



City of Calimesa
SPECIAL MEETING OF THE CITY COUNCIL
AGENDA

Wednesday, August 20, 2014

5:30 p.m.

Norton Younglove Multipurpose Senior Center
908 Park Avenue, Calimesa, CA 92320

William Davis, Mayor ♦ Jeff Hewitt, Mayor Pro Tem
Jim Hyatt, Council Member ♦ Joyce McIntire, Council Member ♦ Ella Zanowic, Council Member
Randy Anstine, City Manager ♦ Kevin Ennis, City Attorney

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's Office, (909) 795-9801. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Any public writings distributed by the City to at least a majority of the Council Members regarding any item on this regular meeting agenda will be made available at the public counter at City Hall located at 908 Park Avenue, Calimesa, CA 92320

ANNOUNCEMENT REGARDING SPEAKER SLIPS

Anyone wishing to address the City Council either during "Communications from the Public" or on any item on the agenda should fill out a **blue speaker slip** and give that slip to the City Clerk **prior to the item being heard**. Please write the number of the agenda item or the subject of your presentation on the slip. **Please observe a time limit of three (3) minutes when giving your presentation**. When called upon, please step forward to the microphone, state your name for the record, whom you represent and any statement you wish to make. **Please be advised that you may not defer your three (3) minutes to another speaker.**

CALL TO ORDER

ROLL CALL: MAYOR DAVIS, MAYOR PRO TEM HEWITT, COUNCIL MEMBER HYATT, COUNCIL MEMBER MCINTIRE, COUNCIL MEMBER ZANOWIC.

STAFF: CITY MANAGER ANSTINE, CITY ATTORNEY ENNIS, CITY CLERK GERDES, ASSISTANT CITY MANAGER/FINANCE DIRECTOR JOHNSON, PUBLIC WORKS DIRECTOR FRENCH, COMMUNITY DEVELOPMENT DIRECTOR EVANS, CITY ENGINEER THORNTON, FIRE CHIEF GREGG AND POLICE CHIEF RAYA.

PLEDGE OF ALLEGIANCE

COMMUNICATIONS FROM THE PUBLIC

Anyone wishing to address the Council on any item within the Council's jurisdiction that is not on the agenda may do so at this time. This is not a time for Council Member comment or action, but the Council may ask questions for clarification or make a referral to staff for factual information to be reported back to the Council at a later meeting.

APPROVAL OF THE AGENDA

RECOMMENDATION: Move to approve the agenda

Motion _____ Second _____ Vote _____

BUSINESS ITEMS

1. RESOLUTION PROVIDING FOR APPOINTMENTS TO THE OFFICE OF CITY COUNCIL MEMBER THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 4, 2014 AND CANCELLING THAT ELECTION.

RECOMMENDATION: *That the City Council adopt Resolution No. 2014-35, a Resolution of the City Council of the City of Calimesa, California, providing for the appointments to the office of City Council Member that were to be elected on Tuesday, November 4, 2014 and cancelling that election.*

COUNCIL MEMBERS' COMMENTS & REPORTS

This is the time for additional general comments, announcements, reports on meetings attended at public expense as required by AB 1234, requests of staff, and other issues of concern to Council Members may be presented briefly at this time. The Council may not legally take action on any item presented at this time other than to direct staff to investigate a complaint or place an item on a future agenda unless (1) by a majority vote, the Council determines that an emergency situation exists, as defined by Government Code § 54956.5 or (2) by a four-fifths vote, the Council determines that there is a need for immediate action and the need for action arose subsequent to the agenda being posted as required by Government Code § 54954.2(b).

ADJOURNMENT

Adjourn to the Regular Meeting of the City Council on Tuesday, September 2, 2014 at 6:00 p.m.



STAFF REPORT

CITY OF CALIMESA SPECIAL CITY COUNCIL MEETING

SUBJECT: RESOLUTION PROVIDING FOR APPOINTMENTS TO THE OFFICE OF CITY COUNCIL MEMBER THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 4, 2014 AND CANCELLING THAT ELECTION.

MEETING DATE: August 20, 2014

PRESENTED BY: Darlene Gerdes, City Clerk

RECOMMENDATION: That the City Council adopt Resolution No. 2014-35, a Resolution of the City Council of the City of Calimesa, California, providing for the appointments to the office of City Council Member that were to be elected on Tuesday, November 4, 2014 and cancelling that election.

