RESOLUTION NO. 2013-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, AS REQUIRED BY SECTION 2.04.040(B) OF THE DESERT HOT SPRINGS MUNICIPAL CODE, APPOINTING JAN PYE TO THE VACANT CITY COUNCIL SEAT CREATED BY THE ELECTION OF ADAM SANCHEZ, SR. TO THE OFFICE OF MAYOR AT THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 5, 2013.

WHEREAS, a regular General Municipal Election was held and conducted in the City of Desert Hot Springs, California, on Tuesday November 5, 2013; and

WHEREAS, the election of candidates to the following seats: City Council (two seats) and the Office of Mayor, were placed on the November 5, 2013 Official Ballot; and

WHEREAS, notice of said election was duly and regularly given in time, form, and manner as provided by law; voting precincts were properly established; election officers were appointed and in all respects said election was held and conducted and made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in cities; and

WHEREAS, pursuant to Resolution No. 2013-029 adopted on June 18, 2013, the Registrar of Voters of Riverside County canvassed the returns of said election and has certified the results to the City Clerk and the City Clerk completed the canvas and has certified the results to this City Council and;

WHEREAS, pursuant to Resolution No. 2013-_____ adopted on December 3, 2013, the City Council recited the fact of the General Municipal Election held in the City of Desert Hot Springs on November 5, 2013 and declared the results thereof; and

WHEREAS, as a result of such election, the voters elected Adam Sanchez, Sr. to the Office of Mayor, thereby leaving a vacant seat on the City Council; and

WHEREAS, Section 2.04.040(B) of the Desert Hot Springs Municipal Code ("City Code") specifies the procedures the City Council must follow in the event of such vacancy; and

WHEREAS, Section 2.04.040(B) of the City Code requires the City Council to fill such vacancy by appointing the person who received the highest number of votes for the open City Council seats at the November 5, 2013 General Municipal Election, but was not elected, to serve out the remaining unexpired term of office of prior Councilmember; and

WHEREAS, pursuant to the Certification to the Results and Canvass of Election Returns (Exhibit A to Resolution No. 2013-____), Jan Pye was the person receiving the highest number of votes for the open City Council seats, but not elected thereto; and

WHEREAS, by adoption of this Resolution the City Council desires to fill the vacancy by making the appointment as required by the City Code.

NOW THEREFORE, **THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

SECTION 1. That the Recitals of this Resolution are true and correct and are hereby incorporated as part of this Resolution by this reference.

SECTION 2. That the action taken in this Resolution is made pursuant to the provisions of Section 2.04.040(B) of the City Code and in accordance with the election results stated and declared in Resolution No. 2013-_____ ; and

SECTION 3. That Jan Pye shall be appointed to the City Council seat vacated by Adam Sanchez, Sr. as a result of the November 5, 2013 General Municipal Election; and

SECTION 4. That Jan Pye's appointment shall be for the remaining unexpired term of such seat (through December 2015) and shall be effective immediately upon the adoption of this Resolution.

SECTION 5. That the City Clerk shall immediately administer to Jan Pye the Oath of Office prescribed in the State Constitution of the State of California and have her subscribe thereto and file the same in the office of the City Clerk. Whereupon, Jan Pye shall be inducted into the respective office to which she has been duly appointed by adoption of this Resolution.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make a minute of passage and adoption thereof in the records at which the same is passed and adopted.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the 3rd day of December, 2013 by the following vote:

AYES:

NAYS:

ABSENT:

ATTEST: **APPROVED:**

_____   _____
Jerryl Soriano, City Clerk   Adam Sanchez, Mayor

APPROVED AS TO FORM:

_____
Steven B. Quintanilla, City Attorney