

## **RESOLUTION NO. 10-23**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE AMENDING RESOLUTION NO. 10-10 AND CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES FOR THE ELECTION OF TWO TOWN COUNCIL MEMBERS**

**WHEREAS**, on June 8, 2010, the Town Council adopted Resolution No. 10-10, under the provisions of the laws relating to General Law cities in the State of California, a General Municipal Election shall be held on Tuesday, November 2, 2010, for the election of two (2) Town Council Members to four-year terms of office ending November, 2014; and,

**WHEREAS**, the Town Council has determined that it wishes to withdraw the ballot measure relating to voter approval of Ordinance No. 500 adopting a special police/fire tax.

**NOW, THEREFORE**, the Town Council of the Town of Paradise, California, does declare, determine, resolve and order as follows:

**SECTION 1.** Resolution No. 10-10 is hereby amended as set forth in this resolution.

**SECTION 2.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the Town of Paradise, California, on Tuesday, November 2, 2010, a General Municipal Election for the purpose of electing two (2) members of the Town Council for the full term of four (4) years, ending November, 2014.

**SECTION 3.** That the ballot measure relating to voter approval of Ordinance No. 500 is withdrawn.

**SECTION 4.** That the ballots to be used at the election shall be in the form and content as required by law.

**SECTION 5.** That the Town Clerk and County Clerk are authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 6.** That in the event two (2) or more persons receive an equal and the highest number of votes necessary to be elected, the Town Clerk shall summon the candidates who have received the tie votes to appear at her office at a time to be designated by her and shall at that time and place determine the tie by lot. The recommended procedure for determining by lot a tie is attached hereto and marked Exhibit "B".

**SECTION 7.** That the polls for the election shall be open at seven o'clock (7:00) a.m. of the day of the election and shall remain open continuously from that time until eight o'clock (8:00) p.m. of the same day when the polls shall be closed, pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

**SECTION 8:** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 9:** That notice of the time and place of holding the election is given and the Town Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 10:** That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

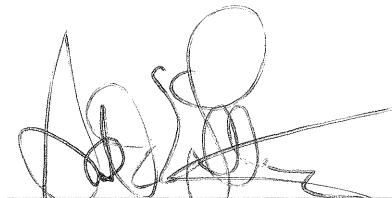
**PASSED AND ADOPTED** by the Town Council of the Town of Paradise this 22nd day of July, 2010, by the following vote:

**AYES:** Steve "Woody" Culleton, Frankie Rutledge, Alan White and Scott Lotter, Mayor.

**NOES:** None.

**ABSENT:** Joe DiDuca

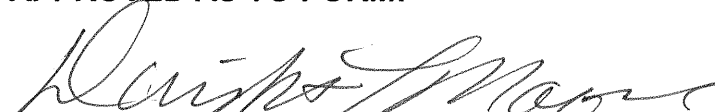
**NOT VOTING:** None.

  
\_\_\_\_\_  
SCOTT LOTTER, Mayor

**ATTEST:**

  
\_\_\_\_\_  
JOANNA GUTIERREZ, CMC, Town Clerk

**APPROVED AS TO FORM:**

  
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DWIGHT L. MOORE, Town Attorney

**EXHIBIT "B"  
RESOLUTION NO. 10-23**

**RECOMMENDED PROCEDURE FOR DETERMINING BY LOT A  
TIE AMONG CANDIDATES AT THE NOVEMBER 2, 2010, ELECTION  
PURSUANT TO ELECTIONS CODE SECTION 15651**

The Town Clerk or her designees shall type the name of each candidate who had tied for office on a separate, but identical, piece of paper which shall be folded and deposited into a container and mixed so that one would not know which candidate's name appeared on which piece of paper. The Town Clerk or her designees shall draw from the container as many pieces of paper as there are seats on the Council to be filled by the candidates who have tied. The name(s) appearing upon the piece(s) of paper drawn shall be the name(s) of the person(s) who shall be deemed to be elected.