

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AFFIRMING THE APPOINTMENT PROCESS AND TIMELINE FOR FILLING THE UNEXPIRED TWO-YEAR TERM OF COUNCIL MEMBER MARK SALINAS; AND IF NEEDED, CALLING FOR A MAIL BALLOT SPECIAL MUNICIPAL ELECTION ON MAY 2, 2023, TO FILL THE VACANCY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA

WHEREAS, on November 8, 2022, a General Municipal Election was held in the City of Hayward; and

WHEREAS, as a result of that election, Council Member Mark Salinas was elected Mayor; and

WHEREAS, Mayor-elect Salinas took his seat as Mayor on December 13, 2022 and in doing so formally vacated his seat as Council Member midterm; and

WHEREAS, Section 501 of the Charter of the City of Hayward provides guidance when an elective office becomes vacant; and

WHEREAS, the State Elections Code requires publication of the intent to have a Special Municipal Election.

NOW, THEREFORE, BE IT RESOLVED that, in accord with Section 501 of the City Charter, the City Council does hereby provide an appointment process to fill the two-year term vacancy created by the election of Council Member Salinas to Mayor, effective December 13, 2022; and that the appointment process is as outlined in the staff report of December 13, 2022 entitled Approval of Process for Filling a Two-Year City Council Vacancy as such process may be amended through Council action taken on December 13, 2022; and

BE IT FURTHER RESOLVED that the Council does hereby approve the City Clerk taking the necessary steps to protect the option of holding a Special Mail Ballot Municipal Election; however, should the City Council successfully fill the vacancy by appointment pursuant to Section 501 of the City Charter, the City Clerk is directed to cease to take the actions noted below or to formally transmit a copy of this Resolution to the County Clerk of the County of Alameda and to so notify that:

SECTION 1. That pursuant to the requirements of the laws of the State of California, there is called and ordered to be held in the City of Hayward, California, on Tuesday, May 2, 2023, a Special Mail Ballot Municipal Election for the purpose of electing one (1) Member of the City Council for a term of two years.

## ATTACHMENT II

SECTION 2. That the City Clerk is hereby authorized, instructed, and directed to coordinate with the Alameda County Registrar of Voters to procure and furnish any and all official ballots, sample ballot, voter information pamphlet, and all other supplies and equipment that may be necessary to conduct the election properly and lawfully.

SECTION 3. That the Alameda County Board of Supervisors is further requested to order the Alameda Registrar of Voters to render services at the request of the City Clerk. These services include all necessary services related to:

- a. Verify signatures on nomination papers; and
- b. Prepare and supply indices to precinct information; and
- c. Provide voter registration information; and
- d. Assist in election services as ordered by State of California; and
- e. Provide services to complete the canvass of returns.

SECTION 4. That in the particulars not recited in this resolution, the election shall be held and conducted as provided by State law for holding municipal elections.

SECTION 5. The City Clerk is hereby directed to cause the posting, publication, and printing of all notices or other election materials pursuant to the requirements of Elections and Government Codes of the State of California.

SECTION 6. That in the event of a tie vote (if any two or more persons receive an equal number of votes for an office) as certified by the Alameda County Registrar, the City Council, in accordance with Election Code Section 15651(b), shall conduct a special runoff election to resolve the tie vote and such special runoff election is to be held on a Tuesday no less than 40 nor more than 125 days after the administrative or judicial certification of the election which resulted in a tie vote.

SECTION 7. That the City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 8. That the Alameda County Board of Supervisors is hereby authorized to canvass, or cause to be canvassed, as provided by law, the returns of the Special Municipal Election with respect to the votes cast for one Council Member and to certify such canvass of the votes cast.

SECTION 9. That the City Clerk is hereby authorized and directed to certify to the duly adoption of this resolution and to transmit a copy thereof so certified to the Alameda County Clerk and the Alameda County Registrar by February 3, 2023. That the official nomination period would start on January 9, 2023 and end on February 3, 2023.

SECTION 10. That the City Council shall meet at a regular meeting to review the canvass of the returns of the Special Mail Ballot Municipal Election and declare the results thereof.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_ 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward