
**CITY COUNCIL
SPECIAL
MEETING**



**AUGUST 20, 2014
6:00 PM**

AGENDA

Andrew Blount, Mayor

**Dore J. Gilbert, Mayor Pro Tempore
Randal Bressette, Council Member**

**Melody Carruth, Council Member
Barbara Kogerman, Council Member**

Location: City Council Chamber, 24035 El Toro Road, Laguna Hills, California 92653

CALL TO ORDER

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER CARRUTH

ROLL CALL OF CITY COUNCIL MEMBERS

PUBLIC COMMENTS

Any person wishing to address the City Council on any matter, whether or not it appears on this Agenda, is asked to complete a "Request to Speak" form available on the table at the back of the Chamber. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council. No action will be taken on any items not on the Agenda unless the City Council makes a determination that an emergency exists or that the need to take action on the item arose subsequent to posting of the Agenda.

There will be a time limitation of three minutes per person, an overall time limit of ten minutes for any one subject, and a time limit of thirty minutes for the Public Comments portion of the Agenda.

**CANCELLATION OF 2014 GENERAL MUNICIPAL ELECTION AND
APPOINTMENT OF NOMINEES TO THE CITY COUNCIL**

RECOMMENDATION: THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

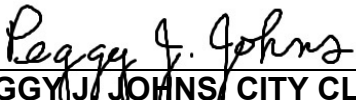
- (1) ADOPT A RESOLUTION ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, CANCELLING THE ELECTION AND PROVIDING FOR THE APPOINTMENT OF NOMINEES TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED DURING THE GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 4, 2014;
- (2) DIRECT THE CITY CLERK TO FORWARD A COPY OF THE RESOLUTION TO THE OC REGISTRAR OF VOTERS; AND
- (3) DIRECT THE CITY CLERK TO REFUND TO THE NOMINEES THE DEPOSIT FOR THE CANDIDATE'S STATEMENTS.

ADJOURNMENT

The next Regular Meeting of the City Council will be August 26, 2014, in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

CERTIFICATION

I, PEGGY J. JOHNS, City Clerk of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at Laguna Hills City Hall, Laguna Hills Community Center, and La Paz Center by August 19, 2014.



PEGGY J. JOHNS, CITY CLERK

August 19, 2014

DATE

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (949) 707-2635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 24035 El Toro Road, Laguna Hills, California, during normal business hours.

City Council Members receive no additional compensation or stipend as a result of simultaneously convening meetings of the Laguna Hills Planning Agency.



City of Laguna Hills City Council Meeting Agenda Staff Report

DATE: AUGUST 20, 2014

TO: MAYOR AND COUNCIL MEMBERS

**FROM: PEGGY J. JOHNS
CITY CLERK**

**ISSUE: CANCELLATION OF 2014 GENERAL MUNICIPAL ELECTION AND
APPOINTMENT OF NOMINEES TO THE CITY COUNCIL**

**RECOMMENDATION: THAT THE CITY COUNCIL TAKE THE FOLLOWING
ACTIONS:**

**(1) ADOPT A RESOLUTION ENTITLED: "A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAGUNA HILLS, CALIFORNIA, CANCELLING THE ELECTION AND
PROVIDING FOR THE APPOINTMENT OF NOMINEES TO THE OFFICES OF THIS
CITY THAT WERE TO BE ELECTED DURING THE GENERAL MUNICIPAL ELECTION
ON TUESDAY, NOVEMBER 4, 2014";**

**(2) DIRECT THE CITY CLERK TO FORWARD A COPY OF THE RESOLUTION TO THE
OC REGISTRAR OF VOTERS; AND**

**(3) DIRECT THE CITY CLERK TO REFUND TO THE NOMINEES THE DEPOSIT FOR
THE CANDIDATE'S STATEMENTS.**

SUMMARY:

The City's General Municipal Election is scheduled for Tuesday, November 4, 2014. Three seats on the City Council are up for election. At the close of the extended nomination period, on August 13, 2014, three candidates were nominated for the three seats. State law gives the City Council the option of appointing the nominees to office thereby cancelling the election. The City Clerk caused a Notice to be published in the Orange County Register on August 15, 2014, describing the facts and certifying that at the close of the nomination period on August 13, 2014, there were not more persons nominated than offices to be elected, and that following the 5th day of publication, the City Council could call a Special City Council meeting to consider the courses of action available and either make the appointments or direct that an election be held.

