

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk's office at (818) 706-1613 at least 48 hours prior to the meeting.

Any discloseable public records related to an open session item on a regular meeting agenda and distributed by the City to the City Council less than 72 hours prior to that meeting are available for public inspection at City Hall (31200 Oak Crest Drive, Westlake Village) during normal business hours.

AGENDA

Special Meeting of the City Council

**CITY OF WESTLAKE VILLAGE
City Council Chambers
31200 Oak Crest Drive**

**TELECONFERENCE LOCATION(S):
Ritz Carlton
6961 Avenue of the Governors
Isla Verde, Carolina, Puerto Rico 00979 U.S.A.**

**Celebrity Cruises
Millennium
Alaska, U.S.A.**

**Thursday
August 20, 2009**

CALL TO ORDER: 5:00 p.m.

**ROLL CALL: Councilmembers Klessig, McSweeney, Davis, Mayor Pro Tem
Rutherford, Mayor Slavin**

APPROVAL OF AGENDA:

STAFF COMMENTS:

COUNCIL COMMENTS:

PUBLIC COMMENTS:

NEW BUSINESS:

1. **CONSIDERATION OF RESOLUTION ADDRESSING THE
UPCOMING NOVEMBER 3, 2009 GENERAL MUNICIPAL ELECTION**
- Consideration of two draft resolutions, and determine if the November 3, 2009, election will be canceled or held as scheduled pursuant to Elections Code Section 10229.

ADJOURNMENT:

City of Westlake Village
August 20, 2009
Agenda Item: New Business No. 1

TO: Mayor and City Council
FROM: Raymond B. Taylor, City Manager
**SUBJECT: CONSIDERATION OF RESOLUTION ADDRESSING UPCOMING
NOVEMBER 3, 2009 GENERAL MUNICIPAL ELECTION**

OVERVIEW

This report addresses the results of the nomination process associated with the City's November 3, 2009 general municipal election, and the consideration of a resolution on the matter.

BACKGROUND

As the City Council will recall, a total of three City Council seats are open for this year's general municipal election.

With the close of the nomination period on Friday, August 7, 2009, a total of three candidates filed nomination papers for the upcoming 2009 general municipal election. The persons nominated are Susan McSweeney, Mark Rutherford, and Robert Slavin.

Pursuant to Elections Code Section 10229, the City Clerk provided a certification to the City Council on August 10, 2009 attesting to the fact that there are not more candidates than offices to be elected (please see attached copy of certification). In that certification, it was noted that Section 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; or
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.

Also, pursuant to Section 6061 of the Government Code, a notice of the above facts was published on August 13, 2009 (please see attached copy of public notice).

FINDINGS AND ALTERNATIVES

In consideration of this matter, staff has prepared two draft resolutions for the City

Council's consideration. The first draft resolution serves to appoint the three individuals nominated and thereby results in the canceling of the election. The second draft resolution provides for the election to be held as scheduled.

FISCAL IMPACT

Should the decision be made to cancel this year's general municipal election, approximately \$37,500 will be saved in City election-related expenses.

RECOMMENDATION

Based on the foregoing, it is recommended the City Council consider the two draft resolutions attached to this report, and determine if the election will be canceled or if it will be held as scheduled. Depending on which choice is selected, two motions are offered for the City Council's consideration as noted below.

Draft Resolution No. 1: To appoint persons nominated and to cancel the election:

MOTION: "I move that Resolution No. 1494-09, Providing for the Appointment to the Office(s) of this City that were to be elected on Tuesday, November 3, 2009, be introduced by title only, that further reading be waived, and that Resolution No. 1494-09 be adopted."

ROLL CALL: Yes

OR, ALTERNATIVELY:

Draft Resolution No. 2: To hold the election as scheduled:

MOTION: "I move that Resolution No. 1494-09, Considering the Appointment to the Office(s) of this City that were to be elected Tuesday, November 3, 2009, be introduced by title only, that further reading be waived, and that Resolution No. 1494-09 be adopted."

ROLL CALL: Yes

Attachments: (1) Copy of City Clerk's Certification
(2) Copy of public notice
(3) Draft Resolutions No. 1 and No. 2

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CITY OF WESTLAKE VILLAGE

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

I, Beth A. Schott, City Clerk of the City of Westlake Village, do hereby certify that pursuant to Section 10229, Elections Code of the State of California, to the following facts relating to the General Municipal Election to be held on November 3, 2009.

As of the close of the nomination period on August 7, 2009, there are not more candidates than offices to be elected.

The persons so nominated are:

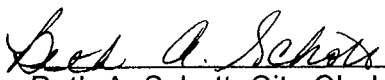
Susan McSweeney;
Mark Rutherford; and
Robert Slavin.

That Section 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 13, 2009 in a newspaper of general circulation in the City pursuant to Section 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 Section 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.


Beth A. Schott, City Clerk

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ROBERT SLAVIN
Mayor

MARK RUTHERFORD
Mayor Pro Tem

NED E DAVIS
Councilmember

SUSAN McSWEENEY
Councilmember

PHILIPPA KLESSIG
Councilmember

**CITY OF WESTLAKE VILLAGE
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 Westlake Village to be held Tuesday, November 3, 2009:

As of the close of the nomination period on August 7, 2009, there are not more candidates than offices to be elected.

The persons so nominated are:

Susan McSweeney
Mark Rutherford
Robert Slavin

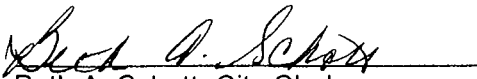
That § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

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.

The City Council will meet on August 20, 2009, at 5:00 pm, 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, Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.


Beth A. Schott, City Clerk
August 10, 2009

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RESOLUTION NO. 1494-09

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WESTLAKE VILLAGE, CALIFORNIA,
PROVIDING FOR THE APPOINTMENT TO THE OFFICE(S) OF THIS CITY
THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2009

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 7, 2009, 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 13, 2009 in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE, CALIFORNIA, does hereby 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:

Susan McSweeney
Mark Rutherford
Robert Slavin

Section 2. The election scheduled to be held on Tuesday, November 3, 2009, is now canceled.

Section 3. The persons 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 20th day of August, 2009.

Robert Slavin, Mayor

ATTEST:

Beth A. Schott, City Clerk

RESOLUTION NO. 1494-09

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WESTLAKE VILLAGE, CALIFORNIA,
CONSIDERING THE APPOINTMENT TO THE OFFICE(S) OF THIS CITY
THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2009**

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 7, 2009, 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 13, 2009, in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE, CALIFORNIA, does hereby 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 election will be held as scheduled.

Section 2. 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, 2009.

Robert Slavin, Mayor

ATTEST:

Beth A. Schott, City Clerk