



CITY OF OAKDALE CITY COUNCIL SPECIAL MEETING AGENDA



The City of Oakdale recognizes and supports the Choose Civility program, an initiative of the Stanislaus County Office of Education.

City Council Chambers
277 North Second Avenue • Oakdale • CA 95361

Thursday, January 7, 2021

6:00 PM

City Council Chambers

NOTICE

THIS MEETING WILL BE HELD IN ACCORDANCE WITH EXECUTIVE ORDER N-29-20, ISSUED BY CALIFORNIA GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020, THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT.

THIS MEETING WILL BE HELD VIA TELECONFERENCE AND WILL NOT BE PHYSICALLY OPEN TO THE PUBLIC. ALL MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING VIA TELECONFERENCING AT <https://us02web.zoom.us/j/87058956598> AND/OR VIA TELECONFERENCE BY CALLING (888)788-0099, MEETING ID: **870 5895 6598** AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT. CLOSED SESSION WILL BE HELD VIA TELECONFERENCE AND NOT BE OPEN TO THE PUBLIC.

Welcome to your City of Oakdale City Council Special meeting.

Your City Council are:

Mayor – Vacant

Mayor Pro Tem Christopher Smith

Council Member Cherilyn Bairos

Council Member Ericka Chiara

Council Member Fred Smith

Note: California law prohibits the City Council from taking action on any matter that is not on the posted agenda unless it is determined to be an emergency by the Council. All items will be referred to staff for follow-up and placed on a future agenda.

- 1. Call to Order – 6:00 p.m.**
- 2. City Council Members Present/Absent**
- 3. Public Comments**

This is a Special City Council meeting. Pursuant to California Government Code Section 54954.3(a), members of the public wishing to address the Council may do so, and such comments shall be limited to the Special Meeting topic(s). Pursuant to Government Code section 54954.3, the City Council may adopt reasonable regulations to ensure that the business on the agenda can be conducted, therefore all members of the public will be given 3 minutes for their public comments. Individuals may not defer their time to another person. A maximum of 30 minutes will be allotted for general public comment. For agenda items, a maximum of 30 minutes will be allotted for public comment on each specific agenda item. Public comment will be accepted via email at publiccomment@oakdalegov.com until 4:00 p.m. on January 7, 2021. If commenting on a specific agenda item via email, please include the agenda item number in the subject line (example: Agenda Item 11.1). A copy of each timely submitted e-mail will be provided to the City Council prior to the start of the meeting and will be



**CITY OF OAKDALE
CITY COUNCIL
SPECIAL MEETING AGENDA
Thursday, January 7, 2021**

Next City Council Resolution: 2021-001

Next Ordinance: 1275

made a part of the public record of the meeting but will not be read aloud during the meeting. All timely submitted emails shall also be made available on the City's website within 24 hours of the adjournment of the meeting to ensure public access to public comments. California law prohibits the City Council from taking action on any item not appearing on the posted agenda except that Council may refer the matter to staff for follow-up or request it be placed on a future agenda.

4. Vacated Mayor's Seat

4.1: [Discussion and Potential Filling of Council/Mayor's Vacancy.](#)

5. Adjournment

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Hall, 209-845-3571. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28CFR 35.102-35.104 ADA Title II).

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available in the City Clerk's office at City Hall located at 280 North Third Avenue, Oakdale, California.

DECLARATION OF POSTING

I, Julie Christel, Council Services and Legislative Records Manager/Deputy City Clerk for the City of Oakdale, certify that I caused to be posted a copy of the City of Oakdale City Council Agenda for the Special Meeting of Thursday, January 7, 2021, at the City Council Chambers, 277 North Second Avenue, Oakdale, CA, 95361 on Tuesday, January 5, 2021.

