

City of Los Alamitos

CITY COUNCIL AGENDA REPORT

MEETING DATE: August 25, 2022

ITEM NUMBER: 4A

To: Mayor Shelley Hasselbrink & Members of the City Council

Presented By: Windmera Quintanar, City Clerk

Subject: November 8, 2022 Election – Consideration of Appointment of Sole City Council Candidate in District 5

SUMMARY

On May 16, 2022 the City Council took action calling the General Municipal to be held on Tuesday, November 8, 2022, with Districts 4 and 5 City Council seats up for election. At the close of nomination period, only one candidate was nominated for the District 4 seat. Per Elections Code (EC) Section 10229, when only one person has been nominated for a District seat, the City Council may opt to appoint to office the person who has been nominated or proceed with an uncontested election for the District seat.

RECOMMENDATION

1. Appoint to the City Council Shelley Hasselbrink, the only candidate nominated for the District 4 seat; and,
2. Adopt Resolution No. 2022-27, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, PROVIDING FOR THE APPOINTMENT OF SHELLEY HASSELBRINK TO THE DISTRICT 4 CITY COUNCIL SEAT OF THIS CITY THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2022"; and,
3. Direct the City Clerk to prepare the Oath of Office and Certificate of Election for Shelley Hasselbrink for installation at the December 19, 2022, Regular City Council meeting; and,
4. Direct the City Clerk to notify the County of Orange of the cancellation of the District 4 seat at the General Municipal Election on November 8, 2022; and,
5. Direct the City Clerk to refund the deposit of \$500.00, as appropriate, for the cost of printing a 200-word candidate statement; and,

OR

6. Hold the election for the uncontested District 4 City Council seat at the General Municipal Election on November 8, 2022.

BACKGROUND

Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council in situations where only one candidate has been nominated for election in one of the City's voting Districts:

1. Appoint to the office the person who has been nominated; or
2. Hold the election, with the one person that has been nominated uncontested.

DISCUSSION

As of the close of the nomination period on August 12, 2022, only one candidate for District 4, Shelley Hasselbrink, had filed nomination papers with the City Clerk's Office. Pursuant to Section 10229, Elections Code, the City Clerk has submitted to the City Council the Certification That There Are Not More Candidates than Offices to be Elected. On August 18, 2022, the required Notice That There Are Not More Candidates than Offices to be Elected was posted at City Hall and published in the Orange County Register.

The Notice stated that the City Council will hold a meeting on August 25, 2022 to make an appointment for the District 4 City Council seat or direct an election to be held. If the City Council fails to take action by August 25, 2022, the District 4 seat will remain on the ballot for the November 8, 2022 General Municipal Election.

After the fifth day following the date of posting and publication, the City Council may make the appointment or direct an election to be held. Persons appointed for an uncontested City Council seat serve exactly as if elected at a municipal election for the office. If appointed, Shelley Hasselbrink would take office at the December 19, 2022 Regular Council meeting.

Regardless the of the action Council takes tonight, there will still be an Election in the City of Los Alamitos on November 8, 2022 for the District 5 Member of the City Council. Staff has confirmed with the Orange County Registrar of Voters regarding the cost for an election with one or two Council seats. The estimated cost for two Council seats was quoted between \$14,501 - \$17,739. The estimated cost for one Council seat is quoted at \$3,059 - \$3,743.

FISCAL IMPACT

There will be costs for translation and publishing cancellation notices for the District 4 Election. Sufficient funds have been included in the FY 2022-23 budget for this expense.

- Attachment:
1. Resolution No. 2022-27
 2. Notice That There are not More Candidates Than Offices to be Elected
 3. City Clerks Certification That There are not More Candidates that Offices to be Elected

RESOLUTION NO. 2022-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, PROVIDING FOR THE APPOINTMENT OF SHELLEY HASSELBRINK TO THE DISTRICT 4 CITY COUNCIL SEAT OF THIS CITY THAT WAS TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2022

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 for District 4 Member of the City Council 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 18, 2022 in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to § 10229 of the Elections Code of the State of California, the following the following person is being appointed to the office to which she was nominated, and is considered to be the same as being elected, pursuant to § 10229(a)(3) of the Elections Code:

Shelley Hasselbrink District 4 Member of the City Council Four Year Term

SECTION 2. The election for a District 4 Member of the City Council office scheduled to be held on Tuesday, November 8, 2022 is now canceled.

SECTION 3. The person(s) appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

SECTION 4. 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 25th day of August, 2022.

Shelley Hasselbrink, Mayor

ATTEST:

Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LOS ALAMITOS)

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was duly adopted and passed at a special meeting of the City Council on the 25th day of August, 2022, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Windmera Quintanar, MMC, City Clerk



City of Los Alamitos

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

NOTICE IS HEREBY GIVEN pursuant to § 10229 of the Elections Code of the State of California relating to the General Municipal Election in the City of Los Alamitos, California, 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 for District 4 Member of the City Council.

The person so nominated is: Shelley Hasselbrink

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/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 meet on **August 25, 2022**, 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 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.

Windmera Quintanar, MMC, City Clerk

Dated: August 16, 2022



City of Los Alamitos

CITY CLERKS CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify pursuant to § 10229, Elections Code of the State of California, to 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 August 12, 2022, there are not more candidates than offices to be elected for District 4 Member of the City Council.

The person so nominated is: Shelley Hasselbrink

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 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.

A notice of these facts will be published on August 18, 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 publication, the City Council will meet 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 § 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.

Windmera Quintanar, MMC, City Clerk

Dated: August 17, 2022