City of Rolling Hills INCORPORATED JANUARY 24, 1957

2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521

AGENDA | **CITY COUNCIL** | **CITY OF ROLLING HILLS**
Special City Council Meeting | **Tuesday, August 20, 2024** | **7:30 AM**

The meeting agenda is available on the City's website. The City Council meeting will be live-streamed on the City's website. Both the agenda and the live-streamed video can be found here: https://www.rolling-hills.org/government/agenda/index.php

Members of the public may submit written comments in real-time by emailing the City Clerk's office at cityclerk@cityofrh.net. Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information that you do not want to be published.

Recordings to City Council meetings can be found here: https://www.rolling-hills.org/government/agenda/index.php

Next Resolution No. 1378 *Next Ordinance No. 385*

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. BLUE FOLDER ITEMS (SUPPLEMENTAL)

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

*This is the appropriate time for members of the public to make comments regarding the items on the consent calendar or items **not** listed on this agenda. Pursuant to the Brown Act, no action will take place on any items not on the agenda.*

6. CONSENT CALENDAR

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the Consent Calendar. The Mayor or any Councilmember may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up under the "Excluded Consent Calendar" section below. Those items remaining on the Consent Calendar will be approved in one motion. The Mayor will call on anyone wishing to address the City Council on any Consent Calendar item on the agenda, which has not been pulled by Councilmembers for discussion.

6.A. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF AUGUST 12, 2024

RECOMMENDATION: Approve.

CL_AGN_240820_CC_Special_AffidavitofPosting.pdf

7. NEW BUSINESS

7.A. ADOPT RESOLUTION NO. 1377 PROVIDING FOR THE APPOINTMENT OF BEA

DIERINGER AND JEFF PIEPER TO THE OFFICES OF THE CITY OF ROLLING HILLS THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 5, 2024

RECOMMENDATION: Approve as presented.

CL_ELC_240813_Certificate_InsufficientNomineess_E.pdf
ResolutionNo1377_CancelElection_F.pdf

8. MATTERS FROM THE CITY COUNCIL

9. MATTERS FROM STAFF

10. ADJOURNMENT

Next regular meeting: Monday, August 26, 2024 at 7:00 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

Notice:

Public Comment is welcome on any item prior to City Council action on the item.

Documents pertaining to an agenda item received after the posting of the agenda are available for review in the City Clerk's office or at the meeting at which the item will be considered.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting.

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 6.A
Mtg. Date: 08/20/2024

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER**

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF AUGUST 12, 2024**

DATE: **August 20, 2024**

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
Approve.

ATTACHMENTS:
CL_AGN_240820_CC_Special_AffidavitofPosting.pdf

Administrative Report

6.A., **File #** 2427 **Meeting Date**: 08/20/2024

To: MAYOR & CITY COUNCIL

From: Christian Horvath, City Clerk

TITLE

APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL SPECIAL MEETING OF AUGUST 20, 2024

EXECUTIVE SUMMARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF ROLLING HILLS)

AFFIDAVIT OF POSTING

In compliance with the Brown Act, the following materials have been posted at the locations below.

Legislative Body	City Council
Posting Type	Special Meeting Agenda
Posting Location	2 Portuguese Bend Road, Rolling Hills, CA 90274 City Hall Window City Website: https://www.rolling-hills.org/government/agenda/index.php https://www.rolling-hills.org/government/city_council/city_council_archive_agendas/index.php
Meeting Date & Time	AUGUST 20, 2024 7:30am Open Session

As City Clerk of the City of Rolling Hills, I declare under penalty of perjury, the document noted above was posted at the date displayed below.

Christian Horvath, City Clerk

Date: August 15, 2024

City of Rolling Hills INCORPORATED JANUARY 24, 1957

Agenda Item No.: 7.A
Mtg. Date: 08/20/2024

TO: **HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

FROM: **CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER**

THRU: **KARINA BAÑALES, CITY MANAGER**

SUBJECT: **ADOPT RESOLUTION NO. 1377 PROVIDING FOR THE APPOINTMENT OF BEA DIERINGER AND JEFF PIEPER TO THE OFFICES OF THE CITY OF ROLLING HILLS THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 5, 2024**

DATE: **August 20, 2024**

BACKGROUND:
On May 13, 2024, the City Council adopted Resolution Nos. 1362 and 1363 pertaining to a General Municipal Election consolidated with the Statewide General Election to be held on November 5, 2024 for the election of two (2) Members of the City Council. A notice of the election was published in the Daily Breeze and posted at City Hall on June 20, 2024. Furthermore, notices advising of the nomination process were included in multiple Citywide newsletters mailed to all residents in June and July.

