



CITY OF HIGHLAND

CITY COUNCIL AGENDA

Special Meeting
August 22, 2024 at 11:30 AM
City Hall Donahue Council Chambers
27215 Base Line, Highland, CA 92346

COUNCILMEMBERS

Penny Lilburn, Mayor
District 3

Larry McCallon, Mayor Pro Tem
District 5

Jesse Chavez-Cordova, Councilmember
District 1

Anaeli Solano, Councilmember
District 2

John P. Timmer, Councilmember
District 4

STAFF

Carlos Zamano, City Manager
Lawrence Mainez, Community Development Director
Leticia Nava-Cruz, Director of Administrative Services/City Treasurer
Maricela Marroquin, City Attorney
Octavio Duran Jr., Public Works Director/City Engineer
Alondra Muñoz, City Clerk

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.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance, 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 accommodations, including 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.

Levine Act: Pursuant to Government Code Section 84308, any party to a City proceeding must disclose on the record any campaign contributions made to a member of the City Council (or commission) in excess of \$250 in the past 12 months. This disclosure requirement includes contributions by the party's agent and aggregated contributions from persons or entities related to the party. Please make the disclosure as soon as possible, but no later than the beginning of the proceeding.

CITY COUNCIL SPECIAL MEETING August 22, 2024 - 11:30 a.m.

NOTICE IS HEREBY GIVEN that a special meeting of the Highland City Council is hereby called to be held on August 22, 2024, at 11:30 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. State Law prohibits the City Council from acting on any item not on the agenda. Individual speakers are limited to three minutes each. Comments received via email by August 22, 2024, 10:30 a.m., will be read into the record, provided that the reading shall not exceed three (3) minutes. Emailed 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 to be Elected in District 1, District 3, and District 5
RECOMMENDATION: That the City Council:
 - 1) Receive and file the City Clerk's Certification that there are not more candidates than offices to be elected in City Council District 1, District 3, and District 5; and
 - 2) Direct staff accordingly pursuant to California Elections Code § 10229.

ADJOURN

I, Alondra Muñoz, City Clerk, certify I caused to be posted this Agenda on or before August 19, 2024, 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 19, 2024



Alondra Muñoz
City Clerk



STAFF REPORT

TO THE CITY COUNCIL

DATE: August 22, 2024

FROM: Carlos Zamano, City Manager

PREPARED BY: Alondra Muñoz, City Clerk

SUBJECT: City Clerk's Certification that There are Not More Candidates Than Offices to be Elected in District 1, District 3, and District 5

RECOMMENDATION: That the City Council:

- 1) Receive and file the City Clerk's Certification that there are not more candidates than offices to be elected in City Council District 1, District 3, and District 5; and
- 2) Direct staff accordingly pursuant to California Elections Code §10229.

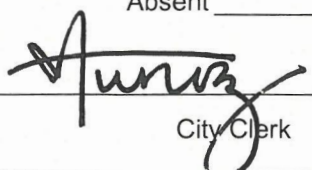
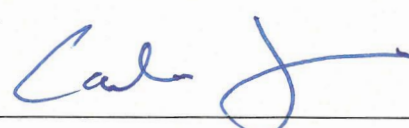
FISCAL IMPACT: The County of San Bernardino Registrar of Voters is in the process of preparing cost estimates for the election; \$35,000 has been budgeted. Not holding the election in District 1, District 3, and District 5 would result in some savings in an amount yet to be determined.

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 12, 2024, City Council adopted Resolution No. 2024-015 calling the General Municipal Election to elect three Members of City Council on November 5, 2024. The Notice of Election was posted and published on July 3, 2024. The nomination period was open from July 15 through August 9, 2024.

At the conclusion of the nomination period on August 9, 2024, only one incumbent candidate was nominated for District 3 and District 5 to fill the four-year term:

- Penny Lilburn - District 3
- Larry McCallon - District 5

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

Per California Elections Code § 10225, the nomination period for District 1 was extended to August 14, 2024. If an eligible incumbent fails to file candidate filing documents by August 9, 2024, there will be a 5-calendar day extension during which any candidate, other than the incumbent may file. At the conclusion of the extended nomination period on August 14, 2024, only one candidate was nominated for District 1 to fill the four-year term:

- Gregory Hogan - District 1

The City Clerk's certification confirming that there are not more candidates than offices to be elected for District 1, District 3, and District 5 was provided to City Council on August 14, 2024.

