

CITY OF WILDOMAR CITY COUNCIL AGENDA

CLOSED SESSION - 7:00 P.M.
SPECIAL MEETING IMMEDIATELY FOLLOWING THE
CLOSED SESSION

AUGUST 24, 2016
Council Chambers
23873 Clinton Keith Road, Suite 106, Wildomar CA



Bridgette Moore, Mayor, District 4
Timothy Walker, Mayor Pro Tem, District 3
Ben Benoit, Council Member, District 1
Bob Cashman, Council Member, District 2
Marsha Swanson, Council Member, District 5

Gary Nordquist
City Manager/General Manager

Thomas D. Jex
City Attorney/District Counsel

PLEASE TURN ALL DEVICES TO VIBRATE/MUTE/OFF FOR THE DURATION OF THE MEETING. YOUR COOPERATION IS APPRECIATED.

CALL TO ORDER – CLOSED SESSION - 7:00 P.M.

ROLL CALL

PUBLIC COMMENTS

CLOSED SESSION

The City Council will meet in closed session pursuant to the provisions of Government Code Section 54956.9 (d)(1) to confer with legal counsel with regard to the following two matters of pending litigation:

1. Luwisa Seely v. City of Wildomar; RSC Case number MCC1500316; and
2. SoCal Environmental Justice Alliance v. City of Wildomar and Strata Baxter, LLC; RSC Case No. RIC 1610333.

RECONVENE INTO OPEN SESSION

ANNOUNCEMENTS

ADJOURN CLOSED SESSION

CALL TO ORDER – SPECIAL SESSION

ROLL CALL

FLAG SALUTE

PUBLIC COMMENTS

1.0 CONSENT CALENDAR

1.1 South Coast Air Quality Management District Memorandum of Agreement

RECOMMENDATION: Staff recommends that the City Council authorize the City Manager to sign a Memorandum of Agreement (MOU) with the South Coast Air Quality Management District (SCAQMD) to participate in the Commercial Electric Lawnmower and Cordless Electric Handheld Landscape Equipment Pilot Program.

2.0 GENERAL BUSINESS

1.1 Roth Senate Bill 817 Third Reading

RECOMMENDATION: Staff recommends that the City Council discuss and provide direction to Staff.

1.2 General Municipal Election – District 4

RECOMMENDATION: Staff recommends that the City Council take one of the following actions:

1. Adopt a Resolution entitled:

RESOLUTION NO. 2016 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, PROVIDING FOR THE
APPOINTMENT TO THE OFFICE(S) OF THIS CITY THAT WERE
TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2016

OR

2. Hold the election if either no one or only one person has been nominated.

ADJOURN

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Any person that requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting, may request such modification, accommodation, aid or service by contacting the City Clerk either in person or by phone at 951/677-7751, no later than 10:00 a.m. on the day preceding the scheduled meeting.

I, Debbie A. Lee, Wildomar City Clerk, do certify that on August 23, 2016, by 5:00 p.m., a true and correct copy of this agenda was posted at the three designated posting locations:

Wildomar City Hall, 23873 Clinton Keith Road;
U.S. Post Office, 21392 Palomar Street;
Wildomar Library, 34303 Mission Trail Blvd.



Debbie A. Lee, CMC
City Clerk/HR Manager/Risk Manager

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.1
CONSENT CALENDAR
Meeting Date: August 24, 2016

TO: Mayor and City Council Members
FROM: Gary Nordquist, City Manager
SUBJECT: South Coast Air Quality Management District Memorandum of Agreement

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to sign a Memorandum of Agreement (MOU) with the South Coast Air Quality Management District (SCAQMD) to participate in the Commercial Electric Lawnmower and Cordless Electric Handheld Landscape Equipment Pilot Program.

DISCUSSION:

The City of Wildomar applied to participate in the Lawnmower and Landscape Equipment Program through a grant administered by SCAQMD. The purpose of this program is to replace fossil fueled power equipment with new commercial electric lawnmowers that operate with zero emissions, significantly reduced noise levels, have fewer moving parts, and lower operating costs. This program will allow the City to receive a 60" Mean Green Riding Mower and a 48" Mean Green Stand-On Mower at no cost. In addition, this program will reimburse the City up to \$4,000 towards the purchase of commercial grade cordless electric handheld landscape equipment. This equipment will be used at the Cemetery and Parks.

FISCAL IMPACT:

None

Submitted and Approved By:
Gary Nordquist
City Manager

ATTACHMENTS:

Memorandum of Agreement (MOU)

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

MEMORANDUM OF AGREEMENT

Commercial Electric Lawnmower and Cordless Electric Handheld Landscape Equipment Pilot Program

This Memorandum of Agreement (hereinafter called "Agreement"), is made by and between the South Coast Air Quality Management District (referred to here as "SCAQMD") whose address is 21865 Copley Drive, Diamond Bar, California 91765-4178, USA, and the City of Wildomar whose address is 23873 Clinton Keith Road Suite 201, Wildomar, California 92595.

RECITALS

WHEREAS, the SCAQMD, is the local agency with primary responsibility for regulating stationary source air pollution in the South Coast Basin in the State of California;

WHEREAS, the use of gasoline or diesel commercial lawnmowers within the South Coast Air Basin results in emissions of hydrocarbons, particulate matter, NO_x, and carbon monoxide that adversely impacts air quality;

WHEREAS, advances in battery technology have allowed for the development of commercial electric lawnmowers that operate with zero emissions, significantly reduced noise levels, have fewer moving parts, and lower operating costs as compared to fossil fuel powered equipment;

WHEREAS, the SCAQMD Governing Board approved on Dec. 5, 2014 and expanded on March 4, 2016, funded through an EPA grant, a commercial electric lawnmower pilot project to quantify any long term benefits of this program, such as, emission reductions and reduced operating costs, and to identify any limitations from using commercial electric lawnmowers;

WHEREAS, this pilot commercial electric lawnmower program will help further develop the commercial electric lawnmower market and other incentive programs that SCAQMD and others might implement for commercial electric mowers;

WHEREAS, City of Wildomar, and is located at 23873 Clinton Keith Suite 201, Wildomar, California 92595, is a local government agency, and operates fossil fuel powered lawnmowers and handheld equipment for the upkeep of landscaping within the City of Wildomar.