Dated: Tuesday, January 5, 2021

/s/ Julie Christel

Julie Christel

Council Services and Legislative Records Manager
Deputy City Clerk



CITY OF OAKDALE
CITY COUNCIL STAFF REPORT

Date: January 7, 2021
To: Mayor Pro Tem Smith and Members of the City Council
From: Bryan Whitemyer, City Manager
Subject: Discuss and Possible Appointment of Mayor/Council Vacancy

I. BACKGROUND

On November 20, 2020, Mayor J.R. McCarty announced that he planned to resign his position effective December 31, 2020. The Mayor's seat is now vacant and the City Council needs to decide how to fill that seat.

II. DISCUSSION

Options to Fill the Mayor's Seat:

With the Mayor's resignation effective December 31, 2020, there are a few options available to the City Council to fill that vacancy for the remainder of the term that ends November 2022.

Option 1 – Special Election: Hold a special election to fill the vacated Mayor's seat.

Cost: \$96,000.00

There are significant costs associated with holding a special election. In 2019 the Stanislaus County Registrar of Voters quoted the cost of a special election at \$83,314.52. The breakdown of this cost is: 11,979 registered voters at \$6.96 per voter. Additionally, the costs associated with the publication of the required voter guide was \$12,736.81. It is anticipated that a special election in 2021 would cost approximately \$96,000.00 (Attachment A).

Option 2 – Select Current Council Member to Serve as Mayor: The City Council appoints a currently seated Council member to serve as Mayor for the remainder of the two-year term.

Cost: \$0

Option 3 – Directly Appoint Non-Council Member to Serve as Mayor: The City Council could identify a non-council member to fill the position and then directly appoint that individual to fill the position.



CITY OF OAKDALE
City Council Staff Report (Continued)

SUBJECT: Discuss and Possible Appointment of Mayor/Council Vacancy
MEETING DATE: January 7, 2021

Cost: \$0

Option 4 – Seek Applicants from the Community to Serve as Mayor: The City Council seeks applicants to apply for the position. After advertising for the position and then reviewing the applications, the City Council interviews interested candidates and then appoints a candidate to the position.

Cost: Less than \$2,000 (advertising and printing)

What happens if a current City Council member is selected to serve out the remaining time on the Mayor’s term?

If a City Council member is appointed to fill the Mayor’s seat, a City Council vacancy is created that must be filled by either a special election or by appointment. The City Council has 60 days from the date of the vacancy to choose to either appoint a new council member or call a special election for that seat.

Below are the alternatives available to the City Council to fill the vacant City Council member seat if a current member of the City Council is appointed to serve out the remaining mayoral term.

Alternative 1 – Special Election: Hold a special election to fill the vacated Mayor’s seat.

Cost: \$96,000.00

There are significant costs associated with holding a special election. It is anticipated that this alternative would cost around \$96,000.00

Alternative 2 – City Council Appoints Next Highest Vote Getter from the November 3, 2020 Election:

Cost: \$0.00

City Council appoints the City Council Candidate who placed third in the November 3, 2020 Oakdale Municipal Election to fill the vacated council seat (Attachment B).

Alternative 3: The City Council seeks applicants to apply for the position. After advertising for the position and then reviewing the applications, the City Council interviews interested candidates and then appoints a candidate to the position.

Cost: Less than \$2,000 (advertising and printing)



CITY OF OAKDALE
City Council Staff Report (Continued)

SUBJECT: Discuss and Possible Appointment of Mayor/Council Vacancy
MEETING DATE: January 7, 2021

III. FISCAL IMPACT

The cost of filling the Mayor's seat on the City Council depends on the option selected. If a special election is called to fill the seat, the cost of that election is expected to be around \$96,000.00. The FY 2020-2021 General Fund Budget did not include funds for this expense. If the special election option is selected, funds from General Fund Reserves may need to be utilized. The other options have a cost between \$0 and \$2,000 which could be covered in our current budget plan.

IV. RECOMMENDATION

Staff recommends that the Council review the options available to fill the Mayor's seat vacancy and determine what option they would like to pursue.