BACKGROUND:

Elections Code Section 10229(a) provides for appointment of a nominee if at the close of the nomination period only one nominee is nominated for an open elective office. The City has faced this same situation in November 1998, and in November 2006, at which time the City Council appointed the nominees to office and, thereby, cancelled the election. Historically, most city councils with the opportunity to appoint the nominees and to cancel an election have taken that action.

If an election were to be held, there is a provision for write-in candidacy. Between September 8, 2014, and October 14, 2014, any person who desires to have his or her name appear on the ballot may file a statement of write-in candidacy. However, if the City Council adopts the proposed Resolution, Elections Code Section 10229(c) provides that any statement of write-in candidacy shall not be accepted by the Elections Official for filing after appointments are made. Elections Code Section 10229(a) and the Resolution state that persons appointed to office shall qualify and serve exactly as if they had been elected in a municipal election. If the City Council adopts the Resolution and makes the appointments, the appointees will take their Oaths of Office at the December 9, 2014, reorganization meeting.

FISCAL IMPACT:

\$21,000 is budgeted to conduct the 2014 General Municipal Election. If the proposed Resolution is adopted, the City will save \$21,000.

ATTACHMENTS:

- Resolution
- Notice and Certificate That There Are Not More Candidates Than Offices to be Elected on November 4, 2014

RESOLUTION NO. 2014-08-20-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, CANCELLING THE ELECTION AND PROVIDING FOR THE APPOINTMENT OF NOMINEES TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED DURING THE GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 4, 2014

WHEREAS, a General Municipal Election is scheduled for Tuesday, November 4, 2014, to fill three seats on the City Council of the City of Laguna Hills; and

WHEREAS, pursuant to Subdivision (a) of Section 10229 of the Elections Code of the State of California, at the close of the extended nomination period on August 13, 2014, there are not more persons nominated than offices to be elected on November 4, 2014, and that Section 10229(a) of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to office the person who has been nominated.
2. Hold the election; and

WHEREAS, the City's election official caused a notice and certification of these facts and the courses of action available to the City Council pursuant to Elections Code Section 10229(a) to be published on August 15, 2014, in the Orange County Register, a newspaper of general circulation.

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

SECTION 1. Pursuant to Subdivision (a) of Section 10229 of the Elections Code of the State of California, the following action is hereby taken:

- A. The following persons are hereby appointed to the offices to which they were nominated:

<u>Nominee</u>	<u>Office</u>
1. Barbara Kogerman	Council Member
2. Melody Carruth	Council Member
3. Don Sedgwick	Council Member

SECTION 2. The General Municipal Election currently scheduled to be held on Tuesday, November 4, 2014, is now, therefore, cancelled.

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

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

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

ANDREW BLOUNT, MAYOR

ATTEST:

PEGGY J. JOHNS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Peggy J. Johns, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2014-08-20-1 adopted by the City Council of the City of Laguna Hills, California, at a Special Meeting thereof held on the 20th day of August 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

PEGGY J. JOHNS, CITY CLERK



**CITY OF LAGUNA HILLS
NOTICE AND CERTIFICATE THAT THERE
ARE NOT MORE CANDIDATES THAN
OFFICES TO BE
ELECTED ON NOVEMBER 4, 2014**

NOTICE IS HEREBY GIVEN and the Elections Official hereby certifies that pursuant to Section 10229 of the Elections Code of the State of California relating to the General Municipal Election in the City of Laguna Hills, to be held on Tuesday, November 4, 2014:

As of the close of the extended nomination period on August 13, 2014, there are not more candidates than offices to be elected.

The persons so nominated are:

Barbara Kogerman
Melody Carruth
Don Sedgwick

That 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. Hold the election if either no one or only one person has been nominated.

After the 5th day following the date of publication of this notice and certificate, the City Council may call a Special Meeting to either make the appointments or direct an election to be held. The persons 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 persons have been appointed to the offices pursuant to (1) and (2) above, the election shall be held.

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

Dated this 14th day of August 2014.

/s/ Peggy J. Johns
PEGGY J. JOHNS, CITY CLERK
City of Laguna Hills