WHEREAS, the Board also extended the pilot program to allow program participants to be reimbursed for the purchase of commercial grade cordless handheld battery electric landscape equipment. This program will reimburse City of Wildomar up to \$4,000 toward the purchase of commercial grade cordless electric handheld landscape equipment including: \$1,200 per leaf blower (including backpack units), \$400 per hedge trimmer, \$400 per weed trimmer, and \$400 per chain saw. Reimbursements for each piece of equipment may not exceed the purchase price.

WHEREAS, City of Wildomar desires to participate in the commercial electric lawnmower pilot project and therefore agrees to accept the foregoing commercial electric lawnmower equipment and

Commercial Electric Lawnmower and Cordless Electric Handheld Landscape Equipment Pilot Program

any handheld equipment purchased with reimbursement (referred to here as "EQUIPMENT") upon the following terms and conditions in this Agreement;

EQUIPMENT includes the following:

<u>Quantity</u>	<u>Description</u>
1	60" Mean Green Riding Mower <ul style="list-style-type: none">• 6-7 hr battery• 220V fast charger• Mulching rear discharge deck• Internal mount leaf blower• LED headlight kit• Solar Assist Mower Option
1	48" Mean Green Stand on Mower <ul style="list-style-type: none">• 6-7 hr battery• 220V fast charger• Mulching rear discharge deck• Internal mount leaf blower• LED headlight kit
Various	<ul style="list-style-type: none">• Pieces of commercial grade cordless electric handheld landscape equipment, which the City of Wildomar will promptly provide a list of to Kelly Gamino (kgamino@aqmd.gov), the list being incorporated by reference in this Agreement.

WHEREAS, this Agreement is contingent upon the manufacture and delivery of the commercial electric lawnmower (referred to here as "LAWNMOWER") pursuant to contract between SCAQMD and Mean Green Products, LLC; located at 4404 Hamilton Cleves Rd, Unit 2, Hamilton Ohio 45013, and;

WHEREAS, Mean Green Products, LLC will provide training to City of Wildomar on the LAWNMOWER along with a 1 year warranty for LAWNMOWER parts and labor, and with an additional second year warranty for the batteries and frames.

NOW, THEREFORE, in consideration of the above Recitals and the agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties to this Agreement hereby agree as follows:

- 1) City of Wildomar will assume ownership of the EQUIPMENT, warranties and software licenses including all attendant responsibilities and liabilities of ownership, upon delivery of the LAWNMOWER valued at \$46,402.00 and up to \$4,000 for commercial grade cordless electric handheld landscape equipment.
- 2) City of Wildomar agrees that the SCAQMD is not responsible for any problems or damages arising out of the operation of the EQUIPMENT.

- 3) City of Wildomar is responsible for ensuring proper maintenance and coordinating repairs on the EQUIPMENT during and after the expiration of warranty periods.
- 4) City of Wildomar, as their in-kind support of the pilot program, shall submit the report in Attachment A by email to Kelly Gamino (kgamino@aqmd.gov) every quarter for two years starting after the delivery of the LAWNMOWER, along with a final follow up survey to be conducted.
- 5) City of Wildomar agrees to keep the EQUIPMENT in good operating condition (reasonable wear and tear excepted) and to operate the EQUIPMENT as much as feasibly possible for their day to day landscaping operations.
- 6) If City of Wildomar willfully does not comply with the terms of this Agreement or chooses not to continue operation of the EQUIPMENT during the lifetime of this Agreement, City of Wildomar shall relinquish ownership of the EQUIPMENT back to SCAQMD. The SCAQMD may require the EQUIPMENT be delivered to SCAQMD at its offices located at 21865 E. Copley Drive, Diamond Bar, California 91765 or other another reasonable location specified by SCAQMD at City of Wildomar's cost. City of Wildomar shall not transfer the EQUIPMENT to another entity during the lifetime of this Agreement.
- 7) When EQUIPMENT is determined to be past its useful life by City of Wildomar and SCAQMD, the Federal Property Disposition Conditions must be followed:
 - a) The disposition of EQUIPMENT funded in whole or in part with Federal funds, must comply with local, state and federal regulations, including 40 C.F.R. §31.32 or 10 CFR Part 600.232, as applicable. Pursuant to the federal property disposition conditions, City of Wildomar agrees to report to Kelly Gamino (kgamino@aqmd.gov), every 2 years, information relating to the LAWNMOWER, until the LAWNMOWER's fair market value drops below \$5,000 or until the LAWNMOWER is no longer used in accordance with this Agreement. Information to be reported shall include: the serial number or other identification number, the fair market value at the time of the report, location, use and condition of the LAWNMOWER. City of Wildomar shall also notify SCAQMD within thirty (30) days of the EQUIPMENT's sale or transfer, which is only allowed after the lifetime of this Agreement. The requirements of this provision shall survive the expiration of this Agreement.
- 8) City of Wildomar shall provide SCAQMD authorized personnel with access to the EQUIPMENT so that SCAQMD personnel may make site evaluations of the EQUIPMENT. City of Wildomar also shall cooperate with SCAQMD on phone or email inquiries and surveys regarding the EQUIPMENT and its operation.
- 9) City of Wildomar shall hold harmless, indemnify, and defend SCAQMD, its officers, employees, agents, representatives and successors in interest ("SCAQMD Parties") against any and all losses, damages, costs, or expenses (including, but not limited to, reasonable attorneys' fees and expenses, whether or not suit is filed) (collectively, "Losses") which any of the SCAQMD Parties may incur or be required to pay by reason of any personal injury (including death), or property damage to the extent caused by the negligence or willful misconduct of City

of Wildomar, its employees, subcontractors, or agents in: (a) the operation or use of the EQUIPMENT, or (b) the performance of this Agreement.

