



AGENDA

OCTOBER 22, 2024

SPECIAL MEETING CITY COUNCIL CITY OF YUBA CITY

6:00 P.M. REGULAR MEETING COUNCIL CHAMBERS/VIRTUAL

MAYOR	• Shon Harris
VICE MAYOR	• Dave Shaw
COUNCILMEMBER	• Marc Boomgaarden
COUNCILMEMBER	• Wade Kirchner
COUNCILMEMBER	• Michael Pasquale
CITY MANAGER	• Diana Langley
CITY ATTORNEY	• Shannon L. Chaffin

1201 Civic Center Blvd
Yuba City CA 95993

Wheelchair Accessible

AGENDA

The City has adopted a Reasonable Accommodations Policy that provides a procedure for receiving and resolving requests for accommodation to participate in this meeting. Please visit [yubacity.net ADA & Accessibility Resources page](http://yubacity.net/ADA&AccessibilityResources). If you need assistance in order to attend the City Council meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the City Council, the City is happy to help. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation; 72 hours in advance is suggested. Please contact City offices at (530) 822-4817 or (TTY: 530-822-4732), so such aids or services can be arranged. Requests may also be made by email at cityclerk@yubacity.net or citymanager@yubacity.net or mail City Clerk, 1201 Civic Center Blvd, Yuba City, CA 95993.

**SPECIAL MEETING
CITY COUNCIL - CITY OF YUBA CITY
OCTOBER 22, 2024
6:00 P.M. REGULAR MEETING
COUNCIL CHAMBERS/VIRTUAL**

PLEASE TAKE NOTICE, that pursuant to California Government Code Section 54956, Mayor Shon Harris has called a Special Meeting of the City Council as set forth in this Agenda.

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

The Council Chambers will be open for public attendance and participation. The meeting will also be live streamed for public viewing, but not participation, at the following link: https://yubacity-net.zoom.us/webinar/register/WN_i0GWsSSER8ClfdgdSTwlcw. Emailed comments sent to cityclerk@yubacity.net at least 24 hours before the meeting will be distributed to the City Council prior to the meeting. Please identify the Agenda item(s) addressed in the comments.

Regular Meeting

Call to Order

Roll Call

- ☐ Mayor Harris
- ☐ Vice Mayor Shaw
- ☐ Councilmember Boomgaarden
- ☐ Councilmember Kirchner
- ☐ Councilmember Pasquale

Invocation/Inspiration

Pledge of Allegiance to the Flag

Agenda Modifications

Public Communication

1. Appearance of Interested Citizens

You are welcome and encouraged to participate in this meeting. Public comment is taken on action items appearing on the Consent Calendar or Business Items on the Agenda when they are called. Public comment on any other items within the scope of the City's jurisdiction, including items not listed on the Agenda will be considered at this time. Public comment is limited to three minutes per speaker. Members of the public submitting written requests at least

24 hours prior to the meeting will be allotted five minutes to comment per speaker. Repetitive comments may be limited, and large groups are encouraged to select representatives to express the opinions of the group.

Business Items

2. Receipt of Notice of Certificate of Facts and Appointment of Uncontested Offices (City Clerk and City Treasurer)

Recommendation: Adopt a Resolution receiving the Notice of Certificate of Facts from the Sutter County Clerk-Recorder/Registrar of Voters, and appoint Ciara Wakefield as City Clerk and Diona Pope as City Treasurer Pursuant to the same

3. Receipt of Notice of Certificate of Facts and Appointment of Uncontested Office (City Council - District 4)

Recommendation: Adopt a Resolution receiving the Notice of Certificate of Facts from the Sutter County Clerk-Recorder/Registrar of Voters, and appoint Wade Kirchner to City Council - District 4

Future Agenda Items

4. Future Agenda Items

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

5. City Manager's Report

6. City Council Reports

Adjournment

CITY OF YUBA CITY

Public Communication

Members of the public may address the City Council on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements.

