



File #: 2021-044, Version: 2

Report to Mayor and City Council

Thursday, January 21, 2021

Discussion

SUBJECT:

CITY COUNCIL VACANCY

I. SUMMARY

As a result of the November 3, 2020 Municipal Election, Lula Davis-Holmes was elected to the office of Mayor thereby vacating her City Council seat term ending November, 2022 as of the date of the certification of the election results by the Carson City Council on January 12, 2021. City Charter section 306(b) sets forth the procedures for filling vacancies in elected offices. Under section 306(b) and 306(d), City Council has three options to consider:

- Appoint a Successor for the remainder of the term;
- Call a Special Election to elect a successor for the remainder of the term; or
- Appoint an interim to fill the vacancy until the date of the Special election.

II. RECOMMENDATION

WAIVE further reading and ADOPT Resolution No. 21-007, A Resolution of the City Council of the City of Carson California, Acknowledging the Vacancy of City Council Seat as of January 12, 2021, and Need to Fill Vacancy Within Sixty (60) Days or Have the Vacant Seat Be Subject to a Special Election Under Application Laws.

DISCUSS and PROVIDE direction for filling the vacancy declared therein.

III. ALTERNATIVES

None.

IV. BACKGROUND

A vacancy has been created by Lula Davis Holmes being elected Mayor. The unexpired term expires November, 2022. City Charter Section 306(b) and (d) set forth three (3) options for filling the vacancy.

Option 1 - Appoint a successor for the remainder of the term

If the City Council votes to fill the vacancy by appointment, the appointment must be made within 60 days from the commencement of the vacancy which date is March 15, 2021 (the 60th day is actually March 13, a Saturday).

There is no legal requirement that the City Council use any particular method of appointment. The City Council does not, for example, have any obligation to appoint someone who ran in the last election. It is common in such situations for the City Council to notice the vacancy and invite applications. If the City Council interviews, it must be done at a public meeting, although the meeting can be held at any time. The appointment must be made in public. Filling a vacancy is not a permitted closed session discussion or decision.

Should the City Council wish to appoint an applicant to fill the vacancy, staff could advertise the vacancy and provide an application form similar to an employment application. The City Council may require additional criteria including the completion of a candidate statement, a Form 700 or other desired information the City Council may wish to consider in an application.

Option 2 - Call a Special Election to elect a successor for the remainder of the term

If the City Council does not make an appointment within 60 days or decide to call a special election, that election can be held at the next available state election (November 2, 2021) but not less than 114 days from the call of the special election.

City Charter section 803 provides City Council authority to conduct at its discretion mail ballot elections by such procedures as it may be prescribed by ordinance. The City Council can choose any date beyond 114 days from the date of calling the election.

In the event City Council calls a special election, the city would request election services be provided by the Los Angeles County Registrar Recorder (LARRCC), which could have a significant fiscal impact on the general fund.

Option 3 - Interim Appointment until the date of the Special Election (Charter Section 306 (d))

If the City Council calls a special election to fill a vacancy, the City Council may make an interim appointment to fill the vacancy until the date of the special election, provided the appointee meet the criteria in 306(b) of the City Charter. The same criterion for selecting an appointee may be the same as noted above in Option 1 or set forth as the City Council deem appropriate.

V. FISCAL IMPACT

The cost estimate for conducting a special election and the cost associated with the process for selecting an appointee was not available at the time of drafting this staff report.

VI. EXHIBITS

1. Resolution No. 21-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ACKNOWLEDGING THE VACANCY OF CITY COUNCIL SEAT AS OF JANUARY 12, 2021, AND NEED TO FILL VACANCY WITHIN SIXTY (60) DAYS OR HAVE THE VACANT SEAT BE SUBJECT TO A SPECIAL ELECTION UNDER APPLICABLE LAWS

Prepared by: Donesia Gause-Aldana, MMC, City Clerk/Elections Official

EXHIBIT 1

RESOLUTION NO. 21-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ACKNOWLEDGING THE VACANCY OF CITY COUNCIL SEAT AS OF JANUARY 12, 2021, AND NEED TO FILL VACANCY WITHIN SIXTY (60) DAYS OR HAVE THE VACANT SEAT BE SUBJECT TO A SPECIAL ELECTION UNDER APPLICABLE LAWS

WHEREAS, on January 12, 2021 (“Certification Date”), the City Clerk of the City of Carson (“City”) certified the results of the City election that established Lula Davis-Holmes as Mayor of the City, and the new Mayor was sworn in on that date; and

WHEREAS, the Mayor had previously held the office of Councilmember, but because Mayor must now serve the duties of Mayor of the City, that seat has been vacated and now needs to be filled; and

WHEREAS, the City’s Charter under Section 306(B) provides that if no appointment is made to fill the vacancy by a majority of the remaining members of the City Council within sixty (60) days of the commencement of the vacancy, a special election must be called pursuant to all applicable laws; and

WHEREAS, now, the City Council seeks to formally acknowledge the vacancy of the seat previously held by Mayor, acknowledge that such vacancy arose as of the Certification Date, and acknowledge that the vacancy must be filled by appointment by a majority of the remaining members of the City Council within sixty (60) days from the Certification Date or be subject to a special election called pursuant to all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council hereby formally acknowledges the vacancy of the seat previously held by Mayor, acknowledges that such vacancy arose as of the Certification Date, and acknowledges that the vacancy must be filled by appointment by a majority of the remaining members of the City Council within sixty (60) days from the Certification Date or be subject to a special election called pursuant to all applicable laws. Sixty (60) days from the Certification Date is March 13, 2021 which is a Saturday, which places the appointment deadline at March 15, 2021.

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Resolution No. 21-007

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EXHIBIT 1

SECTION 3. This Resolution shall be effective immediately upon its adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

(Signatures on Following Page)

EXHIBIT 1

PASSED, APPROVED, and ADOPTED this 21st day of January, 2021

Lula Davis-Holmes, Mayor

ATTEST:

Donesia Gause-Aldana, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Donesia Gause-Aldana , City Clerk of the City of Carson, California hereby attest to and certify that the foregoing resolution, being Resolution No. 21-007 adopted by the Carson City Council at its meeting held on the 21st day of January, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Donesia Gause-Aldana, City Clerk

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