- 10) SCAQMD Parties shall hold harmless, indemnify, and defend City of Wildomar, its officers, employees, agents, representatives and successors in interest (“City of Wildomar Parties”) against any and all losses, damages, costs, or expenses (including, but not limited to, reasonable attorneys’ fees and expenses, whether or not suit is filed) (collectively, “Losses”) which any of the City of Wildomar Parties may incur or be required to pay by reason of any personal injury (including death), or property damage to the extent caused by the negligence or willful misconduct of SCAQMD, its employees, subcontractors, or agents in the performance of this Agreement.
- 11) This Agreement shall run from the delivery and acceptance of the LAWNMOWER, until two years after City of Wildomar complies with the last report in Paragraph 4, or until the EQUIPMENT is returned pursuant to Paragraph 6, except that the provisions of Paragraphs 7, 9 and 10 hereof shall survive the expiration or earlier termination of this Agreement.
- 12) This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to the conflicts of laws principles thereof. Venue for resolution of disputes hereunder shall be in Los Angeles County.
- 13) This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.
- 14) Neither party shall be liable or deemed to be in default hereunder for any delay or failure of performance under this Agreement or interruption of services resulting from, directly or indirectly, from acts of God, civil or military authority, acts of public enemy or terrorism, war, strikes, labor disputes, shortages of suitable parts, materials, labor or transportation, or any similar cause beyond the reasonable control of such party.
- 15) In the event that any one or more of the provisions contained in this Agreement shall for any reason be held to be unenforceable in any respect by a court of competent jurisdiction, such holding shall not affect any other provisions of this Agreement, and this Agreement shall then be construed as if such unenforceable provisions are not a part hereof.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement on the dates indicated below their signatures.

City of Wildomar

By: _____

Name: _____

Title: _____

Dated : _____

Attachment A – Quarterly Reporting Requirements

Government Agency or Non-Profit: _____

Dates of Reporting Period: _____

Commercial Electric Lawnmower Serial #: _____

Cutting width of Commercial Electric Lawnmower: _____

Current Hourly Log Reading: _____ hrs

Type of fossil powered mower the electric mower replaced (if any): _____

Estimated gallons of gasoline or diesel saved: _____

How many times per week is the equipment used: _____

Describe any equipment problems and/or instances the electric mowers did not perform well:

Recommendations to improve the equipment:

Observed benefits of the electric mower:

Other Comments (if any):

“SCAQMD”:

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT

By: _____
Wayne Nastri, Executive Officer

Dated _____

Approved as to form:

By: 
Kurt Wiese, General Counsel

Dated 7/29/16

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.1
GENERAL BUSINESS
Meeting Date: August 24, 2016

TO: Mayor and City Council Members
FROM: Dan York, Assistant City Manager
SUBJECT: Roth Senate Bill 817 Third Reading

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council discuss and provide direction to Staff.

DISCUSSION:

Senate Bill 817 (Roth) provides a city incorporating after January 1, 2004, and on or before January 1, 2012, with property tax in lieu of vehicle license fees (VLF). The bill establishes a vehicle license adjustment amount based on formula. For Fiscal Year 2016-17 the formula prorates the population of the incorporating city with the population of all the cities in the county, for the most recent VLF adjustment amount for all cities in the county. For FY 2017-18, and each FY thereafter, the formula includes the percentage change from gross taxable assessed valuation (property tax revenues).

The bill provides that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made, pursuant to current law governing state mandated local costs.

This bill results in a one-time shift of approximately \$18 million from the Riverside County Educational Revenue Augmentation Fund (ERAF) to the cities of Jurupa Valley, Eastvale, Menifee, and Wildomar, and permanently re-bases the VLF adjustment amount going forward. The state General Fund would generally backfill the reductions from ERAF based on minimum funding guarantees.

FISCAL IMPACT:

The bill could generate about \$1.8 million in annual revenue to the City of Wildomar.

Submitted and Approved By:
Daniel A. York
Assistant City Manager

ATTACHMENTS:

SB 817 Amended in Assembly August 18, 2016

AMENDED IN ASSEMBLY AUGUST 18, 2016

AMENDED IN SENATE FEBRUARY 22, 2016

SENATE BILL

No. 817

Introduced by Senator Roth
(Coauthor: Assembly Member Melendez)

January 5, 2016

An act to amend Section 97.70 of the Revenue and Taxation Code, relating to local government finance.

LEGISLATIVE COUNSEL'S DIGEST

SB 817, as amended, Roth. Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally provides that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined.

Existing property tax law also requires that, for purposes of determining property tax revenue allocations in each county for the 1992-93 and 1993-94 fiscal years, the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education.

Beginning with the 2004–05 fiscal year and for each fiscal year thereafter, existing law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a Vehicle License Fee Property Tax Compensation Fund that exists in each county treasury. Existing law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities.

This bill would modify these reduction and transfer provisions for a city incorporating after January 1, 2004, and on or before January 1, 2012, for the 2016–17 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

By imposing additional duties upon local tax officials with respect to the allocation of ad valorem property tax revenues, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would incorporate additional changes to Section 97.70 of the Revenue and Taxation Code proposed by AB 448 that would become operative if this bill and AB 448 are both chaptered and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 97.70 of the Revenue and Taxation Code
- 2 is amended to read:
- 3 97.70. Notwithstanding any other law, for the 2004–05 fiscal
- 4 year and for each fiscal year thereafter, all of the following apply:
- 5 (a) (1) (A) The auditor shall reduce the total amount of ad
- 6 valorem property tax revenue that is otherwise required to be
- 7 allocated to a county's Educational Revenue Augmentation Fund
- 8 by the countywide vehicle license fee adjustment amount.

