



City of Big Bear Lake



**NOTICE OF A SPECIAL MEETING
OF THE CITY OF BIG BEAR LAKE
CITY COUNCIL
AUGUST 19, 2014**

To: Mayor Jay Obernolte
Mayor Pro Tem David Caretto
Councilmember Rick Herrick
Councilmember Bob Jackowski
Councilmember Bill Jahn

City Manager
City Attorney
Division Managers
Local Media

NOTICE IS HEREBY GIVEN, that the City Council of the City of Big Bear Lake will hold a Special Meeting Tuesday, August 19, 2014, at 4:15 p.m., at 39707 Big Bear Boulevard, Big Bear Lake, California; said meeting being called pursuant to Section 54956 of the Government Code of the State of California for the purpose of considering the following matters:

Public Communications for only items listed on the Agenda.

Discussion/Action Items

Consideration of Cancelling the November 4, 2014 General Municipal Election and appointment to the Council of the candidates who filed for Offices of the City Council that were to be elected at the November election.

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing notice was posted in accordance with the applicable legal requirements. Dated this 15th day of August, 2014.

Cheri A. Haggerty, City Clerk



**CITY OF BIG BEAR LAKE
CITY COUNCIL
SPECIAL MEETING AGENDA
AUGUST 19, 2014**

Meeting Time: 4:15 p.m.

Meeting Place: 39707 Big Bear Blvd., Big Bear Lake (Executive Conference Room)

OPEN SESSION

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMUNICATIONS: Any member of the public is entitled to speak only on items listed on the agenda.

DISCUSSION/ACTION ITEMS

1.1 Consideration of Cancelling the November 4, 2014 General Municipal Election

Council discussion and possible action to adopt one of two resolutions relating to the November 4, 2014 General Municipal Election, as deemed appropriate: One alternative resolution would provide for the appointment to the Council of the three candidates who filed papers for Offices of the City Council that were to be elected on Tuesday, November 4, 2014, and for cancelling the election. The other alternative resolution would confirm the holding of a General Municipal Election to be held on Tuesday, November 4, 2014, for the election of three members to the City Council, and would direct the City Clerk's Office to file a copy of the Resolution with the County of San Bernardino Registrar of Voters.

ADJOURNMENT

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 15th day of August, 2014.

Cheri A. Haggerty, City Clerk

The City of Big Bear Lake wishes to make all of its public meetings accessible to the public. If you need special assistance to participate in this meeting, please contact the City Clerk's Office at (909) 866-5831. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



AGENDA REPORT

MEETING DATE: August 19, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Mathieu, City Manager

REVIEWED BY: Kathleen Smith, Chief Operations Officer

PREPARED BY: Cheri Haggerty, City Clerk

SUBJECT: **CONSIDERATION OF CANCELLING THE NOVEMBER 4, 2014 GENERAL MUNICIPAL ELECTION**

DISCUSSION:

A total of three City Council seats are open for this year's General Municipal Election. The nomination period for the upcoming General Municipal Election closed on Wednesday, August 13, 2014 at 5:00 p.m. A total of three qualified candidates filed nomination papers, whom are Dave Caretto (incumbent), Rick Herrick (incumbent) and Randall Putz.

Pursuant to Elections Code Section 10229, the City Clerk has attached a certification to the City Council attesting to the fact that there are not more candidates than offices to be elected (Attachment C). That certification noted 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 persons who have been nominated; or
2. Appoint to the office any eligible voter if no one has been nominated (this does not apply to the decision the City Council will be making); or
3. Hold the election if either no one or only one person has been nominated.

Also, in order to fulfill the requirements of Section 10229 of the Elections Code, a notice of the above facts was posted at three public places on August 14, 2014 (Attachment D).

Two resolutions have been prepared for the City Council's consideration regarding this matter. The first draft resolution serves to appoint the three individuals nominated and thereby results in the cancellation of the election in November (Attachment A). The second draft resolution provides for the election to be held as scheduled (Attachment B).

Staff is recommending the City Council consider the two resolutions and discuss which course of action to take: determine if the election will be cancelled or if it will be held as scheduled, and adopt the respective resolution reflecting this action. In addition, direct the City Clerk's Office to file a copy with the County of San Bernardino Registrar of Voters.

FISCAL IMPACT:

Should the Council choose to cancel this year's General Municipal Election, it would result in a cost savings of approximately \$3,000 - \$5,000.

RECOMMENDATION:

It is recommended the City Council consider and discuss adopting one of two resolutions relating to the November 4, 2014 General Municipal Election as is deemed appropriate:

- 1) Resolution No. 2014-XX, providing for the appointment of three members to the Offices of the City Council that were to be elected on Tuesday, November 4, 2014, and cancelling the election.
- 2) Resolution No. 2014-XX, confirming the holding of a General Municipal Election to be held on Tuesday, November 4, 2014, for the election of three members to the City Council.

and in addition, direct the City Clerk's Office to file a copy with the County of San Bernardino Registrar of Voters.

