



425 Webster Street
Colusa, CA 95932

COLUSA CITY COUNCIL
SPECIAL MEETING
CITY COUNCIL CHAMBERS
Thursday, August 19, 2010 at 12:00 pm

Mayor – Donna Critchfield
Mayor Pro Tem – Kirk Kelleher
Council Member – Kay Hosmer
Council Member – Pat Landreth
Council Member – Tom Reische

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. PUBLIC COMMENT** (comments are limited to items on the agenda)
- D. COUNCIL CONSIDERATION**
 - 1. Consider Adoption of Ordinance 458 - An Ordinance of the City Council of the City of Colusa authorizing an amendment to the contract between the City Council of the City of Colusa and the Board of Administration of the California Public Employees' Retirement System.
 - 2. Consider Adoption of Resolution 10-27- Resolution of the City Council of the City of Colusa providing for the appointment of nominated City Officers as if elected at the November 2, 2010 election.
- E. ADJOURNMENT**

Agenda Posted on August 17, 2010

SHELLY KITTLE, CITY CLERK

ORDINANCE NO. 458**AN URGENCY ORDINANCE OF THE CITY OF COLUSA
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY
OF COLUSA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

WHEREAS, the City of Colusa ("City") participates in the California Public Employees Retirement System (CalPERS) for the benefit of its employees and the public they serve; and

WHEREAS, on July 29, 2010, the City Council of the City of Colusa adopted Resolution No. 10-26 "A Resolution of Intention to Approve an Amendment to Contract between the Board of Administration, California Public Employee Retirement System and the City Council, City of Colusa;" and

WHEREAS, Government Code Section 36937 permits cities to enact urgency ordinances that take effect immediately upon adoption if the ordinance is for the preservation of the public peace, health or safety, and the ordinance is passed by a four-fifths vote of the city council; and

WHEREAS, as part of the current economic downturn, the City has experienced significant revenue shortfalls and has been working to identify cost savings throughout the City structure, including through labor negotiations with various bargaining units; and

WHEREAS, cost-cutting measures applicable to programs and services have been identified by City staff, but it is essential that the CalPERS Contract amendment subject to the Resolution of Intention take effect by September 1, 2010 to allow for an increased number of staff retirements and to provide City with the associated cost savings; and

WHEREAS, increasing the number of City employees electing retirement or early retirement could result in cost savings needed to help balance City's budget expenditures with projected revenues; and

WHEREAS, implementing the amendment to the City's PERS contract to facilitate possible retirement of City employees at the earliest possible time will maximize cost savings in the current fiscal year; and

WHEREAS, Government Code Section 36937(e) further provides that "[a]n ordinance takes effect immediately, if it is an ordinance: ...(e) Covered by particular provisions of law prescribing the manner and passage and adoption;" and

WHEREAS, Government Code Section 20471 provides that the City Council's approval of a contract amendment with CalPERS "shall be by ordinance adopted by the affirmative vote of a majority members of the governing body, not less than 20 days after the adoption of the resolution of intention," to approve an amendment to the contract between the City and CalPERS; and

Now, therefore, The City Council of the City of Colusa does ordain as follows:

SECTION 1. Recitals.

The above recitals are true and correct and serve as the findings of the City Council of the City of Colusa.

SECTION 2. Contract Amendment

An amendment to the contract between the City Council of the City of Colusa and the Board of Administration, California Public Employees' Retirement System (CalPERS) is hereby authorized, a copy of said amendment being attached hereto as Exhibit A, and by such reference made a part of hereof as though herein set out in full.

SECTION 3. Authority

The Mayor of the City Council of the City of Colusa is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the City of Colusa.

SECTION 4. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Colusa hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 4. Effective Date

This Ordinance shall take effect immediately upon adoption pursuant to the authority granted in Government Code Sections 36937 and 20471 and thereafter the same shall be in full force and effect.

SECTION 5. Publication

The City Clerk of the City of Colusa shall cause this Ordinance to be published in the Sun Herald, a newspaper of general circulation published and circulated in the City of Colusa, as required by applicable laws.

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Colusa, California, held on July 29, 2010, passed and adopted at a regular meeting of the City Council of the City of Colusa, California, held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Donna Critchfield, Mayor

ATTEST:

Shelly Kittle, City Clerk



City of Colusa City Council
STAFF REPORT

DATE: August 19, 2010
TO: Mayor Critchfield and Members of the City Council
FROM: Shelly Kittle, City Clerk
Jan McClintock, City Manager

AGENDA ITEM:

Consider Adoption of Resolution 10-27 Providing for the Appointment of Nominated City Officers as if Elected at the November 2, 2010 Election.