1 (B) If, for the fiscal year, after complying with Section 97.68
2 there is not enough ad valorem property tax revenue that is
3 otherwise required to be allocated to a county Educational Revenue
4 Augmentation Fund for the auditor to complete the allocation
5 reduction required by subparagraph (A), the auditor shall
6 additionally reduce the total amount of ad valorem property tax
7 revenue that is otherwise required to be allocated to all school
8 districts and community college districts in the county for that
9 fiscal year by an amount equal to the difference between the
10 countywide vehicle license fee adjustment amount and the amount
11 of ad valorem property tax revenue that is otherwise required to
12 be allocated to the county Educational Revenue Augmentation
13 Fund for that fiscal year. This reduction for each school district
14 and community college district in the county shall be the percentage
15 share of the total reduction that is equal to the proportion that the
16 total amount of ad valorem property tax revenue that is otherwise
17 required to be allocated to the school district or community college
18 district bears to the total amount of ad valorem property tax revenue
19 that is otherwise required to be allocated to all school districts and
20 community college districts in a county. For purposes of this
21 subparagraph, "school districts" and "community college districts"
22 do not include any districts that are excess tax school entities, as
23 defined in Section 95.

24 (2) The countywide vehicle license fee adjustment amount shall
25 be allocated to the Vehicle License Fee Property Tax Compensation
26 Fund that shall be established in the treasury of each county.

27 (b) (1) The auditor shall allocate moneys in the Vehicle License
28 Fee Property Tax Compensation Fund according to the following:

29 (A) Each city in ~~the~~ a county shall receive its vehicle license
30 fee adjustment amount.

31 (B) Each county and city and county shall receive its vehicle
32 license fee adjustment amount.

33 (2) The auditor shall allocate one-half of the amount specified
34 in paragraph (1) on or before January 31 of each fiscal year, and
35 the other one-half on or before May 31 of each fiscal year.

36 (c) For purposes of this section, all of the following apply:

37 (1) "Vehicle license fee adjustment amount" for a particular
38 city, county, or a city and county means, subject to an adjustment
39 under paragraph (2) and Section 97.71, all of the following:

1 (A) For the 2004–05 fiscal year, an amount equal to the
2 difference between the following two amounts:

3 (i) The estimated total amount of revenue that would have been
4 deposited to the credit of the Motor Vehicle License Fee Account
5 in the Transportation Tax Fund, including any amounts that would
6 have been certified to the Controller by the auditor of the County
7 of Ventura under subdivision (j) of Section 98.02, as that section
8 read on January 1, 2004, for distribution under the law as it read
9 on January 1, 2004, to the county, city and county, or city for the
10 2004–05 fiscal year if the fee otherwise due under the Vehicle
11 License Fee Law (Part 5 (commencing with Section 10701) of
12 Division 2) was 2 percent of the market value of a vehicle, as
13 specified in Sections 10752 and 10752.1 as those sections read on
14 January 1, 2004.

15 (ii) The estimated total amount of revenue that is required to be
16 distributed from the Motor Vehicle License Fee Account in the
17 Transportation Tax Fund to the county, city and county, and each
18 city in the county for the 2004–05 fiscal year under Section 11005,
19 as that section read on the operative date of the act that amended
20 this clause.

21 (B) (i) Subject to an adjustment under clause (ii), for the
22 2005–06 fiscal year, the sum of the following two amounts:

23 (I) The difference between the following two amounts:

24 (ia) The actual total amount of revenue that would have been
25 deposited to the credit of the Motor Vehicle License Fee Account
26 in the Transportation Tax Fund, including any amounts that would
27 have been certified to the Controller by the auditor of the County
28 of Ventura under subdivision (j) of Section 98.02, as that section
29 read on January 1, 2004, for distribution under the law as it read
30 on January 1, 2004, to the county, city and county, or city for the
31 2004–05 fiscal year if the fee otherwise due under the Vehicle
32 License Fee Law (Part 5 (commencing with Section 10701) of
33 Division 2) was 2 percent of the market value of a vehicle, as
34 specified in Sections 10752 and 10752.1 as those sections read on
35 January 1, 2004.

36 (ib) The actual total amount of revenue that was distributed
37 from the Motor Vehicle License Fee Account in the Transportation
38 Tax Fund to the county, city and county, and each city in the county
39 for the 2004–05 fiscal year under Section 11005, as that section

1 read on the operative date of the act that amended this
2 subsubclause.

3 (II) The product of the following two amounts:

4 (ia) The amount described in subclause (I).

5 (ib) The percentage change from the prior fiscal year to the
6 current fiscal year in gross taxable assessed valuation within the
7 jurisdiction of the entity, as reflected in the equalized assessment
8 roll for those fiscal years. For the first fiscal year for which a
9 change in a city's jurisdictional boundaries first applies, the
10 percentage change in gross taxable assessed valuation from the
11 prior fiscal year to the current fiscal year shall be calculated solely
12 on the basis of the city's previous jurisdictional boundaries, without
13 regard to the change in that city's jurisdictional boundaries. For
14 each following fiscal year, the percentage change in gross taxable
15 assessed valuation from the prior fiscal year to the current fiscal
16 year shall be calculated on the basis of the city's current
17 jurisdictional boundaries.

18 (iii) The amount described in clause (i) shall be adjusted as
19 follows:

20 (I) If the amount described in subclause (I) of clause (i) for a
21 particular city, county, or city and county is greater than the amount
22 described in subparagraph (A) for that city, county, or city and
23 county, the amount described in clause (i) shall be increased by
24 an amount equal to this difference.

25 (II) If the amount described in subclause (I) of clause (i) for a
26 particular city, county, or city and county is less than the amount
27 described in subparagraph (A) for that city, county, or city and
28 county, the amount described in clause (i) shall be decreased by
29 an amount equal to this difference.

30 (C) For the 2006–07 fiscal year and for each fiscal year
31 thereafter, the sum of the following two amounts:

32 (i) The vehicle license fee adjustment amount for the prior fiscal
33 year, if Section 97.71 and clause (ii) of subparagraph (B) did not
34 apply for that fiscal year, for that city, county, and city and county.

35 (ii) The product of the following two amounts:

36 (I) The amount described in clause (i).