The nomination period for the November 5, 2024 General Municipal Election closed on August 9, 2024, with two (2) individuals nominated for two (2) City Council seats. The qualified candidates are the current incumbents, Bea Dieringer and Jeff Pieper. The purpose of this report is to apprise the Council of the Election Code options and recommend cancellation of the election and appointment of those individuals nominated to serve the terms for which they have been so nominated.

DISCUSSION:
Section 10229 of the California Elections Code makes provisions for instances where there are not more candidates than offices to be elected. The first requirement, which was met on June 20, 2024, is the publication of a notice detailing the facts associated with the nominations. The second requirement is for the City Clerk to certify to the City Council that there are not more candidates than offices to be elected. That certificate is attached to this staff report. Action can then be taken by the Council as outlined below "after the fifth day following the date of posting or publication" (California Elections Code Section 10229). That date is August 19, 2024. Therefore, the City Council may consider whether it wishes to cancel the election at the special meeting of August 20, 2024.

Pursuant to Section 10229, the City Council may choose one of the following courses of action:

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

If no person is appointed to the offices pursuant to No. 1 or 2 as mentioned above by the 75th day before the General Municipal Election (August 22), the election must be held.

If the election is canceled, the City Clerk will not be allowed to accept filing for write-in candidates and the persons appointed will serve the terms exactly as if they were elected at the November election.

If the election is canceled, the persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office. The incumbents will take their Oaths of Office and begin their new four-year terms at the November 25, 2024 City Council meeting (or a special meeting at a date to be determined if so directed), as part of the annual City Council Reorganization.

FISCAL IMPACT:
The City budgeted $15,000 to cover costs associated with conducting the November 5, 2024 General Municipal Election. If the election is canceled, the City will save the majority of the approved budget with the exception of nominal amounts including any processing on the part of Los Angeles County to cancel the election. Additionally, candidates will be reimbursed for any deposits submitted covering the cost of printing and translating candidate statements which would no longer be necessary.

RECOMMENDATION:
Approve as presented.

ATTACHMENTS:
CL_ELC_240813_Certificate_InsufficientNomineess_E.pdf
ResolutionNo1377_CancelElection_F.pdf

City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

CITY CLERK'S CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED

I, Christian Horvath, City Clerk of the City of Rolling Hills, do hereby certify pursuant to § 10229 of the Elections Code of the State of California, the following facts relating to the Genera Municipal Election to be held on Tuesday, November 5, 2024:

As of the close of the nomination period on August 9, 2024, there are not more candidates than offices to be elected.

The persons so nominated for Member of the City Council are:

Bea Dieringer
Jeff Pieper

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

1. Appoint to the office the persons who 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.

A notice of these facts will be published on August 15, 2024 in a newspaper of general circulation in the city pursuant to § 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

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

If the City Council makes an appointment pursuant to § 10229 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.

Christian Horvath
City Clerk

Dated: August 13, 2024

RESOLUTION NO. 1377

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 5, 2024 AND CANCELING THE ELECTION

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 9, 2024, 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 August 15, 2024 in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING 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:

Name:	Office	Term
Bea Dieringer	Member of the City Council	4 years
Jeff Pieper	Member of the City Council	4 years

SECTION 2. The election scheduled to be held on Tuesday, November 5, 2024, is now canceled.

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

SECTION 4. The City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointments are made.

SECTION 5. 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 20th day of August, 2024.

_____
LEAH MIRSCH
MAYOR

ATTEST:

_____
CHRISTIAN HORVATH
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF ROLLING HILLS)

The foregoing Resolution No. 1377 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 5, 2024 AND CANCELING THE ELECTION

was approved and adopted at an adjourned regular meeting of the City Council on the 20th day of August, 2024 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
CHRISTIAN HORVATH
CITY CLERK