code of the State of California the Town Council now desires to appoint the nominated candidates Matthew Hudes and Maria Ristow for the office of Council Member: to four-year terms as if they were elected at the November 5, 2024, general municipal election; and

**WHEREAS**, in accordance with Section 10229 of the Election Code, the appointments are made by the 75th day before the municipal election.

ATTACHMENT 1

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Los Gatos does hereby declare, determine, and order as follows:

That pursuant to §10229 of the Elections Code of the State of California, the following action is being taken:

1. The following persons are being appointed to the offices for which they were nominated and are considered to be the same as being elected, pursuant to §10229(a)(3) of the Elections Code:

<u>Name</u>	<u>Office</u>	<u>Term</u>
Matthew Hudes	Council Member	Full Term of Four Years
Maria Ristow	Council Member	Full Term of Four Years

2. The election scheduled to be held on Tuesday, November 5, 2024, is now cancelled.
3. The persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.
4. The Town Clerk shall certify the passage and adoption of this resolution.
5. The Town Clerk is authorized to transmit a certified copy of the Resolution and all necessary documents to the Santa Clara County Registrar of Voters and Board of Supervisors.
6. The Town Clerk shall not to accept for filing any statement for write-in candidacy after the appointments are made.
7. This Resolution will become effective immediately upon adoption.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

\_\_\_\_\_  
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

\_\_\_\_\_  
TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA



# MEMORANDUM

## OFFICE OF THE TOWN CLERK

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TO: Town Council

From: Wendy Wood, Town Clerk

Subject: Certification That There Are Not More Candidates Than Offices To Be Elected

Date: August 9, 2024

Per Election Code 10229, if by the 88<sup>th</sup> day, during normal business as posted, the number of persons who have been nominated for those offices does not exceed the number to be filled at that election, the elections official shall submit a certificate of these facts to the governing body and inform the governing body that it 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.
2. Appoint to the office an eligible elector if no one has been nominated.
3. Hold the election, if either no one or only one person has been nominated for any elective office.

The elections official shall publish a notice of the facts described in this section and the courses of action available. Publication shall be made pursuant to Section 6061 of the Government Code in any newspaper of general circulation as designated by the election's official. The notice will be published in the Los Gatan Newspaper on August 14, 2024.

After the fifth day following the date of posting or publication, the governing body may make the appointment or direct an election to be held. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, no person has been appointed the election shall be held.

As such I have attached the certification stating that there are not more candidates than offices to be elected.

Attachment:

Election Official's Certification of Facts That There Are Not More Candidates Than Offices To Be Elected



**TOWN OF LOS GATOS**

**ELECTION OFFICIAL'S CERTIFICATION OF FACTS THAT THERE ARE NOT MORE CANDIDATES  
THAN OFFICES TO BE ELECTED**

I, Wendy Wood, Election Official and Town Clerk of the Town of Los Gatos, do hereby certify pursuant to California Election Code §10229, the following facts relating to the General Municipal Election scheduled to be held on Tuesday, November 5, 2024:

As of the close of the nomination period on August 9, 2024, there are not more candidates than offices to be elected.

The persons so nominated are:

Maria L. Ristow  
Matthew K. Hudes

California Election Code §10229 allows one of the following courses of action to be taken by the Town Council:

1. Appoint to the office the 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.

A notice of these facts will be published in the Los Gatos Newspaper on August 14, 2024, pursuant to Government Code §6061. After the fifth day following the date of publication, the Town Council may hold a meeting to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If by the 75th day before the election, no person has been appointed to the office, the election shall be held.

If the Town Council makes appointments pursuant to California Election Code §10229, the Town Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

Wendy Wood  
Wendy Wood, Town Clerk, Election Official



Dated: August 9, 2024

**PROOF OF PUBLICATION  
(2015.5 C.C.P.)  
STATE OF CALIFORNIA  
County of Santa Clara**

I am a resident of the State of California and over the age of eighteen years, and not a party to or interested in the above entitled matter.

I am the principal clerk of the publisher of the Los Gatan, published in the town of **Los Gatos**, County of Santa Clara, State of California, **Wednesday, and on line** for which said newspaper has been adjudicated a newspaper of general circulation by the **Superior Court of the County of Santa Clara, State of California, under the date of May 30, 2023, Case Number 23CV409692**, that the notice of which the annexed is a printed copy had been published in each issue thereof and not in any supplement on the following date(s):

**August 14, 2024.**

I declare, under penalty of perjury, that the foregoing is true and correct. This declaration has been executed **on August 14, 2024.**

**LOS GATAN  
380 S 1ST STREET,  
SAN JOSE, CA 95113**



/s/ Juliana B. Pulcrano /  
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**Town of Los Gatos**

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**NOTICE THAT THERE ARE NOT MORE CANDIDATES  
THAN OFFICES TO BE ELECTED**

NOTICE IS HEREBY GIVEN that pursuant to §10229 of the Election Code of the State of California relating to the General Municipal Election in the Town of Los Gatos to be held on Tuesday, November 5, 2024.

As of the close of the nomination period on August 9, 2024, there are not more candidates than offices to be elected.

The persons so nominated are:

Maria L. Ristow

Matthew K. Hudes

California Election Code §10229 allows one of the following courses of action to be taken by the Town Council:

1. Appoint to the office the 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 one or no one has been nominated.

The Town Council will meet on Tuesday, August 20, 2024, to either make the appointments or direct an election to be held. The persons appointed, if any shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If by the 75th day before the election, no person has been appointed to the offices, pursuant to (1) or (2) above, the election shall be held.

If the Town Council makes an appointment pursuant to California Election Code §10229, the Town Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

Wendy Wood

Election Official, Town Clerk

Dated: August 14, 2024

(Pub LGN 8/14)

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