

# Special Meeting of the Calimesa City Council

# Meeting Agenda

Monday, August 22, 2022 – 5:30 p.m.



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

The Calimesa City Council will be conducting this meeting in the Norton Younglove Senior Center. Members of the public may participate in this meeting in one of two ways:

- 1) In person at the Norton Younglove Senior Center, 908 Park Avenue, Calimesa, CA 92320.
- 2) By viewing the meeting on **Facebook Live**, beginning at 5:30 p.m. at <https://www.facebook.com/cityof.calimesa>

**Submission of Public Comments:** If attending the meeting, public comment will be allowed by completing a blue speaker slip and providing it to the City Clerk at the meeting. **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.** Otherwise, public comment will be accepted via email. Please send comments via email to the Calimesa City Clerk at [dgerdes@cityofcalimesa.net](mailto:dgerdes@cityofcalimesa.net). Identify public comment or the specific agenda item you wish to comment on in your email's subject line. You may submit comments on any agenda item. Emailed comments must be submitted by **5:00 p.m. on Monday, August 22, 2022** and will be read into the record by the City Clerk. Electronic comments on agenda items may only be submitted via email and comments via text and social media (Facebook, Twitter, etc.) will not be accepted.

William Davis, Mayor ♦ Jeff Cervantez, Mayor Pro Tem  
Wynona Duvall, Council Member ♦ Wendy Hewitt, Council Member ♦ Linda Molina, Council Member  
Bonnie Johnson, City Manager ♦ Quinn Barrow, 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.*

## **CALL TO ORDER**

**ROLL CALL:** MAYOR DAVIS, MAYOR PRO TEM CERVANTEZ, COUNCIL MEMBER DUVALL, COUNCIL MEMBER HEWITT AND COUNCIL MEMBER MOLINA.

**STAFF:** CITY MANAGER JOHNSON, CITY CLERK GERDES

## **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 City Council discussion of non-agenda items. After receiving public comments, Council Members or staff, after being recognized by the Mayor, may briefly respond to statements made by the public or questions posed by the public. In addition, Council Members 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 8, 2022 AND CANCELLING THAT ELECTION.

**RECOMMENDATION: That the City Council adopt Resolution No. 2022-40 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 8, 2022 and cancelling that election.**

**ADJOURNMENT**

Adjourn to the Regular Meeting of the City Council on Tuesday, September 6, 2022 at 6:00 p.m.



**SUBJECT:** RESOLUTION PROVIDING FOR APPOINTMENTS TO THE OFFICE OF CITY COUNCIL MEMBER THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2022 AND CANCELLING THAT ELECTION.

**MEETING DATE:** August 22, 2022

**PRESENTED BY:** Darlene Gerdes, Deputy City Manager/City Clerk

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**RECOMMENDATION:** That the City Council adopt Resolution No. 2022-40, 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 8, 2022 and cancelling that election.

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**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 8, 2022, I, Darlene Gerdes, City Clerk have certified that as of the close of the nomination period on August 17, 2022 at 5:00 p.m. there are not more candidates than offices to be elected. The person(s) so nominated are **Jeff Cervantez** and **John Manly**.

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.

A notice of these facts must be published in a newspaper of general circulation in the City pursuant to § 6061 of the Government Code. The required notice was published on **August 19, 2022** in the Yucaipa Calimesa News Mirror. The notice was also posted on **Wednesday August 17, 2022 at 5:30 p.m.** on the City's webpage and at the City's legal posting places; City Hall, Calimesa Library and Calimesa Sr. Center.

After the fifth day following the date of posting or 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 75<sup>th</sup> day before the municipal election (August 25, 2022), 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. 2022-40 providing for the appointments to the office of City Council Member that were to be elected on Tuesday, November 8, 2022 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.

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**FISCAL IMPACT:** Should the Council decide to appoint the nominees and cancel the November 8, 2022 Election, the city will realize a savings in the cost of the election. The 2022/2023 Fiscal Year budget allocated \$15,000 for the election.