If the Council decides to appoint a currently seated council member to fill the Mayor's seat vacancy staff recommends that the City Council review the options available to fill the newly created City Council vacancy and determine what option they would like to pursue.

V. ATTACHMENTS

Attachment A: Historical City Council Election Results 2012 to 2020
Attachment B: Cost Details for Special Election

Oakdale City Council Election Results 2012 to 2020**November 2012 Election:**

City of Oakdale, Member, City Council - FULL TERM
Vote for 2

(WITH 10 OF 10 PRECINCTS COUNTED)					
RAMONA HOWARD	1,718	16.00	535	0	1,183
TOM DUNLOP	2,659	24.77	868	0	1,791
J.R. MCCARTY	2,020	18.82	688	0	1,332
KATHERINE "KATHY" MORGAN	1,824	16.99	551	0	1,273
DONALD PETERSEN	2,458	22.90	773	0	1,685
WRITE-IN.	56	.52	19	0	37
Over Votes	4		0	0	4
Under Votes	3,769		1,334	0	2,435

City of Oakdale, Member, City Council - SHORT TERM
Vote for 1

(WITH 10 OF 10 PRECINCTS COUNTED)					
MICHAEL MURRAY.	1,182	18.08	369	0	813
FARRELL JACKSON	2,970	45.43	1,041	0	1,929
CHERILYN BAIROS	2,359	36.09	721	0	1,638
WRITE-IN.	26	.40	8	0	18
Over Votes	12		3	0	9
Under Votes	705		242	0	463

November 2014 Election:

City of Oakdale, Member, City Council
Vote for 2

(WITH 10 OF 10 PRECINCTS COUNTED)					
CHERILYN BAIROS	2,727	52.11	703	0	2,024
J.R. MCCARTY	2,411	46.07	622	0	1,789
WRITE-IN.	95	1.82	32	0	63
Total	5,233		1,357	0	3,876
Over Votes	0		0	0	0
Under Votes	3,845		1,049	0	2,796

November 2016 Election:

No Election was held. Only one person submitted papers to run for each office so no election was needed and those individuals were appointed to the City Council.

November 2018 Election:

City of Oakdale, Member City Council
Vote for 2

(WITH 8 OF 8 PRECINCTS COUNTED)					
CHERILYN BAIROS	4,613	42.44	1,049	18	3,546
CHRISTOPHER SMITH.	3,248	29.88	745	17	2,486
TERESA KINNEY	2,930	26.95	632	15	2,283
WRITE-IN.	79	.73	24	2	53
Total	10,870		2,450	52	8,368
Over Votes	12		2	0	10
Under Votes	4,756		1,166	22	3,568

November 2020 Election:

City of Oakdale Member, City Council - Vote for no more than TWO					
Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
5	5	100.00%	11,032	13,208	83.53%

Choice	Party	Mail Ballots	Total
Frederick A. Smith		4,385 27.57%	4,385 27.57%
Ericka Chiara		4,113 25.86%	4,113 25.86%
Curtis Haney		2,277 14.32%	2,277 14.32%
KC Nate		2,042 12.84%	2,042 12.84%
Marco Camacho Jr.		1,698 10.68%	1,698 10.68%
Cecilia A. Suarez		1,390 8.74%	1,390 8.74%
	Cast Votes:	15,905 100.00%	15,905 100.00%
	Undervotes:	6,085	6,085
	Overvotes:	2	2
	Non-Qualified Write-Ins:	70	70
	Unresolved Write-Ins:	0	0

CITY OF OAKDALE

280 North Third Avenue, Oakdale CA 95361

CHECK REQUEST

Accounting Use Only	
Vendor No.	Batch No.
Vendor Name:	County of Stanislaus Auditor-Controller
Attention/Other:	
Street Address:	PO Box 770
City, State, ZIP:	Modesto, CA 95353-0770

Final Accounting of election services provided by Stanislaus County Registrar of Voters on behalf of the City of Oakdale for conducting the November 5, 2019 UDEL Election for two Ballot Measures, Measure H (Extension of the 1/2 cent Transaction and Use Tax) and Measure I (Appointment of City Clerk). The total amount due for the City's portion of the election is \$83,314.52. The breakdown of this cost is: 11,979 voters at \$6.96 per voter.