Procedure

You are welcome and encouraged to participate in this meeting. Complete a Speaker Card located in the lobby and give to the Clerk, public comment is taken on action items appearing on the Consent Calendar or Business Items on the Agenda when they are called. Public comment on any other items within the scope of the City's jurisdiction, including items not listed on the Agenda, will be considered at this time.

When a matter is announced, wait to be recognized by the Mayor to provide your comments to the Council. Comments should begin by providing your name and place of residence. A three minute limit is requested when addressing Council.

Request for additional time to address Council

Members of the public submitting written requests at least 24 hours prior to the meeting will be allotted 5 minutes to comment per speaker. Repetitive comments may be limited, and large groups are encouraged to select representatives to express the opinions of the group.

Procedure

When requesting to comment, please indicate your name and the topic and mail to:

City of Yuba City
Attn: City Clerk
1201 Civic Center Blvd
Yuba City CA 95993

Or email to:
Jackie Sillman, City Clerk
cityclerk@yubacity.net

CITY OF YUBA CITY
STAFF REPORT

Date: October 22, 2024
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Receipt of Notice of Certificate of Facts and Appointment of Uncontested Offices (City Clerk and City Treasurer)
Recommendation: Adopt a Resolution receiving the Notice of Certificate of Facts from the Sutter County Clerk-Recorder/Registrar of Voters, and appoint Ciara Wakefield as City Clerk and Diona Pope as City Treasurer Pursuant to the same
Fiscal Impact: None

As requested by the County Elections Official, this item is before the Council to appoint the City Clerk and City Treasurer as only one person has filed a declaration of candidacy for each office, and each person is running uncontested. The appointments would be effective December 10, 2024, so that their terms would be consistent with the regular cycle of elections.

By way of background, the City Council previously adopted a resolution for the holding of a consolidated general municipal election to be held on Tuesday, November 5, 2024. By the close of the nomination period on August 14, 2024, only one person filed and qualified for the position of City Clerk, and only one person filed and qualified for the position of City Treasurer.

The City recently received a "Certificate of Facts" from the Sutter County Clerk-Recorder/Registrar of Voters dated October 9, 2024, which confirmed the same. The Sutter County Clerk-Recorder/Registrar of Voters has requested the City Council, as the supervising authority of the relevant elections district, appoint the following prior to November 5, 2024:

<u>Name</u>	<u>Office</u>	<u>Term</u>
Ciara Wakefield	City Clerk	4 Years
Diona Pope	City Treasurer	4 Years

Under the Elections Code, if only one person is nominated to be elected from or by a legislative district (i.e., they are running uncontested), the City Council may appoint to the office the person who has been nominated. The City has provided notice of the receipt of the Certificate of Facts and intent to appoint, which was published in the Appeal Democrat at least five days before this meeting.

It is recommended that the City Council make the appointments as requested by the County Elections Official. If the appointments are not made, the positions will be vacant.

Recommendation:

Adopt a Resolution receiving the Notice of Certificate of Facts from the Sutter County Clerk-Recorder/Registrar of Voters, and appoint Ciara Wakefield as City Clerk and Diona Pope as City Treasurer Pursuant to the same.

Attachments:

1. Resolution - Appointment to Office - City Clerk & City Treasurer 10.22.24
2. Certificate of Facts 10.09.24

Prepared By:

Ciara Wakefield
City Clerk Administrator

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
RECEIVING THE SUTTER COUNTY CLERK-RECORDER/REGISTRAR OF VOTERS
OFFICIAL NOTICE OF CERTIFICATE OF FACTS AND APPOINTING TO OFFICE THE CITY
CLERK AND CITY TREASURER**

WHEREAS, on June 18, 2024 the City Council of the City of Yuba City adopted Resolution No. 24-070 calling for the holding of a consolidated general municipal election to be held on Tuesday, November 5, 2024; and

