



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/20/2024

ITEM NO: 16

DATE: August 12, 2024
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Appointing the Nominated Candidates to the Town Council and Cancelling the November 5, 2024, General Municipal Election

RECOMMENDATION:

Adopt a resolution (Attachment 1) appointing the nominated candidates to the Town Council and cancelling the November 5, 2024, General Municipal Election.

BACKGROUND:

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. The nomination period for the November 5, 2024 General Municipal Election took place from July 15 to August 9, 2024. Nomination papers for incumbent Council members Matthew Hudes and Maria Ristow were filed in the City Clerk's Office during the filing period and have qualified for the ballot.

California Elections Code §10229 provides that where offices are elected at large, and the number of candidates does not exceed the number of the offices to be filled the Elections Official (Town Clerk) shall submit a Certificate of Facts to the Town Council. A memorandum with the certification was submitted to the Town after the closing of the nomination period on August 9, 2024 (Attachment 1, Exhibit A).

DISCUSSION:

In accordance with Elections Code §10229, the Town Council may consider one of the following courses of action:

PREPARED BY: Wendy Wood
Town Clerk

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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DISCUSSION (continued):

1. Appoint to their office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated (not applicable due to the two nominations for the two offices).
3. Hold the election if either one person for each office or no one has been nominated.

The Elections Code also requires that a notice of facts that there are no more candidates than offices to be elected be published pursuant to Government Code §6061. This notice was published in the Los Gatos Newspaper on August 14, 2024 (Attachment 1, Exhibit B). After the fifth day following the day of publication, the Town Council may hold a meeting to either make the appointments or direct an election to be held. The Council is meeting on August 20, 2024, and will either provide direction to make the appointments or direct an election to be held. If by the 75th day before the election (August 22, 2024), no person has been appointed to the office, the election shall be held.

If the Council makes appointments pursuant to Elections Code §10229, the Town Clerk shall not accept for filing any statement of write-in candidacy submitted after the appointment is made, and the persons appointed shall qualify to take office and serve exactly as if elected at a municipal election for the office.

The last time there were no more candidates than offices to be elected in the Town of Los Gatos was in 2012. At that time, the Town Council decided to hold the election to allow the opportunity for write-in candidates, and no write-in candidates were submitted.

CONCLUSION:

Should the Council decide to appoint the nominated candidates, the attached resolution (Attachment 3) would need to be adopted appointing the nominated candidates, Matthew Hudes and Maria Ristow, to the Office of Council Member, each to a full term of four years and canceling the election. If the Council decides to proceed with holding the election, no action is required.

COORDINATION:

This report was prepared in coordination with the Town Attorney's Office.

FISCAL IMPACT:

The current estimated cost of the 2024 election is \$95,482. This amount is only an estimate based on the current fee schedule and available data from the Registrar of Voters (ROV) Office

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FISCAL IMPACT (continued):

and is subject to change upon final billing. The expenditures programmed into the Budget for Fiscal Year (FY) 2024/25 based on the ROV's previous estimate is \$90,000. If the Council adopts the attached resolution appointing the nominees and cancelling the 2024 election, the Town will save an estimated \$95,482.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Draft Resolution with Exhibits A and B