37 (II) The percentage change from the prior fiscal year to the
38 current fiscal year in gross taxable assessed valuation within the
39 jurisdiction of the entity, as reflected in the equalized assessment
40 roll for those fiscal years. For the first fiscal year for which a

1 change in a city's jurisdictional boundaries first applies, the
2 percentage change in gross taxable assessed valuation from the
3 prior fiscal year to the current fiscal year shall be calculated solely
4 on the basis of the city's previous jurisdictional boundaries, without
5 regard to the change in that city's jurisdictional boundaries. For
6 each following fiscal year, the percentage change in gross taxable
7 assessed valuation from the prior fiscal year to the current fiscal
8 year shall be calculated on the basis of the city's current
9 jurisdictional boundaries.

10 (2) Notwithstanding paragraph (1), "vehicle license fee
11 adjustment amount," for a city incorporating after January 1, 2004,
12 and on or before January 1, 2012, means the following:

13 (A) For the 2016–17 fiscal year, the quotient derived from the
14 following fraction:

15 (i) The numerator is the product of the following two amounts:

16 (I) The sum of the most recent vehicle license fee adjustment
17 amounts determined for all cities in the county.

18 (II) The population of the incorporating city.

19 (ii) The denominator is the sum of the populations of all cities
20 in the county.

21 (B) For the 2017–18 fiscal year, and for each fiscal year
22 thereafter, the sum of the following two amounts:

23 (i) The vehicle license fee adjustment amount for the prior fiscal
24 year.

25 (ii) The product of the following two amounts:

26 (I) The amount described in clause (i).

27 (II) The percentage change from the prior fiscal year to the
28 current fiscal year in gross taxable assessed valuation within the
29 jurisdiction of the entity, as reflected in the equalized assessment
30 roll for those fiscal years.

31 (3) For the 2013–14 fiscal year, the vehicle license fee
32 adjustment amount that is determined under subparagraph (C) of
33 paragraph (1) for the County of Orange shall be increased by
34 fifty-three million dollars (\$53,000,000). For the 2014–15 fiscal
35 year and each fiscal year thereafter, the calculation of the vehicle
36 license fee adjustment amount for the County of Orange under
37 subparagraph (C) of paragraph (1) shall be based on a prior fiscal
38 year amount that reflects the full amount of this one-time increase
39 of fifty-three million dollars (\$53,000,000).

1 (4) "Countywide vehicle license fee adjustment amount" means,
2 for any fiscal year, the total sum of the amounts described in
3 paragraphs (1), (2), and (3) for a county or city and county, and
4 each city in the county.

5 (5) On or before June 30 of each fiscal year, the auditor shall
6 report to the Controller the vehicle license fee adjustment amount
7 for the county and each city in the county for that fiscal year.

8 (d) For the 2005–06 fiscal year and each fiscal year thereafter,
9 the amounts determined under subdivision (a) of Section 96.1, or
10 any successor to that provision, shall not reflect, for a preceding
11 fiscal year, any portion of any allocation required by this section.

12 (e) For purposes of Section 15 of Article XI of the California
13 Constitution, the allocations from a Vehicle License Fee Property
14 Tax Compensation Fund constitute successor taxes that are
15 otherwise required to be allocated to counties and cities, and as
16 successor taxes, the obligation to make those transfers as required
17 by this section shall not be extinguished nor disregarded in any
18 manner that adversely affects the security of, or the ability of, a
19 county or city to pay the principal and interest on any debts or
20 obligations that were funded or secured by that city's or county's
21 allocated share of motor vehicle license fee revenues.

22 (f) This section shall not be construed to do any of the following:

23 (1) Reduce any allocations of excess, additional, or remaining
24 funds that would otherwise have been allocated to county
25 superintendents of schools, cities, counties, and cities and counties
26 pursuant to clause (i) of subparagraph (B) of paragraph (4) of
27 subdivision (d) of Sections 97.2 and 97.3 or Article 4 (commencing
28 with Section 98) had this section not been enacted. The allocations
29 required by this section shall be adjusted to comply with this
30 paragraph.

31 (2) Require an increased ad valorem property tax revenue
32 allocation or increased tax increment allocation to a community
33 redevelopment agency.

34 (3) Alter the manner in which ad valorem property tax revenue
35 growth from fiscal year to fiscal year is otherwise determined or
36 allocated in a county.

37 (4) Reduce ad valorem property tax revenue allocations required
38 under Article 4 (commencing with Section 98).

39 (g) Tax exchange or revenue sharing agreements, entered into
40 prior to the operative date of this section, between local agencies

1 or between local agencies and nonlocal agencies are deemed to be
2 modified to account for the reduced vehicle license fee revenues
3 resulting from the act that added this section. These agreements
4 are modified in that these reduced revenues are, in kind and in lieu
5 thereof, replaced with ad valorem property tax revenue from a
6 Vehicle License Fee Property Tax Compensation Fund or an
7 Educational Revenue Augmentation Fund.

8 SEC. 1.5. Section 97.70 of the Revenue and Taxation Code is
9 amended to read:

10 97.70. Notwithstanding any other law, for the 2004–05 fiscal
11 year and for each fiscal year thereafter, all of the following apply:

12 (a) (1) (A) The auditor shall reduce the total amount of ad
13 valorem property tax revenue that is otherwise required to be
14 allocated to a county's Educational Revenue Augmentation Fund
15 by the countywide vehicle license fee adjustment amount.

16 (B) If, for the fiscal year, after complying with Section 97.68
17 there is not enough ad valorem property tax revenue that is
18 otherwise required to be allocated to a county Educational Revenue
19 Augmentation Fund for the auditor to complete the allocation
20 reduction required by subparagraph (A), the auditor shall
21 additionally reduce the total amount of ad valorem property tax
22 revenue that is otherwise required to be allocated to all school
23 districts and community college districts in the county for that
24 fiscal year by an amount equal to the difference between the
25 countywide vehicle license fee adjustment amount and the amount
26 of ad valorem property tax revenue that is otherwise required to
27 be allocated to the county Educational Revenue Augmentation
28 Fund for that fiscal year. This reduction for each school district
29 and community college district in the county shall be the percentage
30 share of the total reduction that is equal to the proportion that the
31 total amount of ad valorem property tax revenue that is otherwise
32 required to be allocated to the school district or community college
33 district bears to the total amount of ad valorem property tax revenue
34 that is otherwise required to be allocated to all school districts and
35 community college districts in a county. For purposes of this
36 subparagraph, "school districts" and "community college districts"
37 do not include any districts that are excess tax school entities, as
38 defined in Section 95.

