

RESOLUTION #RES.2013.14
TOQUERVILLE CITY
September 19, 2013

A RESOLUTION OF THE TOQUERVILLE CITY COUNCIL, TOQUERVILLE, UTAH, TO ELECT CANDIDATES AND CANCEL NOVEMBER, 2013 ELECTION DUE TO LACK OF CANDIDATES.

RECITALS

WHEREAS, Toquerville City ("City") is an incorporated municipality and body politic duly organized under the laws of the State of Utah; and

WHEREAS, The Utah Municipal Code (Title 10, Utah Code Ann.) confers upon the City all rights duties, powers, and privileges, and authority which under the laws if the State of Utah are exercised or may be capable of being exercised by a political subdivision of the State by and through its governing body, to wit: "the Toquerville City Council"; and

WHEREAS, within the City the term of its current Mayor and two (2) of its current members of the Toquerville City Council are set to expire at the end of the year thus creating at-large municipal officer openings to be filled at the end of the 2013 calendar year.

WHEREAS, in compliance with the Utah Election Code (Title 20A, Utah Code Ann) the City has properly published notice of said impending vacancies and how interested persons may declare their candidacy including the deadline for which all declarations of candidacy, petitions for candidacy and/or write-in declarations of candidacy ("Candidacy Notice").

WHEREAS, pursuant to the Candidacy Notice and within the timeframes prescribed by the Utah Election Code, the deadline to file a declaration of candidacy or petition for candidacy for either the position of Mayor or City Councilmember was June 7, 2013 ("General Candidacy Declaration Deadline") and the deadline to file a write-in declaration of candidacy was September 6, 2006 ("Write-in Candidacy Declaration Deadline").

WHEREAS, upon the expiration of the General Candidacy Declaration Deadline and the Write-in Candidacy Declaration Deadline, only the following persons had declared their candidacy for the positions as indicated:

Mayor:	M. Darrin LeFevre (Incumbent)
City Council:	Brad Langston (Incumbent)
	Mark Fahrenkamp (Incumbent)

WHEREAS, Section 1-206 of the Utah Election Code (Title 20A, Utah Code Ann) provides that a municipality may cancel its local election if: a) the number of municipal officer candidates, including eligible write-in candidates...for the at-large municipal offices does not exceed the number of open at-large municipal offices for which the candidates have filed, b) there are no other municipal ballot propositions, and c) the municipal legislative body (Toquerville City Council) has passed a resolution containing certain certifications.

WHEREAS, the Toquerville City Council has determined that it is in the best interests of the City, both socially and financially to cancel its local election (but not any county or school district ballot measures) and designate the above-referenced unopposed candidates as elected to the respective municipal offices for which they have declared their candidacy.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED AND CERTIFIED BY THE TOQUERVILLE CITY COUNCIL, TOQUERVILLE, UTAH, that:

1. the City has adopted an ordinance under Subsection 10-3-205.5(2) of the Utah Code Ann. designating the timing and sequencing of the election of members to the Toquerville City Council,
2. the number of municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601 of the Utah Code Ann., for the at-large municipal offices, does not exceed the number of open at-large municipal offices for which the candidates have filed,
3. the municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601 of the Utah Code Ann., namely M. Darrin LeFevre for the office of Mayor (Incumbent), Brad Langston for the office City Councilmember (Incumbent) and Mark Fahrenkamp for the office of City Councilmember (Incumbent) are unopposed, and
4. there are no other municipal ballot propositions.

BE IT FURTHER RESOLVED THAT the local election currently scheduled for November 5, 2013 is hereby cancelled. This cancellation does not affect any county or school district ballot that may take place at normal polling locations with the City.

BE IT FURTHER RESOLVED THAT the following individuals are deemed elected to serve in the following municipal officer positions for the 2014-2017 term:

Mayor:	M. Darrin LeFevre
City Council:	Brad Langston
	Mark Fahrenkamp

BE IT FURTHER RESOLVED THAT this resolution shall become effective as the term of the municipal officer begins, to wit: Noon on the first Monday in January, 2014 (January 1, 2014).

APPROVED AND ADOPTED by the Toquerville City Council this ____ day of September, 2013.

Council Members:

Paul Heideman	AYE ___	NAE ___
Daren Cottam	AYE ___	NAE ___
Mark Fahrenkamp	AYE ___	NAE ___
Brad Langston	AYE ___	NAE ___
Ty Bringhurst	AYE ___	NAE ___

TOQUERVILLE CITY



M. Darrin LeFevre, Mayor

Attest:



Renée Garner, City Recorder



