



AGENDA REPORT

Meeting Date: December 17, 2014
Item Number: C-1
To: Honorable Mayor & City Council
From: Byron Pope, City Clerk
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, MARCH 3, 2015

Attachments:

1. Resolution
2. Notice
3. City Clerk's Certification

RECOMMENDATION

It is recommended that the City Council adopt a Resolution appointing to the two offices of Councilmember and cancelling the March 3, 2015 election pursuant to the Election Code.

INTRODUCTION

On October 21, 2014, the City Council adopted Resolution No. 14-R-13010 calling and giving notice of the holding of a regular municipal election to be held on Tuesday, March 3, 2015, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities; Resolution No. 14-R-13011 consenting to an election consolidation with the City of Los Angeles, including the Los Angeles Community College District and the Los Angeles Unified School District and ordering that the four (4) seats on the Board of Trustees of the Los Angeles Community College District and the one (1) seat on the Board of Education of the Los Angeles Unified School District appear on the ballot of the regular municipal election to be held on Tuesday, March 3, 2015; Resolution No. 14-R-13012 requesting the Board of Supervisors of the County of Los Angeles to direct the County Registrar/Recorder to render specified services to the City relating to the conduct of a regular municipal

election to be held on Tuesday, March 3, 2015; and Resolution No. 14-R-13013 adopting regulations for candidates for elective office pertaining to candidates' statements submitted to the voters at the regular municipal election to be held on Tuesday, March 3, 2015.

The City Clerk published and posted the Notice of Election and the nomination period for two Councilmembers began on November 10, 2014 and closed on December 5, 2014 at 5:00 pm.

DISCUSSION

As of the close of the nomination period on Friday, December 5, 2014, there were not more candidates than offices to be elected. Pursuant to § 10229 of the Elections Code of the State of California, it 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.

Pursuant to the Election Code, the Notice That There are Not More Candidates Than Offices to be Elected was published in the Beverly Hills Weekly on December 11, 2014 and The Beverly Hills Courier on December 12, 2014, and posted in all of the normal posting locations utilized for public noticing.

Pursuant to §10229 of the Elections Code of the State of California, the City Council is being requested to adopt a resolution appointing the individuals below to the office(s) to which they were nominated:

<u>NAME</u>	<u>OFFICE</u>	<u>TERM</u>
Lili Bosse	Member of the City Council	Four Years
Julian A. Gold, MD	Member of the City Council	Four Years

If the City Council adopts the resolution, the election scheduled to be held on Tuesday, March 3, 2015, will be cancelled and not be held. The person(s) appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

ALTERNATIVES

1. Adopt the proposed resolution appointing to the two offices of Councilmember and cancelling the March 3, 2015 election pursuant to the Election Code and avoid additional expenses associated with conducting the municipal election which are estimated at \$250,000.
2. Do not adopt the proposed resolution and proceed with municipal election as scheduled including associated costs estimated above.

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If the City Council decide not to adopt the resolution, the election would be held as previously called for in Resolution No. 14-R-13010.

FISCAL IMPACT

The cost budgeted for the upcoming March 3, 2015 Municipal Election is approximately \$250,000.

If the City Council adopts the proposed resolution, the only associated costs would be those that have already been incurred.

Byron Pope
Approved By

A handwritten signature in black ink, consisting of the letters 'BP' in a stylized, cursive font.

Attachment 1

RESOLUTION NO. 14-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, MARCH 3, 2015

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on December 5, 2014, 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, a notice was published on December 11, 2014 in a newspaper of general circulation pursuant to the law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, 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:

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 § 10229(a) (3) of the Elections Code:**

1. LILI BOSSE - Member of the City Council
2. JULIAN A. GOLD, MD - Member of the City Council

SECTION 2. The election scheduled to be held on Tuesday, March 3, 2015, is now canceled.

SECTION 3. The persons 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.

ADOPTED:

LILI BOSSE
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



JEFFREY C. KOLIN
City Manager

Attachment 2



Byron Pope, MMC
City Clerk

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

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 Beverly Hills to be held on Tuesday, March 3, 2015:

As of the close of the nomination period on Friday, December 5, 2014, there are not more candidates than offices to be elected.

The person(s) so nominated are:

Lili Bosse
Julian A. Gold, MD

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 Wednesday, December 17, 2014 at 1:00pm, to either make the appointment(s) or direct an election to be held. The person(s) appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

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



City Clerk

Dated: December 9, 2014

Attachment 3



Byron Pope, MMC
City Clerk

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

I, Byron Pope, City Clerk of the City of Beverly Hills, 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, March 3, 2015:

As of the close of the nomination period on Friday, December 5, 2014, there are not more candidates than offices to be elected.

The person(s) so nominated are:

Lili Bosse
Julian A. Gold, MD

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 Thursday, December 11, 2014 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(s) or direct an election to be held. The person(s) appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

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


City Clerk

Dated: December 9, 2014