CITY COUNCIL PRIORITIES ADDRESSED:

- Operate and manage the City in a fiscally responsible manner with open, accurate and comprehensible reporting.

REQUESTED ACTION:

Receive the City Clerk's certification that there are no more candidates than offices to be filled and adopt the attached resolution providing for the appointment of nominated city officers as if elected at the November 2, 2010 election.

EXECUTIVE SUMMARY:

There are no contested seats at the November 2, 2010 general municipal election. On August 10, 2010 the City Clerk published the notice required by California Elections Code Section 10229 and delivered to the City Council the certificate of facts required by that section. Pursuant to state law, the City Council may appoint the nominated persons to their seats, or it may hold the election. The election would cost the City approximately \$7,000.

BACKGROUND:

As of the close of nominations on August 6, 2010, for the November 2, 2010, general municipal election, there were not more candidates than offices to be elected. The persons nominated are:

Donna Critchfield for member of the City Council
Tom Reische for member of the City Council

In the event no one, or only one candidate per office, files nomination papers for the election, Section 10229 of the Elections Code of the State of California allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

Section 10229 requires the City Clerk to publish a notice of the facts related to the election and the courses of action available to the City Council under state law. The required notice was published on August 14, 2010.

Pursuant to Section 10229, following the date of posting or publication, the City Council may make the appointment or direct an election to be held. The person(s) appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office. August 19, 2010 is the last day for appointment in lieu of election.

Because there are only two nominees for the two open Council seats at the November 2, 2010 General Municipal Election, the City Council may either appoint those nominated or hold the election. If the nominees are appointed, they shall qualify and take office and serve exactly as if elected at a municipal election for the office. The attached resolution, if adopted, would appoint the nominees to the identified City offices and avoid the costs associated with an election.

BUDGET IMPACT:

The appointment of nominees to the uncontested seats would avoid the costs associated with an election, saving the City approximately \$7,000.

RESOLUTION NO. 10-27**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA
PROVIDING FOR THE APPOINTMENT OF NOMINATED CITY
OFFICERS AS IF ELECTED AT THE NOVEMBER 2, 2010 ELECTION.**

WHEREAS, as of the close of the nomination period of August 6, 2010, there are not more candidates than offices to be elected at the November 2, 2010 Municipal Election; and

WHEREAS, Section 10229 of the Elections Code of the State of California allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

WHEREAS, there are no other city offices to be filled at the November 2, 2010 election, and no city measure has qualified to be submitted to the voters at that election; and

WHEREAS, on August 10, 2010, the City Clerk published the notice required by California Elections Code Section 10229 and delivered to the City Council the certificate required by that section, which is attached hereto as Exhibit A and hereby incorporated by reference as though fully set forth; and

WHEREAS, the City Council has determined that by appointing the officers as permitted by Elections Code Section 10229 the General Fund of the City of Colusa will save approximately \$7,000; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows:

Section 1. That pursuant to Section 10229 of the Elections Code of the State of California, the following persons are appointed to the office to which they were nominated:

NAME	OFFICE	TERM
Donna Critchfield	Member of the City Council	4 years
Tom Reische	Member of the City Council	4 years

Section 2. The persons appointed by Section 1 of this Resolution shall qualify and take office and serve exactly as if elected at the November 2, 2010 municipal election.

Section 3. The November 2, 2010 municipal election is canceled.

Section 4. The City Clerk shall certify to the passage and adoption of this resolution and shall transmit a certified copy to the Colusa County Election Department and the board of Supervisors of Colusa Costa County.

The foregoing Resolution of the City Council of the City of Colusa was passed and adopted at a special meeting held on the 19th day of August 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

Attest:

Donna Critchfield, Mayor

Shelly Kittle, City Clerk

EXHIBIT A

I, Shelly Kittle, City Clerk of the City of Colusa, do hereby certify, pursuant California Elections Code Section 10229, the following facts relating to the General Municipal Election to be held on Tuesday, November 2, 2010:

As of the close of the nomination period on August 6, 2010, there are not more candidates than offices to be elected.

The persons so nominated are:

For Member of the City Council: Donna Critchfield
Tom Reische

"Consistent with Section 10229 of the Elections Code, the City Council may appoint the individuals who have been nominated at a regular or special meeting held before the municipal election, 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."