- Attachments:
- A. Draft Resolution – Providing for Appointment and Cancelling the Election
 - B. Draft Resolution – Confirming the Holding of an Election
 - C. Certification
 - D. Public Notice

Attachment A

RESOLUTION NO. 2014-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, PROVIDING FOR THE APPOINTMENTS TO THE OFFICES OF CITY COUNCIL THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 4, 2014, AND CANCELLING THE ELECTION

WHEREAS, pursuant to Section 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 13, 2014, there are not more candidates than offices to be elected 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 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 posted in three public places on August 14, 2014 to meet the requirements pursuant to law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Big Bear Lake does hereby resolve, declare, determine and order as follows:

1. That pursuant to Section 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 and are considered to be the same as being elected, pursuant to Section 10229(a)(3) of the Elections Code:

David Caretto
Rick Herrick
Randall Putz

2. The election scheduled to be held on Tuesday, November 4, 2014, is now cancelled.
3. The persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office of City Council.
4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.
5. That the City Clerk shall be directed to forward a certified copy of this Resolution to the County of San Bernardino Registrar of Voters and formally request the cancellation of the election.

PASSED, APPROVED AND ADOPTED this ____ day of August, 2014.

AYES:
NOES:
ABSENT:
ABSTAIN:

Jay Obernolte, Mayor

ATTEST:

Cheri A. Haggerty, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Cheri A. Haggerty, City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing Resolution, being Resolution No. 2014-XX was duly passed and adopted by the said City Council and attested by the City Clerk of said City, all at a special meeting of the said Council held on the ____ day of August, 2014, and that the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cheri A. Haggerty, City Clerk

Attachment B

RESOLUTION NO. 2014-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, CONFIRMING THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, FOR THE ELECTION OF THREE MEMBERS OF CITY COUNCIL

WHEREAS, pursuant to Section 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 13, 2014, there are not more candidates than offices to be elected 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 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 posted in three public places on August 14, 2014, to meet the requirements pursuant to law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Big Bear Lake does hereby resolve, declare, determine and order as follows:

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

The General Municipal Election will be held as scheduled.

2. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.
3. That the City Clerk shall forward a certified copy of this Resolution to the County of San Bernardino Registrar of Voters.

PASSED, APPROVED AND ADOPTED this ____ day of August, 2014.

AYES:
NOES:
ABSENT:
ABSTAIN:

Jay Obernolte, Mayor

ATTEST:

Cheri A. Haggerty, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Cheri A. Haggerty, City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing Resolution, being Resolution No. 2014-XX was duly passed and adopted by the said City Council and attested by the City Clerk of said City, all at a special meeting of the said Council held on the ____ day of August, 2014, and that the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cheri A. Haggerty, City Clerk

Attachment C



CITY OF BIG BEAR LAKE

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

I, Cheri A. Haggerty, City Clerk of the City of Big Bear Lake, do hereby certify that pursuant to Section 10229, Elections Code of the State of California, the following facts relating to the General Municipal Election to be held on November 4, 2014:

As of the close of the nomination period on August 13, 2014, there were not more candidates than offices to be elected.

The persons so nominated are: Dave Caretto, Rick Herrick and Randall Putz.

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

A notice of these facts was posted at three public places on August 14, 2014, to meet the requirements of Section 10229 of the Elections Code. The City Council is requested to either make the appointments or direct an election to be held. The persons 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 offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to Section 10229 of the Election Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.

Cheri A. Haggerty, CMC
City Clerk
Dated: August 19, 2014

Attachment D



**CITY OF BIG BEAR LAKE
NOTICE THAT THERE ARE NOT MORE CANDIDATES
THAN OFFICES TO BE ELECTED
(C14-20)**

NOTICE IS HEREBY GIVEN THAT PURSUANT TO SECTION 10229 OF THE ELECTIONS CODE OF THE STATE OF CALIFORNIA RELATING TO THE GENERAL MUNICIPAL ELECTION IN THE CITY OF BIG BEAR LAKE TO BE HELD ON TUESDAY, NOVEMBER 4, 2014:

As of the close of the nomination period on August 13, 2014, there are not more candidates than offices to be elected.

The persons so nominated are: Dave Caretto
 Rick Herrick
 Randall Putz

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 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.

The City Council will hold a Special Meeting on Tuesday, August 19, 2014, at 4:15 p.m. to either make the appointment(s) or direct an election to be held. The meeting will take place at the Big Bear Lake Civic Center, located at 39707 Big Bear Blvd. in Big Bear Lake, CA 92315. The persons 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 offices pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to Section 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.

Cheri A. Haggerty
City Clerk

Dated: August 14, 2014