Invoice # / Misc Notes	Fund	Dept	Object Sub-Obj	Amount
53403	110	1130	425013	\$ 83,314.52
\$ 83,314.52				

Return check to requestor	
Hand check approved	
Need Check By	
Purchasing Authority	
Over \$100 - Dept Head	
Over \$500 - City Administrator	
L:	

Julie Christel	6-Feb-20
Requested By	Date
Approved By Dept. Head	Date
Approved By Finance Director	Date
Approved By City Administrator	Date
(ONLY IF SIGNATURE IS REQUIRED)	



OFFICE OF COUNTY CLERK-RECORDER

DONNA LINDER
County Clerk-Recorder, Registrar of Voters &
Commissioner of Civil Marriage

ADMINISTRATION:
1021 "I" Street, Suite 101, Modesto, CA 95354
Telephone: 209.525.5211
Facsimile: 209.525.5800

January 10, 2020

City of Oakdale
Attn: City Clerk
280 North Third Avenue
Oakdale, CA 95361

Dear City Clerk:

The final accounting for conducting the election on behalf of the City of Oakdale has been completed for the November 5, 2019 UDEL Election which was conducted on behalf of the City of Oakdale by the Stanislaus County Registrar of Voters.

Please see the attached invoice.

Total cost for the City of Oakdale portion is: \$83,314.52

Make remittance check payable to: Stanislaus County Registrar of Voters

If you have any questions, you may contact Accountant Martin Rojas at 209-525-5211.

Thank you,

A handwritten signature in cursive script, appearing to read "Donna Linder".

Donna Linder
County Clerk / Recorder / Registrar of Voters

Enclosure



STANISLAUS COUNTY

REMIT TO

COUNTY OF STANISLAUS AUDITOR-CONTROLLER
 PO BOX 770
 MODESTO CA 95353-0770

P.O. BOX 770
 1010 10TH STREET, SUITE #5100
 MODESTO, CALIFORNIA 95353

Bill To
 CITY OF OAKDALE
 ATTN: ACCOUNTS PAYABLE
 280 N 3RD AVE
 OAKDALE CA 95361

Ship To

Invoice	
NUMBER	53403
DATE	10-JAN-20
PAGE	1 of 1
PURCHASE ORDER NUMBER	
OUR REFERENCE	
SALES ORDER NUMBER	
CUSTOMER NUMBER	1271
LOCATION NUMBER	OAKDALE

TERMS	DUE DATE	SALESPERSON	CUSTOMER CONTACT	SHIP DATE	SHIP VIA	SHIPPING REFERENCE
UPON RECEIPT	10-JAN-20					

ITEM #	DESCRIPTION	QUANTITY		TAX	UNIT PRICE	EXTENDED AMOUNT
		ORDERED	BACK ORD.			
1	NOVEMBER 5, 2019 ELECTION SERVICES - MEASURE H & I	1			83,314.52	83,314.52
	FOR QUESTIONS CONTACT MARTIN ROJAS @ (209) 525-5208		83,314.52	0.00	0.00	83,314.52
					SUBTOTAL	
					TAX	
					SHIPPING/HANDLING	
					TOTAL	

SPECIAL INSTRUCTIONS	
	Currency: USD

CITY OF OAKDALE

280 North Third Avenue, Oakdale CA 95361

CHECK REQUEST

Accounting Use Only

Vendor No. _____ Batch No. _____

Vendor Name: County of Stanislaus Auditor-Controller

Attention/Other: _____

Street Address: PO Box 770

City, State, ZIP: Modesto, CA 95353-0770

Final Accounting of the Stanislaus County Voter Information Guide for the November 5, 2019 UDEL Election for two Ballot Measures, Measure H (Extension of the 1/2 cent Transaction and Use Tax) and Measure I (Appointment of City Clerk). The total cost of the Guide was \$12,736.81, however the cost was shared between the City of Ceres (49%) and the City of Oakdale (51%). The amount due for the City's share of the Guide is \$6,527.98. 51.25%

