

**CARLIN CITY COUNCIL  
CITY OF CARLIN, STATE OF NEVADA  
SPECIAL MEETING  
CARLIN CITY HALL  
101 SOUTH EIGHTH STREET  
CARLIN, NEVADA**

**November 13, 2012  
7:00 pm**

**Call to Order and Roll Call**

Mayor Cliff Eklund called the meeting of the Carlin City Council to order at 7:00 p.m.

1. Council Member Present: Mayor Cliff Eklund  
Vice Mayor Donnetta Skinner  
Councilperson Steve Feasel  
Councilperson Lincoln Litchfield

Absent: Councilperson Lee Griswold

2. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson, and Senior Center Director Darla Baldwin.

3. Public Present: None

**I. Canvass of votes in the election of November 6, 2012 and declaration of the result pursuant to Carlin City Code 1-5-1, Article V, Section 5.090, and all related matters. (Action Item)**

1. Mayor Cliff Eklund stated we had an unusual election where the winners had withdrawn, both myself and Glenn had asked for a legal opinion. That legal opinion is on the desk in front of you. Both winners accepted the positions.

2. Councilperson Steve Feasel asked “you asked them if they would accept the position and the both accepted?”

3. Mayor Cliff Eklund replied “yes”. The Mayor then asked for questions or comments from the Council on the Election results and asked for comments from the public.

4. Vice Mayor Donnetta Skinner asked if the legal opinion could be read into the minutes.

5. City Manager Glenn Trust asked if the Council would like him to review the legal opinion from the Ct Attorney for the record. He stated “we realize there may be some controversy over the election. Actually three candidates withdrew, one has moved out of the area which disqualifies him. The other two that withdrew however, according to NRS Statues, they did not withdraw in time to have their names removed from the ballot, which mitigates their withdrawal and when I explained that to them, they said they really didn’t want to serve anyway. However, their names appeared on the ballot and when in fact the votes were in, I assume Mrs. Lawson will read the numbers in a moment, when the votes were in Jay Duke and Bob Demars received the highest number of votes. We have two open seats by the City Charter and the election rules the two highest vote recipients take the two open seats. The questions we posed were as follows:

Question 1: In the event a candidate states he is withdrawing but it is too late to be removed from the ballot, can he take his seat if elected?

Answer: Yes he can be sworn in and take his seat.

Again we have heard there may be a challenge.

Question 2: There may a be a challenge from one or some of the losing candidates that it is not fair to allow the two people who were elected to take their seat since they had said they were withdrawing.

Answer: The answer is not a matter of fairness, the answer is again contained in the City Charter. If the electorate elected them to the office they may be sworn in and accept the office. If any of the people do not agree with this opinion, they are welcome to hire their own attorney and contest the filling of the two offices with the two individuals who received the most votes. They could also research the law themselves and represent themselves.

Question 3: Some of the people who ran for election argue they would have received more votes and presumably would have been elected but for the two individuals who changed their minds.

Answer: The two individuals who were elected had changed the minds after the time period stated in the NRS for them to withdraw. Therefore, their names remained on the ballot and they were elected.

Question 4: Should the City Council decide to call the seats vacant despite the results and use the appointment process?

Answer: The two individuals were elected with the most votes and the City Council cannot deny their willingness to be sworn in and accept the office.

And if the Council were to appoint these two seats, then in two years these two seats and the three remaining seats would be up for election.

The legal claim would be with the elected candidates if they were denied their seats on the Council.

I trust Council to ask questions, I will tell you in my follow-up conversation with the two candidates that withdrew, I told them to get the word out that they had withdrawn.”

6. Mayor Cliff Eklund stated he had been asked why we didn't post something on Election Day. I and City Clerk LaDawn Lawson researched this and found the NRS prohibits any posting of any kind on Election Day, unless a candidate is deceased.
7. City Clerk LaDawn Lawson stated this is correct the only information that can be posted on Election Day is when a candidate is deceased. She stated she had notices published in the paper listing the candidates for the Carlin General Election and by the Candidates names who had withdrawn she had printed withdrawn. She also had the same notice posted at several local businesses in town showing the candidates for the Carlin General Election, the notice showed the Candidates who would be on the ballot and those who

would be on the ballot but had withdrawn.

8. City Manager Glenn Trust stated he feels the City had done its due diligence.
9. Mayor Cliff Eklund asked for comments from the Public.
10. City Clerk LaDawn Lawson read for the record the results of the November 6, 2012, election for two seats for the City of Carlin as follows:

Larry Burton	129
Bob Demars	255
Jay Duke	300
Lincoln Litchfield	210
David Trujillo	227

Let the record show that Bob Demars and Jay Duke are declared the candidates with the most votes for the November 6, 2012, Election.

11. **Vice Mayor Donnetta Skinner made a motion to approve the Canvass of votes in the election of November 6, 2012, and declaration of the result pursuant to Carlin City Code 1-5-1, Article V., Section 5.090, and declare Bob Demars and Jay Duke the elected candidates, and all related matters. Motion was seconded by Councilperson Steve Feasel. Motion Carried.**

- II. **Comment by the General Public: Pursuant to NRS 241.020(2C) this time is devoted to comments by the general public and discussion to those comments. No action may be taken upon a matter raised under this item until the matter has been included on a successive agenda and identified as an action item.**

**(Non Action Item)**

**None.**

- III. **Adjournment.**

**(Action Item)**

**Councilperson Steve Feasel made a motion to adjourn. Councilperson Lincoln Litchfield seconded the motion. Motion Carried. The meeting adjourned at 7:12 p.m.**

**APPROVED:**

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**Mayor Cliff Eklund**

**ATTEST:**

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**City Clerk LaDawn Lawson**