1 (2) The countywide vehicle license fee adjustment amount shall
2 be allocated to the Vehicle License Fee Property Tax Compensation
3 Fund that shall be established in the treasury of each county.

4 (b) (1) The auditor shall allocate moneys in the Vehicle License
5 Fee Property Tax Compensation Fund according to the following:

6 (A) Each city in the county shall receive its vehicle license fee
7 adjustment amount.

8 (B) Each county and city and county shall receive its vehicle
9 license fee adjustment amount.

10 (2) The auditor shall allocate one-half of the amount specified
11 in paragraph (1) on or before January 31 of each fiscal year, and
12 the other one-half on or before May 31 of each fiscal year.

13 (c) For purposes of this section, all of the following apply:

14 (1) "Vehicle license fee adjustment amount" for a particular
15 city, county, or a city and county means, subject to an adjustment
16 under paragraph (2) and Section 97.71, all of the following:

17 (A) For the 2004–05 fiscal year, an amount equal to the
18 difference between the following two amounts:

19 (i) The estimated total amount of revenue that would have been
20 deposited to the credit of the Motor Vehicle License Fee Account
21 in the Transportation Tax Fund, including any amounts that would
22 have been certified to the Controller by the auditor of the County
23 of Ventura under subdivision (j) of Section 98.02, as that section
24 read on January 1, 2004, for distribution under the law as it read
25 on January 1, 2004, to the county, city and county, or city for the
26 2004–05 fiscal year if the fee otherwise due under the Vehicle
27 License Fee Law (Part 5 (commencing with Section 10701) of
28 Division 2) was 2 percent of the market value of a vehicle, as
29 specified in Sections 10752 and 10752.1 as those sections read on
30 January 1, 2004.

31 (ii) The estimated total amount of revenue that is required to be
32 distributed from the Motor Vehicle License Fee Account in the
33 Transportation Tax Fund to the county, city and county, and each
34 city in the county for the 2004–05 fiscal year under Section 11005,
35 as that section read on the operative date of the act that amended
36 this clause.

37 (B) (i) Subject to an adjustment under clause (ii), for the
38 2005–06 fiscal year, the sum of the following two amounts:

39 (I) The difference between the following two amounts:

1 (ia) The actual total amount of revenue that would have been
2 deposited to the credit of the Motor Vehicle License Fee Account
3 in the Transportation Tax Fund, including any amounts that would
4 have been certified to the Controller by the auditor of the County
5 of Ventura under subdivision (j) of Section 98.02, as that section
6 read on January 1, 2004, for distribution under the law as it read
7 on January 1, 2004, to the county, city and county, or city for the
8 2004–05 fiscal year if the fee otherwise due under the Vehicle
9 License Fee Law (Part 5 (commencing with Section 10701) of
10 Division 2) was 2 percent of the market value of a vehicle, as
11 specified in Sections 10752 and 10752.1 as those sections read on
12 January 1, 2004.

13 (ib) The actual total amount of revenue that was distributed
14 from the Motor Vehicle License Fee Account in the Transportation
15 Tax Fund to the county, city and county, and each city in the county
16 for the 2004–05 fiscal year under Section 11005, as that section
17 read on the operative date of the act that amended this
18 subsubclause.

19 (II) The product of the following two amounts:

20 (ia) The amount described in subclause (I).

21 (ib) The percentage change from the prior fiscal year to the
22 current fiscal year in gross taxable assessed valuation within the
23 jurisdiction of the entity, as reflected in the equalized assessment
24 roll for those fiscal years. For the first fiscal year for which a
25 change in a city's jurisdictional boundaries first applies, the
26 percentage change in gross taxable assessed valuation from the
27 prior fiscal year to the current fiscal year shall be calculated solely
28 on the basis of the city's previous jurisdictional boundaries, without
29 regard to the change in that city's jurisdictional boundaries. For
30 each following fiscal year, the percentage change in gross taxable
31 assessed valuation from the prior fiscal year to the current fiscal
32 year shall be calculated on the basis of the city's current
33 jurisdictional boundaries.

34 (iii) The amount described in clause (i) shall be adjusted as
35 follows:

36 (I) If the amount described in subclause (I) of clause (i) for a
37 particular city, county, or city and county is greater than the amount
38 described in subparagraph (A) for that city, county, or city and
39 county, the amount described in clause (i) shall be increased by
40 an amount equal to this difference.

1 (II) If the amount described in subclause (I) of clause (i) for a
2 particular city, county, or city and county is less than the amount
3 described in subparagraph (A) for that city, county, or city and
4 county, the amount described in clause (i) shall be decreased by
5 an amount equal to this difference.

6 (C) For the 2006–07 fiscal year, to the 2014–15 fiscal year,
7 inclusive, the sum of the following two amounts:

8 (i) The vehicle license fee adjustment amount for the prior fiscal
9 year, if Section 97.71 and clause (ii) of subparagraph (B) did not
10 apply for that fiscal year, for that city, county, and city and county.

11 (ii) The product of the following two amounts:

12 (I) The amount described in clause (i).

13 (II) The percentage change from the prior fiscal year to the
14 current fiscal year in gross taxable assessed valuation within the
15 jurisdiction of the entity, as reflected in the equalized assessment
16 roll for those fiscal years. For the first fiscal year for which a
17 change in a city’s jurisdictional boundaries first applies, the
18 percentage change in gross taxable assessed valuation from the
19 prior fiscal year to the current fiscal year shall be calculated solely
20 on the basis of the city’s previous jurisdictional boundaries, without
21 regard to the change in that city’s jurisdictional boundaries. For
22 each following fiscal year, the percentage change in gross taxable
23 assessed valuation from the prior fiscal year to the current fiscal
24 year shall be calculated on the basis of the city’s current
25 jurisdictional boundaries.