BACKGROUND: Pursuant to § 10229 of the Elections Code of the State of California relating to the General Municipal Election in the City of Calimesa to be held on Tuesday, November 4, 2014, I, Darlene Gerdes, City Clerk have certified that as of the close of the nomination period on August 7, 2014 at 5:30 p.m. there are not more candidates than offices to be elected. The person(s) so nominated are: **James O. Hyatt** and **Jeff Hewitt**.

Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the persons who have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only the number of persons who have been nominated equals the number of open seats to be filled.

By the 80th day prior to the election a notice of these facts must be published in a newspaper of general circulation in the City pursuant to § 6061 of the Government Code. This required notice was published on **August 15, 2014** in the Yucaipa Calimesa News Mirror.

After the fifth day following the date of publication, the City Council shall meet to either make the appointment(s) or direct an election to be held. The person(s) appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election (August 21, 2014), no person has been appointed to the office(s) pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to § 10229, Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.

Staff is respectfully recommending that the City Council adopt Resolution No. 2014-35 providing for the appointments to the office of City Council Member that were to be elected on Tuesday, November 4, 2014 and cancelling that election. A certified copy of the adopted resolution will be forwarded to the Riverside County Registrar of Voters.

The annual Council/Agency reorganization will be held at the first City Council meeting in December, as usual.

FISCAL IMPACT: Should the Council decide to appoint the nominees and cancel the November 4, 2014 Election, the city will realize a savings in the cost of the election. The 2014/2015 Fiscal Year budget allocated \$10,000 for the election.

ATTACHMENTS:

Attachment A: Resolution No. 2014-35
Attachment B: City Clerk Certification

RESOLUTION NO. 2014-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA, PROVIDING FOR APPOINTMENTS TO THE OFFICE OF CITY COUNCIL MEMBER, THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 4, 2014 AND CANCELLING THAT ELECTION

WHEREAS, Pursuant to Section 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 7, 2014 at 5:30 p.m., there are were two candidates who had been nominated for the two open seats on the Calimesa City Council; and

WHEREAS, Not more candidates than offices to be elected were nominated and that pursuant to Section 10229 of the Elections Code, one of the following courses of action are allowed to be taken by the City Council:

1. Appoint to the office the persons who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only the number of persons who have been nominated equals the number of open seats to be filled.

WHEREAS, a notice was published on August 15, 2014 in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALIMESA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to Section 10229 of the Elections Code of the State of California, the following action is being taken:

The following persons are being appointed to the office to which they were nominated, and are considered to be the same as being elected, pursuant to Seciton 10229(a)(3) of the Elections Code:

<u>NAME</u>	<u>OFFICE</u>	<u>TERM</u>
James O. Hyatt	Member of the City Council	2018
Jeff Hewitt	Member of the City Council	2018

SECTION 2. The election scheduled to be held on Tuesday, November 4, 2014, for the office of councilmember is hereby canceled.

SECTION 3. The persons appointed, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions and transmit a certified copy to the Riverside County Registrar or Voters.

PASSED, APPROVED and ADOPTED this 20th day of August, 2014.

WILLIAM DAVIS, MAYOR

ATTEST:

DARLENE GERDES, CITY CLERK

**CITY CLERKS CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES
THAN OFFICES TO BE ELECTED**

I, **Darlene Gerdes**, City Clerk of the City of Calimesa, do hereby certify that pursuant to § 10229, Elections Code of the State of California, to the following facts relating to the General Municipal Election to be held on **Tuesday, November 4, 2014**:

As of the close of the nomination period on **August 7, 2014 at 5:30 p.m.**, there are not more candidates than offices to be elected.

The person(s) so nominated are:

**James Hyatt
Jeff Hewitt**

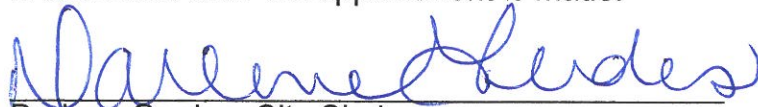
That § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

A notice of these facts will be published on **August 15, 2014** in a newspaper of general circulation in the city pursuant to § 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet to either make the appointment(s) or direct an election to be held. The person(s) appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, no person has been appointed to the office(s) pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to § 10229, Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.


Darlene Gerdes, City Clerk