WHEREAS, said election include the offices of the City Clerk and City Treasurer; and

WHEREAS, by the close of the nomination period on August 14, 2024, only one person filed and qualified for the position of City Clerk, and only one person filed and qualified for the position of City Treasurer; and

WHEREAS, on October 9, 2024, the City received a "Notice of Certificate of Facts" from the Sutter County Clerk-Recorder/Registrar of Voters that certified that only one person has filed a declaration of candidacy for the office of City Clerk, and for the office of City Treasurer; and

WHEREAS, the Sutter County Clerk-Recorder/Registrar of Voters has requested that the Yuba City City Council, as the supervising authority of the relevant elections district, appoint the following prior to November 5, 2024:

<u>Name</u>	<u>Office</u>	<u>Term</u>
Ciara Wakefield	City Clerk	4 years
Diona Pope	City Treasurer	4 years

and;

WHEREAS, pursuant to California Elections Code §10229, if only one person is nominated to be elected from or by a legislative district, the City Council may appoint to the office the person who has been nominated; and

WHEREAS, the City has provided notice of the receipt of the Certificate of Facts and intent to appoint to the office those persons where only one person has filed a declaration of candidacy; and

WHEREAS, without an appointment, the offices of City Clerk and City Treasurer will be vacant; and

WHEREAS, the City Council desires to ensure that no vacancy occurs, and desires to appoint Ciara Wakefield as City Clerk for a term of four years, and Diona Pope as City Treasurer for a term of four years.

NOW, THEREFORE, the City Council of the City of Yuba City does resolve as follows:

SECTION 1: The recitals set forth above are true and correct, and are incorporated by reference.

SECTION 2: The City Council formally receives the a "Notice of Certificate of Facts" from the Sutter County Clerk-Recorder/Registrar of Voters dated October 9, 2024.

SECTION 3: There being no other candidates nominated, and as requested by the Sutter County Clerk-Recorder/Registrar of Voters, the City Council, as the supervising authority of the relevant elections district, appoints the following prior to office effective December 10, 2024:

<u>Name</u>	<u>Office</u>	<u>Term</u>
Ciara Wakefield	City Clerk	4 years
Diona Pope	City Treasurer	4 years

SECTION 4. On December 10, 2024, or at the first regular or special meeting of the City Council thereafter, the City Clerk or designee shall immediately make and deliver to each of the persons so elected a Certificate of Appointment, administer the Oath of Office, and shall have each person subscribe to it and file it in the office of the City Clerk. All of the persons so appointed shall then be inducted into the office to which they have been appointed.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a special meeting thereof held on the 22nd day of October, 2024.

AYES:

NOES:

RECUSED:

ABSENT:

Shon Harris, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachments:

- Exhibit A – Notice of Certificate of Facts" dated October 9, 2024.

ATTACHMENT 2



CERTIFICATE OF FACTS

GENERAL PRESIDENTIAL ELECTION

Of November 5, 2024

I, **DONNA JOHNSTON**, County Clerk of the County of Sutter, State of California, under Election Code Section 10229, do hereby certify that at the close of the nomination period for the November 5, 2024, **GENERAL PRESIDENTIAL ELECTION** for the office(s) noted below for the **CITY OF YUBA CITY**, the following, (as marked "x") exists:

- (☒) Only one person has filed a Declaration of Candidacy.
- (☐) No one has filed a Declaration of Candidacy.
- (☐) In the case of members to be elected from the district at large, the number of persons who have filed the Declaration of Candidacy for member does not exceed the number required to be elected.
- (☐) A petition signed by 10 percent of the voters or 50 voters, whichever is smaller in number, in the district, requesting the election be held has not been presented to me.

