

CITY OF HIGHLAND SPECIAL MEETING OF THE CITY COUNCIL AGENDA

SPECIAL MEETING

August 25, 2022

9:30 a.m.

City Hall

Donahue Council Chambers

27215 Base Line

Highland, California

CITY COUNCIL MEMBERS

LARRY McCALLON, MAYOR

PENNY LILBURN, MAYOR PRO TEM

JESSE CHAVEZ, COUNCIL MEMBER

ANAELI SOLANO, COUNCIL MEMBER

JOHN P. TIMMER, COUNCIL MEMBER

STAFF

Joseph A. Hughes - City Manager

Chuck Dantuono - Director of Administrative Services/City Treasurer

Betty Hughes - City Clerk

Lawrence Mainez - Community Development Director

Carlos Zamano - Public Works Director/City Engineer

Maricela Marroquin - City Attorney

MISSION STATEMENT

Highland is dedicated to the betterment of the individual, the family, the neighborhood and the community. The City Council and the staff of Highland are dedicated to providing the quality of public facilities and services that its citizens are willing to fund and will do so as efficiently as possible.

Visit the City's website at: www.cityofhighland.org

The City of Highland complies with the Americans with Disabilities Act of 1990. Please contact the City Clerk's office at (909) 864-6861, ext. 226, at least 72 hours prior to the meeting for any requests for reasonable accommodation to include interpreters.

Pursuant to Government Code Section 54957.5, any disclosable public records related to an open session item on a regular meeting agenda and distributed by the City of Highland to all or a majority of the City Council less than 72 hours prior to that meeting are available for public inspection at City Hall, 27215 Base Line, Highland, CA 92346, during normal business hours.

Submission of Public Comments for ITEMS ON THIS AGENDA ONLY: For those wishing to make public comments by email, please submit your comments by email to be read aloud at the meeting. Email comments must be submitted by 8:30 a.m. on August 25, 2022, to the City Clerk at publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the August 25, 2022 agenda, please identify the agenda item number in the subject line. Members of the public will be permitted to make public comments in person.

CALL AND NOTICE OF A SPECIAL MEETING OF THE HIGHLAND CITY COUNCIL

Donahue Council Chambers – City Hall
27215 Base Line, Highland, California

August 25, 2022 – 9:30 a.m.

NOTICE IS HEREBY GIVEN that a special meeting of the Highland City Council is hereby called to be held on August 25, 2022, at 9:30 a.m. in the City Council Chambers of City Hall located at 27215 Base Line, Highland, California. Said special meeting shall be for the purpose of conducting business in accordance with the attached Agenda.

AGENDA

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT (LIMITED TO ITEMS ON THIS AGENDA ONLY)

To address the City Council, please complete a speaker form located at the entrance and give it to the City Clerk prior to the beginning of the meeting. Your name will be called when it is your turn to speak. Those wishing to speak on an item ON THE AGENDA will be heard at this time. State Law prohibits the City Council from taking action on any item not on the agenda. Individual speakers are limited to three minutes each.

Comments received via email by August 25, 2022, 8:30 a.m., will be read into the record, provided that the reading shall not exceed three (3) minutes. Email comments submitted by a speaker that also appears in person to address the same matter will not be read into the record.

CITY COUNCIL LEGISLATIVE

1. City Clerk's Certification that There are Not More Candidates Than Offices (2) to be Elected in District 2 and District 4
RECOMMENDATION: That the City Council receive and file the City Clerk's Certification that there are not more candidates than offices (2) to be elected in City Council District 2 and District 4, and direct staff accordingly pursuant to California Elections Code § 10229.

ADJOURN

I, Betty Hughes, City Clerk, certify I caused to be posted this Agenda on or before August 18, 2022, by 5:30 p.m., on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: August 18, 2022



Betty Hughes, MMC
City Clerk



STAFF REPORT

TO THE CITY COUNCIL

DATE: August 25, 2022

FROM: Joseph A. Hughes, City Manager

PREPARED BY: Betty Hughes, MMC, City Clerk

SUBJECT: City Clerk's Certification that There are Not More Candidates Than Offices (2) to be Elected in District 2 and District 4

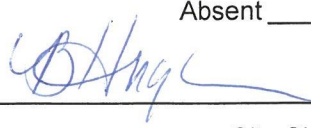
RECOMMENDATION: That the City Council receive and file the City Clerk's Certification that there are not more candidates than offices (2) to be elected in City Council District 2 and District 4 and direct staff accordingly pursuant to California Elections Code § 10229.

FISCAL IMPACT: The County of San Bernardino Registrar of Voters is in the process of preparing cost estimates for the election; \$35,000 has been budgeted. Not holding the election in District 2 and District 4 would result in some savings in an amount yet to be determined.