Invoice # / Misc Notes	Fund	Dept	Object Sub-Obj	Amount
53329	110	1130	425013	\$ 6,527.98
\$				6,527.98

Return check to requestor	
Hand check approved	
Need Check By	
Purchasing Authority	
Over \$100 - Dept Head	
Over \$500 - City Administrator	
L:	

<u>Julie Christel</u>	6-Feb-20
Requested By	Date
Approved By Dept. Head	Date
Approved By Finance Director	Date
Approved By City Administrator	Date
(ONLY IF SIGNATURE IS REQUIRED)	



OFFICE OF COUNTY CLERK-RECORDER

DONNA LINDER
County Clerk-Recorder, Registrar of Voters &
Commissioner of Civil Marriage

ADMINISTRATION:
1021 "I" Street, Suite 101, Modesto, CA 95354
Telephone: 209.525.5211
Facsimile: 209.525.5800

December 10, 2019

City of Oakdale
Attn: Kathy Teixeira
2800 N. 3rd Avenue
Oakdale, CA 95361

RE: County Voter Information Guide
City of Oakdale

Dear City of Oakdale,

The final accounting of the County Voter Information Guide for Measures H & I for the City of Oakdale has been completed for the November 5, 2019 County of Stanislaus Consolidated District Election conducted on your behalf by the Stanislaus County Registrar of Voters.

The City of Oakdale invoicing has been bifurcated. The attached invoice refers to the portion of the election limited to the County Voter Information Guide. Please anticipate that a second invoice for conducting the election on behalf of the City of Oakdale will be presented by the Registrar of Voters Office.

Your deposit was: \$0.00.

The total amount owed for the County Voter Information guide is: **\$6,527.98**

Please make the remittance check payable to: Stanislaus County Elections.

If you have any questions, please feel free to contact either myself or Accountant Martin Rojas at 209-525-5211.

Thank you,


Donna Linder
Stanislaus County Clerk / Recorder / Registrar of Voters

Enclosure



STANISLAUS COUNTY

REMIT TO

COUNTY OF STANISLAUS AUDITOR-CONTROLLER
 PO BOX 770
 MODESTO CA 95353-0770

P.O. BOX 770
 1010 10TH STREET, SUITE #5100
 MODESTO, CALIFORNIA 95353

Bill To
 CITY OF OAKDALE
 ATTN: ACCOUNTS PAYABLE
 280 N 3RD AVE
 OAKDALE CA 95361

Ship To

Invoice	
NUMBER	53329
DATE	17-DEC-19
PAGE	1 of 1
PURCHASE ORDER NUMBER	
OUR REFERENCE	
SALES ORDER NUMBER	
CUSTOMER NUMBER	1271
LOCATION NUMBER	OAKDALE

TERMS	DUE DATE	SALES PERSON	CUSTOMER CONTACT	SHIP DATE	SHIP VIA	SHIPPING REFERENCE
BYRON RECEIPT	17 DEC 19					

ITEM #	DESCRIPTION	QUANTITY		TAX	UNIT PRICE	EXTENDED AMOUNT
		ORDERED	SHIPPED			
1	COUNTY VOTER INFORMATION GUIDE FOR MEASURES H & I	1	1		6,527.98	6,527.98
5208	FOR QUESTIONS CONTACT MARTIN ROJAS @ (209) 525-		6,527.98	0.00	0.00	6,527.98 Currency: USD
SPECIAL INSTRUCTIONS		SUBTOTAL		TAX	SHIPPING/HANDLING	TOTAL