



Legislation Details (With Text)

**File #:** 2021-379      **Version:** 1      **Name:**

**Type:** Discussion      **Status:** Agenda Ready

**File created:** 5/3/2021      **In control:** City Council

**On agenda:** 5/18/2021      **Final action:**

**Title:** CONSIDER A CONTINUED DISCUSSION OF FILLING THE CITY CLERK VACANCY (CITY COUNCIL)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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**Report to Mayor and City Council**

Tuesday, May 18, 2021

Discussion

**SUBJECT:**

**CONSIDER A CONTINUED DISCUSSION OF FILLING THE CITY CLERK VACANCY (CITY COUNCIL)**

**I. SUMMARY**

At the April 20, 2021, City Council meeting the City Council formally accepted the resignation of former City Clerk Donesia Gause-Aldana effective April 11, 2021 and requested the item (2021-291) be continued to allow further discussion of filling the City Clerk vacancy.

This item was presented at the May 4, 2021, City Council meeting. At that meeting the City Council approved the formation of the City Clerk Vacancy Ad Hoc Committee consisting of Mayor Lula Davis-Holmes and Mayor Pro Tempore Jim Dear to develop recommendations for filling the vacancy.

Staff requests the City Council provide direction as to how it wishes to fill the vacancy, subject to input from the Ad Hoc Committee if provided. Once City Council provides such direction, an appropriate resolution can be brought back to City Council for further consideration and adoption.

Additionally, the Mayor has requested that the City Council consider a charter amendment

changing the City Clerk and City Treasurer positions from elected to appointed with the appointment by the City Manager as is the case with department directors, and with a grandfather provision for those currently elected. Should the City Council desire to propose an amendment to Section 301 of the Carson City Charter to remove the City Clerk and City Treasurer from the list of elective officers in the City, staff would prepare the changes that would then need to be approved by a majority vote of the voters at a statewide general election, with November 2022 being the earliest opportunity.

## **II. RECOMMENDATION**

1. DISCUSS and PROVIDE direction for filling the vacancy created by Donesia Gause-Aldana's resignation from the City Clerk position.
2. DISCUSS and PROVIDE direction on beginning the process to amend the City Charter to allow the City Clerk and City Treasurer positions to be filled by appointment on a permanent basis.

## **III. ALTERNATIVES**

TAKE another action deemed appropriate by the City Council consistent with applicable laws.

## **IV. BACKGROUND**

A City Clerk vacancy has been created by the resignation of Donesia Gause-Aldana. The unexpired term expires November, 2022. City Charter Sections 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. 60 days from the date of vacancy, April 11, 2021, is June 10, 2021.

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.

Should the City Council wish to appoint an applicant to fill the vacancy, staff could advertise the vacancy and provide an application form. The City Council may require additional criteria including the completion of a candidate statement 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 decides 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.

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) and consolidated with the County elections. There is no all-mail option for election of the City Clerk under state laws.

### Option 3 - Interim Appointment until the date of the Special Election

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.

Whichever option the City Council elects, staff can bring back the appropriate resolution at the next Council meeting for further consideration and adoption.

### Charter Amendment

At the request of the Mayor, the City Council may wish to consider a charter amendment to allow the City Clerk and City Treasurer positions to be filled by appointment only on a permanent basis. Section 111 of the City Charter provides that any proposal for the amendment of the Charter may be proposed by a majority affirmative vote of the City Council, but such proposals will not be effective until approved by a majority vote of the voters voting at a statewide general election. Accordingly, any such proposed charter amendment would not be taken to the voters until November 2022.

## **V. FISCAL IMPACT**

Should the City Council be unable to agree on an appointment to fill the vacancy, the cost for conducting a special election on November 2, 2021 will be \$443,000 according to the estimate obtained from Los Angeles County by the City Attorney's Office.

The City Council has previously committed to a District 4 City Councilmember election on November 2, 2021, which is estimated to cost the City \$128,000 according to Los Angeles County.

The total combined estimated cost to the City would be \$571,000.

## **VI. EXHIBITS**

None

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