

REPORT TO CITY COUNCIL

DATE: AUGUST 19, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: KIMBERLY RODRIGUES, CITY CLERK

**SUBJECT: CONSIDERATION OF A RESOLUTION ADDRESSING THE
UPCOMING NOVEMBER 3, 2009 GENERAL MUNICIPAL ELECTION**

A total of three City Council seats are open for this year's general municipal election. The nomination period for the upcoming general municipal election closed on Friday, August 7, 2009. A total of three qualified candidates filed nomination papers. The persons nominated are (incumbents) William D. Koehler, Harry Schwarz, and Denis Weber.

Pursuant to Elections Code Section 10229, the City Clerk provided a certification to the City Council on August 12, 2009 attesting to the fact that there are not more candidates than offices to be elected (please see attached copy of certification). In that certification, it was noted 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; or
2. Appoint to the office any eligible voter if no one has been nominated; or
3. Hold the election if either no one or only one person has been nominated.

Also, pursuant to Section 6061 of the Government Code, a notice of the above facts was published on August 13, 2009 (please see attached copy of public notice).

Regarding this matter, staff has prepared two draft resolutions for the City Council's consideration. The first draft resolution serves to appoint the three individuals nominated and thereby results in the cancellation of the election. The second draft resolution provides for the election to be held as scheduled.

Should the decision be made to cancel this year's general municipal election, approximately \$38,000 will be saved in City election-related expenses.

RECOMMENDATION

Based on the foregoing, it is recommended the City Council consider the two draft resolutions attached to this report, determine if the election will be canceled or if it will be held as scheduled, adopt the appropriate resolution reflecting this action, and direct the City Clerk to file a certified copy with the County of Los Angeles Elections Division.

Attachments: Copy of City Clerk's Certification, Copy of Public Notice, Draft Resolutions No. 1 and No. 2

CITY OF AGOURA HILLS

CITY CLERK'S CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED

I, Kimberly M. Rodrigues, City Clerk of the City of Agoura Hills, do hereby certify that pursuant to Section 10229, Elections Code of the State of California, to the following facts relating to the General Municipal Election to be held on November 3, 2009.

As of the close of the nomination period on August 7, 2009, there are not more candidates than offices to be elected.

The persons so nominated are:

William D. Koehler;
Harry Schwarz; and
Denis Weber.

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. 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 13, 2009, in a newspaper of general circulation in the City pursuant to Section 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet 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 person has been appointed to the offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to Section 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.

Kimberly M. Rodrigues, MMC
City Clerk
Dated: August 12, 2009



**NOTICE THAT THERE ARE NOT MORE CANDIDATES
THAN OFFICES TO BE ELECTED**

NOTICE IS HEREBY GIVEN that pursuant to Section 10229 of the Elections Code of the State of California relating to the General Municipal Election in the City of Agoura Hills to be held Tuesday, November 3, 2009.

As of the close of the nomination period on August 7, 2009, there are not more candidates than offices to be elected. The persons so nominated are:

William D. Koehler
Harry Schwarz
Denis Weber

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. 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.

The City Council will meet on August 19, 2009, at 5:00 p.m., 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 person has been appointed to the offices pursuant to (1) or (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.

Kimberly M. Rodrigues, MMC, City Clerk
City of Agoura Hills
Date Published/Posted: Thursday, August 13, 2009

DRAFT RESOLUTION NO. 1

RESOLUTION NO. 09-1546

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICE(S) OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2009

WHEREAS, pursuant to §10229 of the Elections Code of the State of California, as of the close of the nomination period on August 7, 2009, there are not more candidates than offices to be elected and 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.

WHEREAS, a notice was published on August 13, 2009, in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, does hereby resolve, declare, determine and order as follows:

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

The following persons are being appointed to the offices to which they were nominated:

William D. Koehler
Harry Schwarz
Denis Weber

Section 2. The election scheduled to be held on Tuesday, November 3, 2009, is now 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.

Section 5. That the City Clerk shall be directed to forward a certified copy of this resolution to the County of Los Angeles Elections Division and formally request the cancellation of the election.

DRAFT RESOLUTION NO. 1

PASSED, APPROVED, and ADOPTED this 12th day of August, 2009, by the following vote to
wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

DRAFT RESOLUTION NO. 2

RESOLUTION NO. 09-1547

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, CONFIRMING THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2009, FOR THE ELECTION OF THREE MEMBERS OF CITY COUNCIL

WHEREAS, pursuant to §10229 of the Elections Code of the State of California, as of the close of the nomination period on August 7, 2009, there are not more candidates than offices to be elected and 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.

WHEREAS, a notice was published on August 13, 2009, in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, does hereby resolve, declare, determine and order as follows:

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

The general municipal election will be held as scheduled.

Section 2. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 3. That the City Clerk shall forward a certified copy of this resolution to the County of Los Angeles Elections Division.

PASSED, APPROVED, and ADOPTED this 19th day of August, 2009, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

DRAFT RESOLUTION NO. 2

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk