CITY OF RANCHO CUCAMONGA

DATE: August 19, 2020
TO: Mayor and Members of the City Council
FROM: John R. Gillison, City Manager
INITIATED BY: Linda A. Troyan, MMC, City Clerk Services Director
SUBJECT: Consideration of Appointment of Unopposed Candidates to City Offices (City Clerk and City Treasurer) and Cancelling the Portion of the November 3, 2020, City Election for those Positions.

RECOMMENDATION:
The City Council has the following options to consider in this matter:

1. Adopt Resolution providing for the appointment of the lone nominated individuals to the offices of City Clerk and City Treasurer and cancelling the election for those offices that was to be held on November 3, 2020, pursuant to Elections Code Section 10229. *(Staff's Recommendation)*

2. Take no action, with the result that the election for the offices of City Clerk and City Treasurer will proceed to be held on November 3, 2020.

BACKGROUND:
The City's General Municipal Election is to be held on Tuesday, November 3, 2020. Scheduled for the ballot at this election are the City Council seats for District 1 and District 4, City Clerk, and City Treasurer. The City Clerk and City Treasurer seats are elected city-wide. No ballot measures qualified for the election.

As of the close of business on Friday, August 7, 2020, the deadline for filing nomination papers, only one candidate for each of the offices of City Clerk and City Treasurer had filed. The persons nominated are Janice C. Reynolds for City Clerk and Jim Harrington for City Treasurer. Janice C. Reynolds is the incumbent having been elected by Rancho Cucamonga voters as City Clerk in 2008, 2012, and again in 2016. Jim Harrington was recently appointed City Treasurer, replacing long time City Treasurer Jim Frost. Their nomination papers were deemed to be complete and sufficient.

ANALYSIS:
Elections Code Section 10229 provides that if by the statutory nomination filing deadline, there are not a greater number of candidates than offices to be elected, and if there are also no qualified ballot measures or more than one person has been nominated to another citywide office, then the City Clerk shall certify these facts to the City Council (Attachment 1), publish a notice of the same, and after the fifth day after such publication, the Council may take one of three courses of action:

1. The Council may appoint to the office the person who has been nominated;

2. The Council may appoint to the office any eligible voter if no one has been nominated ***(not applicable in this situation)***; or

3. The Council may determine to hold the election if either no one or only one person has been nominated.

The primary purpose of holding an election where one person has been nominated for each office would be to allow for the possibility of a write-in candidate winning the seat(s), which is a very rare occurrence. As required by the Elections Code, the City Clerk caused to be published in a newspaper of general circulation in Rancho Cucamonga, (the Inland Valley Daily Bulletin) on August 13, 2020, a public notice titled "Notice that There are Not More Candidates than Offices to be Elected" providing the facts set forth herein and notifying of the Council's authority to either appoint the nominated candidates and cancel the election for those seats, or not. Therefore, the Council has the option to appoint the nominated candidates to those offices and to cancel the City's election for these positions only. Staff recommends this action and has prepared an appropriate Resolution (Attachment 2). Although the Council could choose to hold the election for these two seats, staff does not recommend this action since it will result in the City unnecessarily incurring significant election costs of approximately $350,000 - $400,000.

If the Council appoints the incumbent candidates to the open offices, those appointees will serve in office exactly as if they had been elected, starting their new term in December 2020.

FISCAL IMPACT:
The cancellation of the election for the seats of City Clerk and City Treasurer will result in savings in supplies, services, and personnel costs of between $350,000 - $400,000 of the total election cost budgeted for the November 3, 2020, municipal election.

COUNCIL MISSION / VISION / GOALS ADDRESSED:
Not Applicable.

ATTACHMENTS:
Attachment 1 – Certification that there are not more Candidates than Offices to be Elected
Attachment 2 – Resolution

RESOLUTION NO. 2020-095

A RESOLUTION OF THE CITY COUNCILOF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, PROVIDING FOR THE APPOINTMENT OF THE LONE NOMINATED INDIVIDUALS TO THE OFFICES OF CITY CLERK AND CITY TREASURER AND CANCELLING THE ELECTION FOR THOSE OFFICES THAT WAS TO BE HELD ON NOVEMBER 3, 2020, PURSUANT TO ELECTIONS CODE SECTION 10229

WHEREAS, a municipal election is scheduled for Tuesday, November 3, 2020, to fill the offices of City Treasurer and City Clerk of the City of Rancho Cucamonga.

WHEREAS, the City Clerk gave notice of the election for these offices on June 18, 2020.

WHEREAS, the nomination period for said offices of City Treasurer and City Clerk began on July 13, 2020 and ended on August 7, 2020.

WHEREAS, as of August 7, 2020, only one person had been nominated for each of the offices of City Treasurer and City Clerk.

WHEREAS, the City Clerk has submitted a certification of the above facts to the 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, 2020, 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, 2020 in a newspaper of general circulation pursuant to law.

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

Section 1. The foregoing recitals are true and correct.

Section 2. That pursuant to § 10229 of the Elections Code of the State of California, the following action is being taken:

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

NAME	OFFICE	TERM
Janice C. Reynolds	City Clerk	4 years
Jim Harrington	City Treasurer	4 years

Section 3. The election scheduled to be held on Tuesday, November 3, 2020 for the offices of City Clerk and City Treasurer only is hereby canceled.

Section 4. The persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

Section 5. That 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 19th day of August, 2020.

Lynne B. Kennedy, Mayor Pro Tem

ATTEST:

Janice C. Reynolds, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RANCHO CUCAMONGA)

I, Janice C. Reynolds, City Clerk of the City of Rancho Cucamonga, do hereby certify that the foregoing Resolution was duly passed, approved, and adopted by the City Council of the City of Rancho Cucamonga, at a Regular Meeting of said Council held on the 19th day of August 2020.

AYES:	Hutchison, Kennedy, Scott, Spagnolo
NOES:	None
ABSENT:	Michael
ABSTAINED:	None

Executed this 20th day of August, 2020, at Rancho Cucamonga, California.

Janice C. Reynolds, City Clerk

CITY OF RANCHO CUCAMONGA

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

I, Linda A. Troyan, City Clerk Services Director of the City of Rancho Cucamonga, California, do hereby certify 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, 2020.

As of the close of the nomination period on August 7, 2020, there are not more candidates than offices to be elected for the offices of City Clerk and City Treasurer.

The person so nominated are:

For City Clerk:
Janice C. Reynolds

For City Treasurer:
Jim Harrington

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 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, 2020, 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 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 for those seats 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.

Linda A. Troyan, MMC
City Clerk Services Director
August 11, 2020