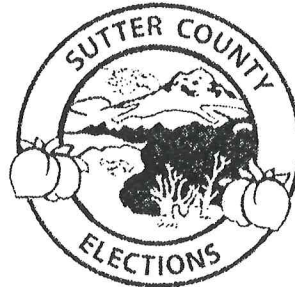
I request that the Yuba City City Council, as the supervising authority of the District, at a regular or special meeting held before the November 5, 2024 election, appoint as follows:

<u>NAME</u>	<u>OFFICE</u>	<u>TERM</u>
Wade Kirchner	Councilmember, District 4	4 years
Ciara Wakefield	City Clerk	4 years
Diona Pope	City Treasurer	4 years

I, the undersigned, certify, under penalty of perjury that the foregoing is true and correct.

Dated: 10-9-2024

Donna M. Johnston
DONNA M. JOHNSTON
COUNTY CLERK-RECORDER/REGISTRAR OF VOTERS



CITY OF YUBA CITY
STAFF REPORT

Date: October 22, 2024
To: Honorable Mayor & Members of the City Council;
From: Administration Department
Presentation By: Ciara Wakefield, City Clerk Administrator

Summary

Subject: Receipt of Notice of Certificate of Facts and Appointment of Uncontested Office (City Council - District 4)
Recommendation: Adopt a Resolution receiving the Notice of Certificate of Facts from the Sutter County Clerk-Recorder/Registrar of Voters, and appoint Wade Kirchner to City Council - District 4
Fiscal Impact: None

As requested by the County Elections Official, this item is before the Council to appoint the City Council - District 4 office as only one person has filed a declaration of candidacy for this position, and the only candidate is running uncontested. The appointment would be effective December 10, 2024, so that his term would be consistent with the regular cycle of elections.

By way of background, the City Council previously adopted a resolution for the holding of a consolidated general municipal election to be held on Tuesday, November 5, 2024. By the close of the nomination period on August 9, 2024, only one person filed and qualified for the position of City Council - District 4.

The City recently received a "Certificate of Facts" from the Sutter County Clerk-Recorder/Registrar of Voters dated October 9, 2024, which confirmed the same. The Sutter County Clerk-Recorder/Registrar of Voters has requested the City Council, as the supervising authority of the relevant elections district, appoint the following prior to November 5, 2024:

<u>Name</u>	<u>Office</u>	<u>Term</u>
Wade Kirchner	City Council - District 4	4 Years

Under the Elections Code, if only one person is nominated to be elected from or by a legislative district (i.e., they are running uncontested), the City Council may appoint to the office the person who has been nominated. The City has provided notice of the receipt of the Certificate of Facts and intent to appoint, which was published in the Appeal Democrat at least five days before this meeting.

It is recommended that the City Council make the appointments as requested by the County Elections Official. If the appointments are not made, the positions will be vacant.

Recommendation:

Adopt a Resolution receiving the Notice of Certificate of Facts from the Sutter County Clerk-Recorder/Registrar of Voters, and appoint Wade Kirchner to City Council - District 4.

Attachments:

1. Resolution - Appointment to Office - City Council (District 4) 10.22.24
2. Certificate of Facts 10.09.24

Prepared By:
Ciara Wakefield
City Clerk Administrator

Submitted By:
Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
RECEIVING THE SUTTER COUNTY CLERK-RECORDER/REGISTRAR OF VOTERS
OFFICIAL NOTICE OF CERTIFICATE OF FACTS AND APPOINTING TO
THE OFFICE OF CITY COUNCIL – DISTRICT 4**

WHEREAS, on June 18, 2024 the City Council of the City of Yuba City adopted Resolution No. 24-070 calling for the holding of a consolidated general municipal election to be held on Tuesday, November 5, 2024; and

WHEREAS, said election include the office of City Council – District 4; and

WHEREAS, by the close of the nomination period on August 9, 2024, only one person filed and qualified for the position of City Council – District 4; and

WHEREAS, on October 9, 2024, the City received a “Notice of Certificate of Facts” from the Sutter County Clerk-Recorder/Registrar of Voters that certified that only one person has filed a declaration of candidacy for the office of City Council – District 4; and