26 (D) For the 2015–16 fiscal year, the sum of the following two
27 amounts:

28 (i) The amount described in clause (i) of subparagraph (B) if
29 Section 97.71 and clause (ii) of subparagraph (B) did not apply
30 for that fiscal year, for that city, county, and city and county.

31 (ii) The product of the following two amounts:

32 (I) The amount described in clause (i).

33 (II) The percentage change from the 2004–05 fiscal year to the
34 2015–16 fiscal year, inclusive, in gross taxable assessed valuation
35 within the jurisdiction of the entity, as reflected in the equalized
36 assessment roll for those fiscal years.

37 (E) For the 2016–17 fiscal year and each fiscal year thereafter,
38 the sum of the following two amounts:

39 (i) The vehicle license fee adjustment amount for the prior fiscal
40 year.

- 1 (ii) The product of the following two amounts:
2 (I) The amount described in clause (i).
3 (II) The percentage change from the immediately preceding
4 fiscal year to the current fiscal year in gross taxable assessed
5 valuation within the jurisdiction of the entity, as reflected in the
6 equalized assessment roll for those fiscal years.
- 7 (2) Notwithstanding paragraph (1), “vehicle license fee
8 adjustment amount,” for a city incorporating after January 1, 2004,
9 and on or before January 1, 2012, means the following:
10 (A) For the 2016–17 fiscal year, the quotient derived from the
11 following fraction:
12 (i) The numerator is the product of the following two amounts:
13 (I) The sum of the most recent vehicle license fee adjustment
14 amounts determined for all cities in the county.
15 (II) The population of the incorporating city.
16 (ii) The denominator is the sum of the populations of all cities
17 in the county.
18 (B) For the 2017–18 fiscal year, and for each fiscal year
19 thereafter, the sum of the following two amounts:
20 (i) The vehicle license fee adjustment amount for the prior fiscal
21 year.
22 (ii) The product of the following two amounts:
23 (I) The amount described in clause (i).
24 (II) The percentage change from the prior fiscal year to the
25 current fiscal year in gross taxable assessed valuation within the
26 jurisdiction of the entity, as reflected in the equalized assessment
27 roll for those fiscal years.
- 28 (3) For the 2013–14 fiscal year, the vehicle license fee
29 adjustment amount that is determined under subparagraph (C) of
30 paragraph (1) for the County of Orange shall be increased by
31 fifty-three million dollars (\$53,000,000). For the 2014–15 fiscal
32 year and each fiscal year thereafter, the calculation of the vehicle
33 license fee adjustment amount for the County of Orange under
34 subparagraph (C), (D), or (E), as applicable, of paragraph (1) shall
35 be based on a prior fiscal year amount that reflects the full amount
36 of this one-time increase of fifty-three million dollars
37 (\$53,000,000).
- 38 (4) “Countywide vehicle license fee adjustment amount” means,
39 for any fiscal year, the total sum of the amounts described in

1 paragraphs (1), (2), and (3) for a county or city and county, and
2 each city in the county.

3 (5) On or before June 30 of each fiscal year, the auditor shall
4 report to the Controller the vehicle license fee adjustment amount
5 for the county and each city in the county for that fiscal year.

6 (d) For the 2005–06 fiscal year and each fiscal year thereafter,
7 the amounts determined under subdivision (a) of Section 96.1, or
8 any successor to that provision, shall not reflect, for a preceding
9 fiscal year, any portion of any allocation required by this section.

10 (e) For purposes of Section 15 of Article XI of the California
11 Constitution, the allocations from a Vehicle License Fee Property
12 Tax Compensation Fund constitute successor taxes that are
13 otherwise required to be allocated to counties and cities, and as
14 successor taxes, the obligation to make those transfers as required
15 by this section shall not be extinguished nor disregarded in any
16 manner that adversely affects the security of, or the ability of, a
17 county or city to pay the principal and interest on any debts or
18 obligations that were funded or secured by that city's or county's
19 allocated share of motor vehicle license fee revenues.

20 (f) This section shall not be construed to do any of the following:

21 (1) Reduce any allocations of excess, additional, or remaining
22 funds that would otherwise have been allocated to county
23 superintendents of schools, cities, counties, and cities and counties
24 pursuant to clause (i) of subparagraph (B) of paragraph (4) of
25 subdivision (d) of Sections 97.2 and 97.3 or Article 4 (commencing
26 with Section 98) had this section not been enacted. The allocations
27 required by this section shall be adjusted to comply with this
28 paragraph.

29 (2) Require an increased ad valorem property tax revenue
30 allocation or increased tax increment allocation to a community
31 redevelopment agency.

32 (3) Alter the manner in which ad valorem property tax revenue
33 growth from fiscal year to fiscal year is otherwise determined or
34 allocated in a county.

35 (4) Reduce ad valorem property tax revenue allocations required
36 under Article 4 (commencing with Section 98).

37 (g) Tax exchange or revenue sharing agreements, entered into
38 prior to the operative date of this section, between local agencies
39 or between local agencies and nonlocal agencies are deemed to be
40 modified to account for the reduced vehicle license fee revenues

1 resulting from the act that added this section. These agreements
2 are modified in that these reduced revenues are, in kind and in lieu
3 thereof, replaced with ad valorem property tax revenue from a
4 Vehicle License Fee Property Tax Compensation Fund or an
5 Educational Revenue Augmentation Fund.

