



CITY COUNCIL/CEMETERY DISTRICT - SPECIAL MEETING

WEDNESDAY, AUGUST 24, 2022

**COUNCIL CHAMBERS 23873 CLINTON KEITH ROAD SUITE 106 WILDOMAR, CA 92595
SPECIAL SESSION 5:30 PM**

Ben J. Benoit - Mayor/ Chair | District 1
Joseph Morabito - Mayor Pro Tem/ Vice Chair | District 3
Ashlee DePhillippo - Council Member/ Trustee | District 5
Bridgette Moore- Council Member/ Trustee | District 4
Dustin Nigg - Council Member/ Trustee | District 2

Daniel York, City Manager/General Manager Thomas D. Jex, City Attorney/District Counsel

The City of Wildomar will be a Safe and Active Community with Responsible Growth and
Quality Infrastructure while keeping a Hometown Feel

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 MEETING

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. CONSENT CALENDAR

None Scheduled.

2. PUBLIC HEARING

None Scheduled.

3. GENERAL BUSINESS

3.1 General Municipal Election - District 5

Submitted By: Janet Morales

RECOMMENDATION:

1. Adopt a Resolution entitled:

RESOLUTION NO. 2022 - ____

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 8, 2022 IN DISTRICT 5

OR

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

ADJOURN THE CITY COUNCIL MEETING

PARTICIPATION

The City of Wildomar encourages your participation in the meeting. The following options are available for the public to participate:

1. You may view the 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.
2. You may participate in person.

PUBLIC COMMENT: During Public Comment not on the agenda (Regular Meetings) and after each Agenda Item, the Mayor will announce Public Comment. If you would like to speak on that item, please fill out a speaker slip and submit it in the inbox at the front of the room. When the City Clerk announces your name, please come up to the podium. Public Comments are limited to 3 minutes or such other time as the Council may provide.

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.

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, no later than 10:00 a.m. on the day preceding the scheduled meeting.

AFFIDAVIT OF POSTING

I, Janet Morales, Wildomar City Clerk, do certify that at least 24 hours prior to the meeting, a true and correct copy of this agenda was posted at Wildomar City Hall, 23873 Clinton Keith Road; U.S. Post Office, 21392 Palomar Street; Wildomar Library, 34303 Mission Trail Blvd; and on the City's website at www.cityofwildomar.org.

Janet Morales, CMC
City Clerk
Dated: August 23, 2022



CITY COUNCIL/CEMETERY DISTRICT - SPECIAL MEETING
GENERAL BUSINESS
Agenda Staff Report # 3.1
Meeting Date: August 24, 2022

SUBJECT: General Municipal Election - District 5

SUBMITTED BY: Janet Morales, City Clerk's Office

ACTION:

1. Adopt a Resolution entitled:

RESOLUTION NO. 2022 - ____

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 8, 2022 IN DISTRICT 5

OR

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

SUMMARY:

At the close of the nomination period, there was only one qualified candidate for District 5. Since there are not more candidates than offices to be elected, § 10229 of the Elections Code allows the City Council to appoint the person who has been nominated and cancel the election OR hold the election if either no one or only one person has been nominated.

BACKGROUND:

On June 8, 2022, the City Council called for the General Municipal Election for District 1 (Mayor Benoit), District 3 (Mayor Pro Tem Morabito), and District 5 (Council Member DePhillippo). At the close of the nomination period, 2 candidates qualified for District 1 (Charles Jones, Carlos Marquez), 2 candidates qualified for District 3 (Matthew Baldwin, Joseph Morabito), and only one candidate qualified for District 5 (Ashlee DePhillippo).

DISCUSSION:

Since there are two candidates in Districts 1 and 3, the election will continue in those Districts. Since Ashlee DePhillippo is the only candidate that was nominated and qualified in District 5, the Council has the option to adopt one of the following:

1. Appoint the person who was nominated and cancel the Election.
2. Hold the Election.

The City Clerk's Office published a Certification (Exhibit A) and a Notice (Exhibit B) that there are not more candidates than offices to be elected at the November 8, 2022 General Municipal Election for the City of Wildomar District 5 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, 2022 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 5. This action has to be completed no later than 5:00 p.m. on August 25th, or the election will go on as scheduled (Ashlee DePhillippo's name will remain on the ballot, and write-in candidates will be accepted and processed, if they are received, for District 5 in accordance with the Election Code).

FISCAL IMPACT:

Approximately \$8,000 could be saved by cancelling the Election in District 5.

ATTACHMENTS:

[1. Resolution](#)

[Exhibit A. Certification - District 5 - Not more Candidates than offices to be Elected](#)

[Exhibit B. Notice - There are not more candidates than offices to be elected](#)

RESOLUTION NO. 2022 - ____

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 8, 2022 IN DISTRICT 5

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, in District 5, 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 5 was submitted to the City Council and is attached as Exhibit A; and

WHEREAS, a notice was published on August 18, 2022 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 5** 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
Ashlee DePhillippo	Member of the City Council	Full 4 Year Term

SECTION 2. The election scheduled to be held in District 5 on Tuesday, November 8, 2022, 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, 2022.

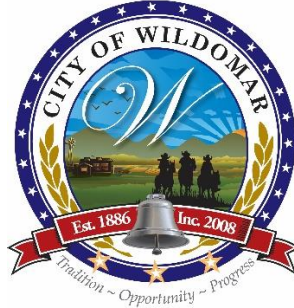
Ben J. Benoit
Mayor

APPROVED AS TO FORM:

Thomas D. Jex
City Attorney

ATTEST:

Janet Morales, CMC
City Clerk



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

I, Janet Morales, 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, 2022:

In District 5, as of the close of the nomination period on August 12, 2022, there are not more candidates than offices to be elected.

The person so nominated is: Ashlee DePhillippo

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

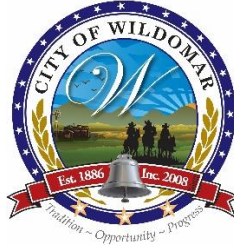
1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

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 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.

Janet Morales, CMC
City Clerk
Date: August 15, 2022



NOTICE THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED AT THE NOVEMBER 8, 2022 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 8, 2022:

In District 5, as of the close of the nomination period on August 12, 2022, there are not more candidates than offices to be elected.

The person so nominated is: Ashlee DePhillippo

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 elector (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 24, 2022, at 5:30 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.

Janet Morales, CMC
City Clerk

Dated: August 15, 2022

The Press Enterprise: Published 8/18/22