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**ATTACHMENTS:**

- Attachment A: Elections Code 10229
- Attachment B: Resolution No. 2022-40
- Attachment C: City Clerk Certification

**State of California****ELECTIONS CODE****Section 10229**

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10229. (a) If, by the 88th day, during normal business hours as posted, prior to the day fixed for a regularly scheduled municipal election or the 83rd day before the election, during normal business hours as posted, if an incumbent fails to file pursuant to Section 10225, (i) no one or only one person has been nominated for any office that is elected on a citywide basis, or (ii) no one or only one person is nominated to be elected from or by a legislative district, or (iii) in the case of any office or offices to be elected at large, the number of persons who have been nominated for those offices does not exceed the number to be filled at that election; or, if, by the 88th day, during normal business hours as posted, before a municipal election to fill any vacancy in office, no one or only one person has been nominated for any elective office to be filled at that election, and the election is subject to Section 36512 of the Government Code, the city elections official shall submit a certificate of these facts to the governing body of the city and inform the governing body of the city that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action:

- (1) Appoint to the office the person who has been nominated.
- (2) Appoint to the office an eligible elector if no one has been nominated.
- (3) Hold the election, if either no one or only one person has been nominated. The

city elections official shall publish a notice of the facts described in this section and the courses of action available under this subdivision. Publication shall be made pursuant to Section 6061 of the Government Code in any newspaper of general circulation as designated by the city elections official.

After the fifth day following the date of posting or publication, the governing body of the city may make the appointment or direct an election to be held in the affected territory. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

Notwithstanding Section 10403, if, by the 75th day before the municipal election, no person has been appointed to office pursuant to paragraph (1) or (2), the election shall be held.

(b) Subdivision (a) shall not apply if, at the regularly scheduled municipal election, more than one person has been nominated to another city office to be elected on a citywide basis or a city measure has qualified and is to be submitted to the voters at that municipal election.

(c) Notwithstanding Chapter 1 (commencing with Section 8600) of Part 3 of Division 8, or any other provision of the law to the contrary, if the governing body of a city makes an appointment pursuant to subdivision (a), the elections official shall

not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

(d) Nothing in this section shall be construed to prevent a city from enacting an ordinance pursuant to Section 36512 of the Government Code, requiring that a special election be held, or from enacting an ordinance pursuant to Section 36512 of the Government Code, providing that a person appointed to fill a vacancy on the city council shall hold office only until the date of the special election, or both. Any ordinance or ordinances may allow for appointment consistent with subdivision (a) without requiring or providing for a special election.

If an appointment to office is made in a particular legislative district pursuant to subdivision (a), that appointment shall not affect the conduct of the municipal election in other legislative districts of the city.

(Amended by Stats. 2009, Ch. 549, Sec. 3. (AB 1574) Effective January 1, 2010.)

**RESOLUTION NO. 2022-40****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 8, 2022 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 17, 2022 at 5:00 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 of these facts was published on Friday **August 19, 2022** in a newspaper of general circulation in the City pursuant to § 6061 of the Government Code and was posted on Wednesday **August 17, 2022 at 5:30 p.m.** on the City's webpage and at the City's three (3) legal posting places; City Hall, Calimesa Library and Calimesa Sr. Center.

**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 Section 10229(a)(3) of the Elections Code:

<b><u>NAME</u></b>	<b><u>OFFICE</u></b>	<b><u>TERM</u></b>
<b>Jeff Cervantez</b>	<b>Member of the City Council</b>	<b>2026</b>
<b>John Manly</b>	<b>Member of the City Council</b>	<b>2026</b>

**SECTION 2.** The election scheduled to be held on Tuesday, November 8, 2022 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 of Voters.

**PASSED, APPROVED and ADOPTED** this 22<sup>nd</sup> day of August, 2022.

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WILLIAM DAVIS, MAYOR

ATTEST:

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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 8, 2022:

As of the close of the nomination period on August 17, 2022 at 5:00 p.m., there are not more candidates than offices to be elected.

The person(s) so nominated are:

**Jeff Cervantez  
John Manly**

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 was published on August 19, 2022 in a newspaper of general circulation in the city pursuant to § 6061 of the Government Code. The notice was also posted on Wednesday August 17, 2022 at 5:30 p.m. on the City's webpage and at the City's three (3) legal posting places; City Hall, Calimesa Library and Calimesa Sr. Center.

After the fifth day following the date of posting or 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