6 SEC. 2. Section 1.5 of this bill incorporates amendments to
7 Section 97.70 of the Revenue and Taxation Code proposed by this
8 bill and Assembly Bill 448. It shall only become operative if (1)
9 both bills are enacted and become effective on or before January
10 1, 2017, (2) each bill amends Section 97.70 of the Revenue and
11 Taxation Code, and (3) this bill is enacted after Assembly Bill 448,
12 in which case Section 97.70 of the Revenue and Taxation Code,
13 as amended by Assembly Bill 448, shall remain operative only
14 until the operative date of this bill, at which time Section 1.5 of
15 this bill shall become operative, and Section 1 of this bill shall not
16 become operative.

17 SEC. 3. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.2
GENERAL BUSINESS
Meeting Date: August 24, 2016

TO: Mayor and City Council Members
FROM: Debbie A. Lee, City Clerk
SUBJECT: General Municipal Election – District 4

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council take one of the following actions:

1. Adopt a Resolution entitled:

RESOLUTION NO. 2016 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICE(S)
OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER
8, 2016

OR

2. Hold the election if either no one or only one person has been nominated.

DISCUSSION:

Earlier this year the City was forced to move from an At-Large election system to a By District election system. After the required three public hearings the City Council approved the five districts for the By District system.

In June the City Council called for the General Municipal Election for District 2 (Councilman Cashman) and District 4 (Councilwoman Moore). On July 18 the nomination period opened for these two Districts. At the end of the nomination period on August 12 Dustin Nigg had qualified for District 2, and Councilwoman Moore qualified for District 4.

Since Councilman Cashman declared he would not seek re-election and did not file his papers the extended nomination period occurred in District 2 for everyone in that District except for Councilman Cashman. The extended period ended on August 17 and at that time Linda Gonzales qualified for the ballot in District 2. This means there are two candidates in District 2 and therefore the election will continue in that District.

Councilwoman Moore did qualify in time for District 4 and the nomination period ended on August 12 for that District. She is unopposed as no one else came forward and qualified by the end of the nomination period.

For District 4 the City Clerk's Office did issue a Certification and Notice that there are not more candidates than offices to be elected at the November 8, 2016 General Municipal Election for the City of Wildomar as required by §10229 of the Elections Code of the State of California. The notice was published in the Press Enterprise on Thursday, August 18 and the required five day waiting period before action can be taken has been completed.

At this time it would appropriate for the City Council to take action as it relates to only District 4. This action has to be completed no later than 5:00 p.m. on August 25 or the election will go on as scheduled.

Additionally, at the end of the nomination period, August 12, there was only one candidate who did qualify for the ballot. Due to the time deadlines the newspaper has, and the time constraints of the Elections Code, the City Clerk's Office did issue a Certification and Notice that there are not more candidates than offices to be elected at the November 8, 2016 General Municipal Election for the City of Wildomar as required by §10229 of the Elections Code of the State of California for District 2 also. Since there are now two qualified candidates in that District the City Clerk's Office did rescind said Certification and Notice and has sent the ad to the Press Enterprise. This ad is scheduled to be run on August 25. The election in District 2 will go forward.

FISCAL IMPACT:

Approximately \$5,000 - \$7,000 could be saved. At the time this election was budgeted for we were still in an At Large election system and therefore \$35,000 was budgeted. This being our first By District election we can only estimate the cost savings for cancelling the District 4 election.

Submitted By:
Debbie A. Lee, CMC
City Clerk

Approved By:
Gary Nordquist
City Manager

ATTACHMENTS:

1. Resolution
2. Rescind Notice in District 2

ATTACHMENT 1

RESOLUTION NO. 2016 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 8, 2016 IN DISTRICT 4

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 12, 2016, in District 4, 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, the City Clerk's certification that there were not more candidates than offices to be elected in District 4 was submitted to the City Council and is attached as Exhibit A; and

WHEREAS, a notice was published on August 18, 2016 in a newspaper of general circulation pursuant to law and is attached as Exhibit B.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILDOMAR, 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 action is being taken:

In **District 4** 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.

NAME	OFFICE	TERM
Bridgette Moore	Member of the City Council	Full 4 Year Term

SECTION 2. The election scheduled to be held in District 4 on Tuesday, November 8, 2016, is now canceled.

SECTION 3. The person appointed 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 24th day of August, 2016.

By: Timothy Walker
Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk

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

I, Debbie A. Lee, City Clerk of the City of Wildomar, California, do hereby certify that 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, 2016:

In **District 4**, as of the close of the nomination period on August 12, 2016, there are not more candidates than offices to be elected.

The person so nominated is: Bridgette Moore.

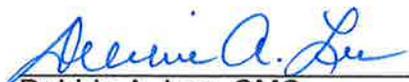
That § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

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.

A notice of these facts will be published on August 18, 2016, 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 appointment or direct an election to be held. The person appointed 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 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.



Debbie A. Lee, CMC
City Clerk

NOTICE THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED AT THE NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION FOR THE CITY OF WILDOMAR

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 Wildomar, California to be held on Tuesday, November 8, 2016:

In **District 4**, as of the close of the nomination period on August 12, 2016, there are not more candidates than offices to be elected.

The person so nominated is: Bridgette Moore.

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 hold a special meeting on Wednesday, August 24, 2016, at 6:30 p.m. at the City of Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 106, Wildomar, CA to either make the appointment or direct an election to be held. The person 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 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.



Debbie A. Lee, CMC
City Clerk

Dated: August 12, 2016

ATTACHMENT 2

NOTICE IS HEREBY GIVEN THAT THE FOLLOWING AD IS RESCINDED:

NOTICE THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED AT THE NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION FOR THE CITY OF WILDOMAR

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 Wildomar, California to be held on Tuesday, November 8, 2016:

In **District 2**, as of the close of the nomination period on August 17, 2016, there are not more candidates than offices to be elected.

The person so nominated is: Dustin Nigg.

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 hold a special meeting on Wednesday, August 24, 2016, at 6:30 p.m. at the City of Wildomar Council Chambers, 23873 Clinton Keith Road, Suite 106, Wildomar, CA to either make the appointment or direct an election to be held. The person appointed 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 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.

Debbie A. Lee, CMC
City Clerk

Dated: August 17, 2016