



DATE: August 23, 2022

TO: Mayor and Members of the City Council
President and Members of the Boards of Directors

FROM: John R. Gillison, City Manager

INITIATED BY: Elisa Cox, Assistant City Manager
Linda A. Troyan, MMC, City Clerk Services Director

SUBJECT: Consideration of Appointment of Unopposed Candidates to City Offices (Mayor and Member of the City Council, District 3) and Canceling the Portion of the November 8, 2022, City Election for those Offices. **(RESOLUTION NO. 2022-122) (CITY)**

RECOMMENDATION:

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

1. Adopt Resolution No. 2022-122 providing for the appointment of the lone nominated individuals to the offices of Mayor and Member of the City Council, District 3 and canceling the election for those offices that were to be held on November 8, 2022, pursuant to Elections Code Section 10229. (Staff's Recommendation)
2. Take no action, with the result that the election for the offices of Mayor and Member of the City Council, District 3 will proceed to be held on November 8, 2022.

BACKGROUND:

The City's General Municipal Election will be held on Tuesday, November 8, 2022. Scheduled for the ballot at this election are the offices of the Mayor and Member of the City Council for District 1, District 2, and District 3. The Mayor is elected city-wide. No ballot measures qualified for the election.

As of the close of the nomination period on Friday, August 12, 2022, only one candidate for each of the offices of Mayor and Member of the City Council for District 3 filed. The persons nominated are L. Dennis Michael for Mayor and Ryan A. Hutchison for Member of the City Council, District 3. Both are incumbents having been elected by Rancho Cucamonga voters. Their nomination papers were deemed to be complete and sufficient.

ANALYSIS:

Election law allows cities to forgo the expensive election process for City offices where a candidate is running unopposed and therefore, is guaranteed to be the successful candidate upon completion of the election. These candidates may be appointed to their respective offices. California Elections Code §10229 states that the City Clerk must certify these facts to the governing body of the City (Attachment 1) and inform them of the following courses of action they may take:

1. Appoint to the Office the person who has been nominated; or
2. Appoint to the office any eligible elector if no one has been nominated (not applicable in this situation); or
3. Hold the election, if either no one or one person has been nominated.

A notice of these courses of action must be published in the newspaper of general circulation, and the Council may not take action on the appointment until after the fifth day following the publication date. However, the Code requires the appointment to be made by the 75th day before the election, or the election must be held. The 75th day falls on Thursday, August 25, 2022. This is a very short amount of time to accomplish the required actions. The certification notice was published in the Inland Valley Daily Bulletin on August 17, 2022, and posted on the city's website and at City Hall on August 15, 2022.

There will be savings to the City in election costs if the nominees are not included on the November ballot.

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.

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 2022.

FISCAL IMPACT:

Cancellation of the election for the offices of Mayor and Member of the City Council, District 3 will result in savings of between \$125,000 - \$150,000 of the total election cost budgeted for the November 8, 2022, municipal election.

COUNCIL MISSION / VISION / GOAL(S) ADDRESSED:

This item addresses the City Council's vision of providing an opportunity for all to thrive in building a world-class community through the municipal election process.

ATTACHMENTS:

Attachment 1 – Certification that there are not more Candidates than Offices to be Elected
Attachment 2 – Resolution No. 2022-122



**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 8, 2022.

As of the close of the nomination period on August 12, 2022, there are not more candidates than offices to be elected for the offices of Mayor and Member of the City Council, District 3.

The person so nominated are:

For Mayor:

L. Dennis Michael

For Member of the City Council, District 3:

Ryan A. Hutchison

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 17, 2022, 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

Posted: August 15, 2022

Published: August 17, 2022

RESOLUTION NO. 2022-122

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, PROVIDING FOR THE APPOINTMENT OF THE LONE NOMINATED INDIVIDUALS TO THE OFFICES OF MAYOR AND MEMBER OF THE CITY COUNCIL, DISTRICT 3, AND CANCELING THE ELECTION FOR THOSE OFFICES THAT WERE TO BE HELD ON NOVEMBER 8, 2022, PURSUANT TO ELECTIONS CODE SECTION 10229

WHEREAS, a municipal election is scheduled for Tuesday, November 8, 2022, to fill the offices of Mayor and Member of the City Council, District 3 of the City of Rancho Cucamonga; and

WHEREAS, the City Clerk gave notice of the election for these offices on July 5, 2022; and

WHEREAS, the nomination period for said offices of Mayor and Member of the City Council, District 3 began on July 18, 2022, and ended on August 12, 2022; and

WHEREAS, as of August 12, 2022, only one person had been nominated for each of the offices of Mayor and Member of the City Council, District 3: and

WHEREAS, a certification of the above facts was published on August 17, 2022 in a newspaper of general circulation pursuant to law and provided to the City Council; and

WHEREAS, pursuant to § 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 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, by appointing the officers as permitted, the General Fund of the City of Rancho Cucamonga will save approximately \$125,000 – 150,000.

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:

<u>NAME</u>	<u>OFFICE</u>	<u>TERM</u>
L. Dennis Michael	Mayor	4 years
Ryan A. Hutchison	Member of the City Council, District 3	4 years

Section 3. The elections scheduled to be held on Tuesday, November 8, 2022 for the offices of Mayor and Member of the City Council, District 3 only are 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. The City Clerk/Elections Official shall not accept for filing any statement for write-in candidacy after the appointments of the persons nominated to the office of Mayor or Member of the City Council, District 3 have been made.

Section 6. That the City Clerk is directed to transmit a certified copy of this resolution and all other necessary documents to the San Bernardino County Registrar of Voters and the County Board of Supervisors.

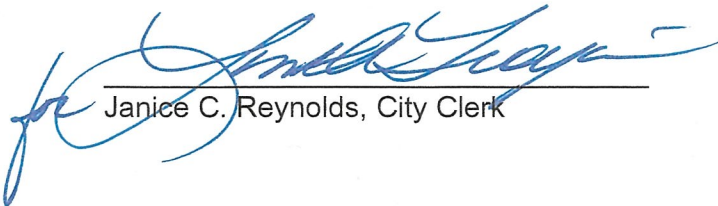
Section 7. This resolution shall become effective immediately upon adoption.

Section 8. 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 23rd day of August 2022.


L. Dennis Michael, Mayor

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 Special Meeting of said Council held on the 23rd day of August 2022.

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



Executed this 24th day of August, 2022, at Rancho Cucamonga, California.

CITY OF RANCHO CUCAMONGA
THE FOREGOING INSTRUMENT IS A CORRECT
COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

ATTEST: August 24, 2022
LINDA W. TROYAN, MMC
CITY CLERK SERVICES DIRECTOR
RANCHO CUCAMONGA, CALIFORNIA

BY: 
Janice C. Reynolds, City Clerk