

CITY OF WILDOMAR CITY COUNCIL AGENDA

5:00 P.M. – SPECIAL MEETING

August 19, 2020

Pursuant to Governor Newsom's Executive Orders N-25-20 and N-29-20, the City Council/ Cemetery District Meeting will be conducted electronically via video and teleconferencing.



Dustin Nigg, Mayor/Chair, District 2
Bridgette Moore, Mayor Pro Tem/Vice Chair, District 4
Ben J. Benoit, Council Member/Trustee, District 1
Joseph Morabito, Council Member/Trustee, District 3
Marsha Swanson, Council Member/Trustee, District 5

Gary Nordquist
City Manager/General Manager

Thomas D. Jex
City Attorney/District Counsel

The City Council/ Cemetery District Meeting will be conducted electronically via video and teleconferencing pursuant to the provisions of the Governor's Executive Order N-29-20

The City of Wildomar encourages your participation in the meeting; however, in order to minimize the spread of the COVID-19 virus, this meeting is being conducted utilizing video and teleconferencing. The City Council Chambers will not be open to the public. The public may view the meeting on television and/or online and may participate via ZOOM video conferencing.

You may view the Regular Session meeting live on the City of Wildomar's website at <http://www.cityofwildomar.org> or on cable TV through Frontier Channel 36 or AT&T channel 99. To view from the website, select the live stream link on the top of the front page.

Instructions for Electronic Participation

If you would like to make a public comment and/or a comment on a specific agenda item, please follow the following instructions:

1. Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.
2. Log in or call into ZOOM via desktop/laptop, smartphone or telephone. You must download the ZOOM app to access the link from an Apple smartphone.

Join Zoom Meeting
<https://us02web.zoom.us/j/81619793950>

OR

Dial in:
+1 669 900 6833 US

Meeting ID: 816 1979 3950

Please Note: During the meeting all participants video will be turned off during the entire meeting and you will be placed on Mute by the host. You will not be able to mute or unmute your lines manually. The host will unmute your line when you are called to speak.

3. During Public Comment not on the Agenda and after each Agenda Item, the Mayor will announce Public Comment. If you would like to speak, please raise your hand virtually to be placed in the queue.

When your name or the last 3 digits of your phone number are called, the host will unmute you. Public Comments will be limited to 3 minutes or such other time as the Council may provide.

Directions to virtually raise hand on a DESKTOP/LAPTOP:

- Click on the “**Participants**” button on the bottom of the screen.
- A list of participants will appear on the right side of the screen. At the bottom of the list, please click on the grey “**Raise Hand**” button.

Directions to virtually raise hand on a SMARTPHONE:

- Click on the “**Participants**” button on the bottom of your screen.
- A new screen will pop up with the list of participants. Look for the “**Raise Hand**” button on the screen and click the button.

Directions to virtually raise hand on a TELEPHONE line only:

- **Dial *9** on your keypad to signal that you would like to comment.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Clerk’s Office at 951-677-7751 x210.

The City of Wildomar thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.

NOTICE: City Council meetings may be live-streamed, photographed and/or videotaped. Participation at the meeting constitutes consent by members of the public to the City’s and any third party’s use in any media, without compensation or further notice, of audio, video, and/or pictures of meeting attendees.

CALL TO ORDER – SPECIAL SESSION - 5:00 P.M.

ROLL CALL

FLAG SALUTE

APPROVAL OF THE AGENDA AS PRESENTED

The City Council to approve the agenda as it is herein presented, or, if it is the desire of the City Council, the agenda can be reordered, added to, or have items tabled at this time.

1.0 CONSENT CALENDAR

There are no items scheduled.

2.0 PUBLIC HEARINGS

There are no items scheduled.

3.0 GENERAL BUSINESS

3.1 General Municipal Election – District 2

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

1. Adopt a Resolution entitled:

RESOLUTION NO. 2020 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICE
OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY,
NOVEMBER 3, 2020 IN DISTRICT 2

OR

2. Hold the election if only one person has been nominated.

ADJOURN

REPORTS: All agenda items and reports are available for review at City Hall, 23873 Clinton Keith Road and on the City's website at the following address: http://www.cityofwildomar.org/government/agendas___minutes. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available by appointment for public inspection at City Hall during regular business hours.

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.