PUBLIC NOTICE: The agenda for this item was posted at the three locations per Resolution No. 2011-047 and on the City's website, and notice was timely published according to applicable law.

BACKGROUND: On June 14, 2022, City Council adopted Resolution No. 2022-027 calling the General Municipal Election to elect two Members of City Council on November 8, 2022. The Notice of Election was posted and published on July 8, 2022. The nomination period was open from July 18 through August 12, 2022. At the conclusion of the nomination period, only one incumbent candidate was nominated in each district to fill the two four-year terms:

Anaeli Solano – District 2
John P. Timmer – District 4

Approved _____	Motion _____	Second _____	Agenda Item No. <u>1</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
			
City Clerk		City Manager	

The City Clerk's certification confirming that there are not more candidates than offices to be elected was provided to City Council on August 15, 2022.

California Elections Code § 10229 provides that if there are not more candidates than offices to be elected, the City Council has three courses of action to consider:

1. Appoint to the office the person(s) who have been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

If the City Council appoints to the office the person nominated in each district, then the election for all two districts is cancelled and the City Clerk is not to accept any further nominations. The nominees shall take office and serve exactly as if elected at a municipal election. Attached is a proposed resolution if Option 1 is chosen.

Notice of the subject meeting and that there are not more candidates than offices to be elected (2) was published on August 19, 2022, pursuant to Elections Code §10229.

Attachments: City Clerk's Certification
Copy of Newspaper Publication
Proposed Resolution



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

I, Betty Hughes, City Clerk of the City of Highland, do hereby certify pursuant to § 10229 of the Elections Code of the State of California, 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 Friday, August 12, 2022, for Members of the City Council representing District 2 and District 4, there are not more candidates than offices to be elected.

The person(s) so nominated are:

Anaeli Solano	Member of City Council	District 2	4-Years
John P. Timmer	Member of City Council	District 4	4-Years

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(s) 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.

A notice of these facts was posted on Monday, August 15, 2022, and will be published on August 19, 2022, in a newspaper of general circulation in the city pursuant to § 6061 of the Government Code. After the fifth day following the date of the 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.


Betty Hughes, MMC
City Clerk

CALIFORNIA NEWSPAPER SERVICE BUREAU

DAILY JOURNAL CORPORATION

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BETTY HUGHES
HIGHLAND CITY CLERK
27215 BASE LINE
HIGHLAND, CA 92346

COPY OF NOTICE

Notice Type: ELC ELECTION NOTICE

Ad Description

City of Highland Legal Ad - 08/19/2022 (CC Election Cert)

To the right is a copy of the notice you sent to us for publication in the SAN BERNARDINO COUNTY SUN. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

08/19/2022

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication

\$183.20

Total

\$183.20

SBS# 3616435

CITY OF HIGHLAND NOTICE THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED IN DISTRICT 2 AND DISTRICT 4

NOTICE IS HEREBY GIVEN that pursuant to § 10229 of the Elections Code of the State of California relating to the General Municipal Election in the City of Highland to be held on Tuesday, November 8, 2022: As of the close of the nomination period on August 12, 2022, there are not more candidates than offices to be elected in District 2 and District 4. The person so nominated in District 2 is:

Anaeli Solano

The person so nominated in District 4 is:

John P. Timmer

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 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 Council will meet on August 25, 2022, 9:30 a.m., to either make the appointment 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.

Dated: August 15, 2022

Betty Hughes, MMC
City Clerk of the City of Highland
8/19/22

SBS-3616435#



RESOLUTION NO. 2022-045

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO TWO CITY COUNCIL
OFFICES FOR DISTRICT 2 AND DISTRICT 4, AND CANCELLING THE
NOVEMBER 8, 2022 MUNICIPAL ELECTION IN THOSE DISTRICTS**

WHEREAS, pursuant to Section 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 12, 2022, there are not more candidates than offices to be elected in City Council District 2 and District 4, and 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 person(s) who have been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

WHEREAS, a certification of these facts was submitted to the City Council on August 15, 2022, pursuant to Elections Code Section 10229; and

WHEREAS, a notice was timely published and posted on August 19, 2022, in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DOES HEREBY 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:

Pursuant to Elections Code Section 10229(a)(3), the following persons are being appointed to the office to which he or she was nominated:

Anaeli Solano	Member of City Council	District 2	4-Years
John P. Timmer	Member of City Council	District 4	4-Years

SECTION 2. The municipal elections scheduled to be held on Tuesday, November 8, 2022, in District 2 and District 4 are 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. 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 25th day of August, 2022.

Penny Lilburn
Mayor Pro Tem

ATTEST:

Betty Hughes, MMC
City Clerk