WHEREAS, the Sutter County Clerk-Recorder/Registrar of Voters has requested that the Yuba City City Council, as the supervising authority of the relevant elections district, appoint the following prior to November 5, 2024:

<u>Name</u>	<u>Office</u>	<u>Term</u>
Wade Kirchner	City Council – District 4	4 years

and;

WHEREAS, pursuant to California Elections Code §10229, if only one person is nominated to be elected from or by a legislative district, the City Council may appoint to the office the person who has been nominated; and

WHEREAS, the City has provided notice of the receipt of the Certificate of Facts and intent to appoint to the office those persons where only one person has filed a declaration of candidacy; and

WHEREAS, without an appointment, the offices of City Council – District 4 will be vacant; and

WHEREAS, the City Council desires to ensure that no vacancy occurs, and desires to appoint Wade Kirchner for a term of four years.

NOW, THEREFORE, the City Council of the City of Yuba City does resolve as follows:

SECTION 1: The recitals set forth above are true and correct, and are incorporated by reference.

SECTION 2: The City Council formally receives the a “Notice of Certificate of Facts” from the Sutter County Clerk-Recorder/Registrar of Voters dated October 9, 2024.

SECTION 3: There being no other candidates nominated, and as requested by the Sutter County Clerk-Recorder/Registrar of Voters, the City Council, as the supervising authority of the relevant elections district, appoints the following prior to office effective December 10, 2024:

<u>Name</u>	<u>Office</u>	<u>Term</u>
Wade Kirchner	City Council – District 4	4 years

SECTION 4. On December 10, 2024, or at the first regular or special meeting of the City Council thereafter, the City Clerk or designee shall immediately make and deliver to each of the persons so elected a Certificate of Appointment, administer the Oath of Office, and shall have each person subscribe to it and file it in the office of the City Clerk. All of the persons so appointed shall then be inducted into the office to which they have been appointed.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a special meeting thereof held on the 22nd day of October, 2024.

AYES:

NOES:

RECUSED:

ABSENT:

Shon Harris, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachments:

- Exhibit A – Notice of Certificate of Facts” dated October 9, 2024.

ATTACHMENT 2



CERTIFICATE OF FACTS

GENERAL PRESIDENTIAL ELECTION Of November 5, 2024

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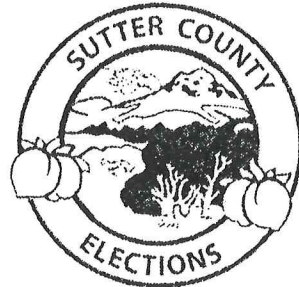
I request that the Yuba City City Council, as the supervising authority of the District, at a regular or special meeting held before the November 5, 2024 election, appoint as follows:

<u>NAME</u>	<u>OFFICE</u>	<u>TERM</u>
Wade Kirchner	Councilmember, District 4	4 years
Ciara Wakefield	City Clerk	4 years
Diona Pope	City Treasurer	4 years

I, the undersigned, certify, under penalty of perjury that the foregoing is true and correct.

Dated: 10-9-2024

Donna M. Johnston
DONNA M. JOHNSTON
COUNTY CLERK-RECORDER/REGISTRAR OF VOTERS



CITY OF YUBA CITY

Future Agenda Items

- Councilmember Boomgaarden
- Councilmember Kirchner
- Councilmember Pasquale
- Vice Mayor Shaw
- Mayor Harris

CITY OF YUBA CITY

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

City Manager's Report

CITY OF YUBA CITY

Reports and Communications

The following reports and communication items are provided for the Council's information. No action can be taken on items under this section unless the Council agrees to include it on a subsequent agenda

City Council Reports

- Councilmember Boomgaarden
- Councilmember Kirchner
- Councilmember Pasquale
- Vice Mayor Shaw
- Mayor Harris

Adjournment