

RESOLUTION NO. 2022-069

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF NOVATO APPOINTING MARK MILBERG
TO THE CITY COUNCIL SEAT FOR DISTRICT 5

WHEREAS, the City Council of the City of Novato adopted Ordinance 1650 on May 21, 2019 establishing five council districts; and

WHEREAS, the City Council adopted Ordinance 1681 on March 22, 2022, adopting a new City Council Election District Map in response to 2020 Census data; and

WHEREAS, on July 26, 2022, the City Council adopted Resolution 2022-067 which ordered and called a General Municipal Election to be held on the 8th day of November, 2022 for the purpose of presenting the following election issues to the voters:

- Election of one (1) District 2 City Councilmember for the full term of four years
- Election of one (1) District 4 City Councilmember for the full term of four years
- Election of one (1) District 5 City Councilmember for a short term of two years

WHEREAS, Resolution 2022-067 also requested that the Board of Supervisors of the County of Marin consolidate the election with any other applicable election conducted on the same day and authorized and directed the Elections Department to provide all necessary election services and to canvass the election results; and

WHEREAS, Elections Code section 10220 requires, in part, that candidates file to run for City Council during a Nomination Period which begins 113 days before the day of the election and ends 88 days before the day of the election; and

WHEREAS, the Nomination Period for the November 8, 2022, election opened on July 18, 2022 and closed on August 12, 2022; and

WHEREAS, at the close of the Nomination Period, only one candidate was nominated for the District 5 seat: Appointed Incumbent Mark Milberg; and

WHEREAS, when there are not more candidates than offices to be elected, Elections Code 10229 requires that the city elections official submit the facts to the City Council and inform them 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 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, Elections Code section 10229 states that the City Elections Official shall publish a notice of the facts and the courses of action in any newspaper of general circulation as designated by the City Elections Official; and

WHEREAS, the City Elections Official submitted the facts to the City Council informing them of their courses of action on August 12, 2022 and published a notice of the facts and the courses of action in the Marin Independent Journal on August 17, 2022; and

WHEREAS, pursuant to Elections Code section 10229, after the fifth day following the date of posting or publication, the City Council may make the appointment or direct an election to be held; and

WHEREAS, the person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office; and

WHEREAS, Elections Code section 10229 states that the City Council has until the 75th day before the election to either make the appointment or direct an election to be held; if by the 75th day before the municipal election, no person has been appointed to the office pursuant to (1) or (2) above, the election shall be held; and

WHEREAS, the City Council desires to appoint Mark Milberg to the District 5 seat in lieu of holding the election.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Novato hereby appoints Mark Milberg to the office of Novato City Councilmember for District 5.

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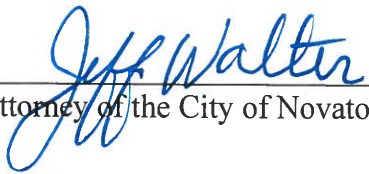
I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting thereof, held on the 23rd day of August, by the following vote, to wit:

AYES: Councilmembers Athas, Eklund, Milberg, Wernick Lucan
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers



City Clerk of the City of Novato

Approved as to form:



City Attorney of the City of Novato