I, Janet Morales, Wildomar Acting City Clerk, do certify that within 24 hours of the meeting, a true and correct copy of this agenda was posted at Wildomar City Hall, 23873 Clinton Keith Road and on the City's website at www.cityofwildomar.org.



Janet Morales
Acting City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.1
GENERAL BUSINESS
Meeting Date: August 19, 2020

TO: Mayor and City Council Members
FROM: Janet Morales, Acting City Clerk
SUBJECT: General Municipal Election – District 2

STAFF REPORT

RECOMMENDATION:

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

1. Adopt a Resolution entitled:

RESOLUTION NO. 2020 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICE OF THIS
CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2020 IN
DISTRICT 2

OR

2. Hold the election if only one person has been nominated.

DISCUSSION:

On June 10, 2020, the City Council called for the General Municipal Election for District 2 (Councilmember Nigg) and District 4 (Councilmember Moore). On July 13th, the nomination period opened for these two Districts. At the end of the nomination period on August 7th, Dustin Nigg qualified for District 2, and Kenneth Mayes and Bridgette Moore qualified for District 4.

Since both incumbents filed and qualified in their districts, there was no extension of the nomination period for both districts. At the close of the nomination period, only one Candidate Qualified for District 2 (Dustin Nigg) and two Candidates Qualified for District 4 (Kenneth Mayes, Bridgette Moore). Since there are two candidates in District 4, the election will continue in that District.

Since Dustin Nigg is the only candidate that was nominated and qualified in District 2, the Council has the option to adopt one of the following:

1. Appoint the person who was nominated.

2. Hold the Election.

The City Clerk's Office did publish a Notice that there are not more candidates than offices to be elected at the November 3, 2020 General Municipal Election for the City of Wildomar District 2 as required by §10229 of the Elections Code of the State of California. (Exhibit B to the Resolution). The notice was published in the Press Enterprise on Thursday, August 13, 2020 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 2. This action has to be completed no later than 5:00 p.m. on August 20th, or the election will go on as scheduled (Dustin Nigg's name will remain on the ballot, and write-in candidates will be accepted and processed, if they are received, for District 2 in accordance with the Election Code).

FISCAL IMPACT:

Approximately \$8,000 - \$10,000 could be saved by cancelling the Election in District 2.

Submitted By:
Janet Morales
Acting City Clerk

Approved By:
Gary Nordquist
City Manager

ATTACHMENTS:

1. Resolution w/ Exhibits A & B

RESOLUTION NO. 2020 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICE OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2020 IN DISTRICT 2

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 7, 2020, in District 2, 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. 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 2 was submitted to the City Council and is attached as Exhibit A; and

WHEREAS, a notice was published on August 13, 2020 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 2** the following person is being appointed to the office to which he was nominated, and is considered to be the same as being elected, pursuant to § 10229(a)(3) of the Elections Code.

NAME	OFFICE	TERM
Dustin Nigg	Member of the City Council	Full 4 Year Term

SECTION 2. The election scheduled to be held in District 2 on Tuesday, November 3, 2020, 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 19th day of August, 2020.

Dustin Nigg
Mayor

APPROVED AS TO FORM:

Thomas D. Jex
City Attorney

ATTEST:

Janet Morales
Acting City Clerk

Exhibit A

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

I, Janet Morales, Acting 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 3, 2020:

In **District 2**, as of the close of the nomination period on August 7, 2020, 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 who has been nominated.
2. Hold the election if either no one or only one person has been nominated.

A notice of these facts was published on August 13, 2020, 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.

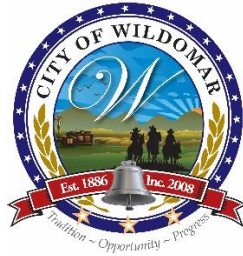
If, by the 75th day before the municipal election, no person has been appointed to the office pursuant to (1) or (2) above, the election shall be held.

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.



Janet Morales
Acting City Clerk

Exhibit B



NOTICE THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED AT THE NOVEMBER 3, 2020 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 to be held on Tuesday, November 3, 2020:

As of the close of the nomination period on August 7, 2020, there are not more candidates than offices to be elected in **City Council, Council District 2**.

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 who has been nominated.
2. Hold the election if only one person has been nominated.

The City Council will meet on August 19, 2020, at 5:00 p.m. 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 above, the election shall be held.

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

Janet Morales
Acting City Clerk
Dated: 08/13/2020