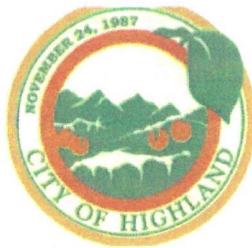
California Elections Code § 10229 provides that if there are not more candidates than offices to be elected, the City Council has three courses of action to consider:

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(s) nominated for District 1, District 3, and District 5, then the election for District 1, District 3, and District 5 is cancelled, and the City Clerk is not to accept any further nominations. The nominee 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 was published on August 17, 2024, pursuant to Elections Code §10229.

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



**CITY CLERK'S CERTIFICATION THAT THERE ARE
NO MORE CANDIDATES THAN OFFICES TO BE ELECTED**

I Alondra Muñoz, City Clerk of the City of Highland, do hereby certify that pursuant to §10229 of the Elections Code of the State of California, to the following facts relating to the General Municipal Election to be held on Tuesday, November 5, 2024:

As of the close of the nomination period on Friday, August 9, 2024, for member(s) of the City Council representing District 3 and District 5, there are not more candidates than offices to be elected.

The person(s) so nominated are:

Penny Lilburn	Member of City Council	District 3	4-Years
Larry McCallon	Member of City Council	District 5	4-Years

As of the close of the nomination period on Wednesday, August 14, 2024, for member(s) of the City Council representing District 1, there are not more candidates than offices to be elected.

The person(s) so nominated are:

Gregory Hogan	Member of City Council	District 1	4-Years
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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.

A notice of these facts will be posted Wednesday, August 14, 2024, and will be published on August 17, 2024, 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(s) has been appointed to the office pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment(s) 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.

Alondra Muñoz
Elections Official

CALIFORNIA NEWSPAPER SERVICE BUREAU

DAILY JOURNAL CORPORATION

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ALONDRA MUÑOZ
HIGHLAND CITY CLERK
27215 BASE LINE
HIGHLAND, CA 92346

COPY OF NOTICE

Notice Type: ELC ELECTION NOTICE

Ad Description

Notice That There Are No More Candidates Than Offices to be Elected

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):

08/17/2024

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.

SBS# 3843629

CITY OF HIGHLAND
NOTICE THAT THERE ARE
NOT MORE CANDIDATES THAN
OFFICES TO BE ELECTED

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 5, 2024:

As of the close of the nomination
period on Friday, August 9, 2024,
there are not more candidates than
offices to be elected for Districts 3
and 5.

The person(s) so nominated are:
Penny Lilburn Member of City
Council District 3
Larry McCallon Member of City
Council District 5

As of the close of the nomination
period on Wednesday, August 14,
2024, there are not more candidates
than offices to be elected for District
1.

The person(s) so nominated are:
Gregory Hogan Member of City
Council District 1

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(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
Thursday, August 22, 2024, 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(s) 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.

Alondra Muñoz
Elections Official
Dated: August 14, 2024
Published: August 17, 2024
8/17/24

SBS-3843629#



RESOLUTION NO. 2024-0XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO ONE CITY COUNCIL OFFICE FOR DISTRICT 1, DISTRICT 3, AND DISTRICT 5, AND CANCELLING THE NOVEMBER 5, 2024 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 9, 2024, there are not more candidates than offices to be elected in City Council District 3 and District 5. As of the close of the extended nomination period on August 14, 2024, there are not more candidates than offices to be elected in City Council District 1. Section 10229 of the California 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 14, 2024, pursuant to Elections Code Section 10229; and

WHEREAS, a notice was posted on August 14, 2024 and timely published on August 17, 2024 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:

Gregory Hogan	Member of City Council	District 1	4-Years
Penny Lilburn	Member of City Council	District 3	4-Years
Larry McCallon	Member of City Council	District 5	4-Years

SECTION 2. The municipal elections scheduled to be held on Tuesday, November 5, 2024, in District 1, District 3, and District 5 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. 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 22nd day of August, 2024.

Penny Lilburn
Mayor

ATTEST:

Alondra Muñoz
Elections Official