

REPORT TO CITY COUNCIL

DATE: DECEMBER 1, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: KIMBERLY RODRIGUES, CITY CLERK

SUBJECT: CONSIDERATION OF ORDER FOR APPOINTED MEMBERS OF CITY COUNCIL

At the Special City Council Meeting held on August 26, 2009, the City Council adopted Resolution No. 09-1546 (see attached), providing for the appointment of nominees William D. Koehler, Harry Schwarz, and Denis Weber, to the office(s) of Member of City Council and canceling the November 3, 2009 General Municipal Election.

The appointed nominees have qualified to take office and serve exactly as if elected at a general municipal election for the office of Member of City Council. The formal administration of the oath of office will occur at the reorganization meeting.

Traditionally, the rank of Councilmembers has been based on the order of finish in the elections, with the top vote getter taking the first position, the next in line taking the second, and so on. As no election was held, and no votes were cast, the City Council will be required to select an option to rank the appointed Members of City Council.

The following options are offered for City Council consideration:

1. Retain the 2005 General Municipal Election order (i.e., Weber, Koehler, Schwarz).
2. Be placed in the Secretary of State's 2009 Randomized Alphabet Order (W, K, S).
3. Perform a random drawing (i.e., draw numbers or straws) at the City Council meeting.

The order of the appointed Members of City Council will determine the future rotation for the annual positions of Mayor and Mayor Pro Tem.

RECOMMENDATION

Based on the foregoing, it is recommended the City Council select an option to determine the order of the three newly appointed Members of City Council, and, if Item No. 3 is selected, direct the City Clerk to assist with the random drawing process.

Attachments: 1) Resolution No. 09-1546
 2) 2005 General Municipal Election Statement of Votes Cast
 3) 2009 Secretary of State's Randomized Alphabet Drawing

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, AND CANCELING THE ELECTION

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.

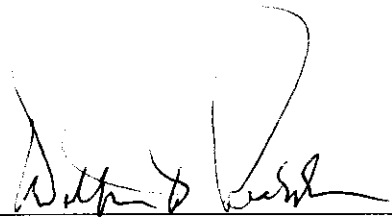
Section 3. The persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

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.

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


AYES: (3) Koehler, Kuperberg, Schwarz
NOES: (0)
ABSTAIN: (0)
ABSENT: (2) Weber, Edelston



William D. Koehler, Mayor Pro Tem

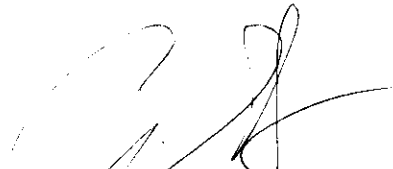
ATTEST:





Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:



Craig A. Steele, City Attorney

**Los Angeles County
Registrar-Recorder/County Clerk**

Certificate of the canvass of the election returns

I, CONNY B. McCORMACK, Registrar-Recorder/County Clerk of the County of Los Angeles, of the State of California, DO HEREBY CERTIFY that pursuant to the provisions of Section 15300 et seq. of the California Elections Code, I did canvass the returns of the votes cast for each elective office and/or measure(s) in


AGOURA HILLS CITY

at the Special Statewide and Consolidated Elections, held on the 8th day of November, 2005.

I, FURTHER CERTIFY that the Statement of Votes Cast, to which this certificate is attached, shows the total number of ballots cast in said Jurisdiction, and the whole number of votes cast for each candidate and/or measure(s) in said Jurisdiction in each of the respective precincts therein, and the totals of the respective columns and the totals as shown for each candidate and/or measure(s) are full, true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 28th day of November, 2005.




CONNY B. McCORMACK
Registrar-Recorder/County Clerk
County of Los Angeles

DEBRA BOWEN

CALIFORNIA SECRETARY OF STATE NEWS RELEASE

DB09:048

FOR IMMEDIATE RELEASE

August 13, 2009

Contact: Nicole Winger

(916) 653-6575

Secretary of State Bowen Announces Results of Randomized Alphabet Drawing for Candidate Order on November 3 Local Election Ballots

SACRAMENTO – Secretary of State Debra Bowen’s office today held a randomized alphabet drawing to determine the order that candidates’ names will appear on the November 3 local election ballots. The results of the drawing are as follows:

- | | | | |
|------|-------|-------|-------|
| 1. T | 8. A | 15. Q | 22. U |
| 2. H | 9. P | 16. Y | 23. B |
| 3. C | 10. W | 17. L | 24. S |
| 4. Z | 11. K | 18. N | 25. M |
| 5. O | 12. F | 19. J | 26. X |
| 6. G | 13. D | 20. V | |
| 7. I | 14. R | 21. E | |

In accordance with Elections Code section 13111(f), the names of candidates on the ballot are arranged based on the randomized alphabet. This alphabet applies throughout the entire last name of the candidate. If the names of two or more candidates begin with the same letter, their ballot listing order is determined by applying the randomized alphabet to the next letter(s) of their names. If last names of multiple candidates are the same, the randomized alphabet also applies to first names.

Today’s randomized alphabet drawing was held in the Elections Division within the Secretary of State’s office in compliance with Elections Code section 13112. Staff members pulled the letters in a lottery-style drawing, with witnesses from media and the public present.

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