



## Legislation Details (With Text)

**File #:** 2021-183      **Version:** 1      **Name:**

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

**File created:** 2/22/2021      **In control:** City Council

**On agenda:** 3/11/2021      **Final action:**

**Title:** CONSIDER FILLING THE CITY COUNCIL VACANCY OR CALLING FOR A SPECIAL ELECTION TO FILL THE VACANT CITY COUNCIL SEAT TERM ENDING IN NOVEMBER 2022 (CITY COUNCIL)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Candidate List, 2. Resolution Filling City Council Vacancy, 3. Resolution Filling City Council Vacancy Until Election, 4. Resolution Calling for August 2021 Election, 5. Resolution Calling for November 2021 Election

Date	Ver.	Action By	Action	Result
3/11/2021	1	City Council		
3/11/2021	1	City Council		

## Report to Mayor and City Council

Thursday, March 11, 2021

Discussion

### SUBJECT:

**CONSIDER FILLING THE CITY COUNCIL VACANCY OR CALLING FOR A SPECIAL ELECTION TO FILL THE VACANT CITY COUNCIL SEAT TERM ENDING IN NOVEMBER 2022 (CITY COUNCIL)**

### I. SUMMARY

In the November 3, 2020, City of Carson Municipal Election, then Councilwoman Lula Davis-Holmes was elected Mayor thereby vacating her City Council seat term ending in November 2022.

At the City Council meeting on January 21, 2021, the City Council unanimously adopted Resolution No. 21-007 to formally acknowledge the vacancy of the City Council seat as of January 12, 2021, and proclaimed the need to fill the vacancy by City Council appointment no later than March 15, 2021.

At the February 2, 2021, City Council Meeting, the City Council approved the formation of the City Council Vacancy Ad Hoc Committee, consisting of Mayor Lula Davis-Holmes and Mayor Pro-Tempore Jim Dear, to identify candidates to fill the vacant City Council seat for

the remainder of the term. The Ad Hoc Committee set forth a citywide application process for interested Carson residents to apply by February 24, 2021.

An item was provided at the March 2, 2021, City Council Meeting, for the Ad Hoc Committee to update the City Council on the citywide application process to fill the vacant seat and to provide any recommendations to the City Council for filling the seat, if they had any.

This item is a continuation of the March 2 item and also discusses the options for conducting an election should the City Council desire. The final list of 46 applicants for the vacancy is included as Exhibit No. 1. The Ad Hoc Committee was not able to agree upon one or more candidates to bring to the City Council for consideration. In preparation for this meeting, Mayor Davis-Holmes has requested each City Council member to provide a recommendation of three candidates for the City Council's consideration.

Should the City Council choose to call a Special Election to elect a successor for the remainder of the term instead of making an appointment, the City would work in conjunction with Los Angeles County to conduct an election. The relevant Resolutions for calling an election, should the City Council desire, are included as Exhibits. The election options are as follows:

- Conduct an In-Person and Vote-By-Mail Election on November 2 2021; and
- Conduct All Vote-by-Mail election on August 31, 2021.

The Office of the Los Angeles County Registrar-Recorder/County Clerk has provided a cost estimate of \$128,000 for a November 2, 2021, election. Staff has requested a cost estimate for an August 31, 2021, election, and had not received that estimate at the time writing this report. The City Clerk estimates additional City costs of approximately \$40,000.

The City has four options at this juncture with respect to the vacant City Council seat: (1) appoint a new Councilmember for the remainder of the term of the vacated seat; (2) hold a special election in November, 2021 to be consolidated with the County of Los Angeles election; (3) hold a special election in August, 2021, which would be all mail-in, and have the County conduct that election on behalf of the City; and (4) appoint a new Councilmember to serve until either the August or November election results are certified. For the last two options, the City would be required to reimburse the County for all election-related costs.

## **II. RECOMMENDATION**

RECEIVE update and DISCUSS any recommendations of the City Council Vacancy Ad Hoc Committee.

APPROVE the appointment of a candidate to fill the vacant City Council seat term ending in November 2022;

OR

APPROVE the calling of a special election held on November 2, 2021 to be consolidated with the County of Los Angeles election;

OR

APPROVE the calling of an all-mail special election held on August 31, 2021 to be conducted by the County of Los Angeles;

OR

APPROVE the appointment of a candidate to fill the vacant City Council seat until the election results of either the August or November, 2021 are duly certified.

### **III. ALTERNATIVES**

The timeframe for the City Council to take an action by March 15, 2021 to appoint a successor to the vacant seat cannot be changed. The City Council may declare a special election, if desired, after this date. To facilitate an election, if desired, staff has included the relevant Resolutions.

### **IV. BACKGROUND**

In the November 3, 2020 Municipal Election, then Councilmember 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 sets forth the procedures for filling vacancies in elected offices. Under Sections 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 (August or November, 2021); or;
- Appoint an interim to fill the vacancy until the date of the Special Election.

At its City Council meeting held on February 2, 2021, the City Council decided to pursue appointing a successor for the remainder of the term ending in November 2022. The deadline for submitting an application was February 24, 2021. A total of 46 applications were received within the specified timeframe. The updated Candidate List is attached.

The City Council has until March 15, 2021 to make an appointment. The appointment must be made in public. Filling a vacancy is not permitted in closed session. If the City Council is unable to make an appointment by March 15, 2021, an election would need to be called for the purpose of electing a successor for the remainder of the term.

## **V. FISCAL IMPACT**

There are no significant direct costs associated with this item. However, should the City Council be unable to agree on an appointment to fill the vacancy, there will be costs associated with conducting a special election in the City of Carson.

According to Los Angeles County, an election on November 2, 2021 in the City of Carson has an estimated cost of \$128,000. Staff has requested a cost estimate for an all vote-by-mail election on August 31, 2021, and had not received that estimate at the time writing this report. The City Clerk estimates City costs of approximately \$40,000.

## **VI. EXHIBITS**

1. Candidate List (pgs. 5 - 7)
2. Resolution Filling City Council Vacancy (pgs. 8 - 10)
3. Resolution Filling City Council Vacancy Until Election (pgs. 11 - 13)
4. Resolution Calling for August 2021 Election (pgs. 14 - 16)
5. Resolution Calling for November 2021 Election (pgs. 17 - 19)

Prepared by: Sharon Landers, City Manager; Robert Lee, Assistant City Attorney; and Michael George, Assistant to the City Manager