



Legislation Text

File #: 2020-599, Version: 1

Report to Mayor and City Council

Tuesday, September 01, 2020

Discussion

SUBJECT:

CONSIDER RECONSIDERATION OF THE ADOPTION OF ORDINANCE 20-008 AND STATUS REPORT (CITY COUNCIL)

I. SUMMARY

On July 21, 2020, Ordinance No. 20-2008, establishing by-district voting for City Council seats in the City of Carson, was introduced, and was adopted at a noticed public hearing on August 4, 2020 by a 3-2 vote (Davis-Holmes and Hicks voting no).

Thereafter, Mayor Pro Tem Dear contacted Mayor Robles to bring the item back for reconsideration for reasons related to providing a forum to discuss the lack of direction from the court in the pending CVRA case, *Southwest Voter Registration Education Project v. City of Carson*, Los Angeles Superior Court Case No. 19STCV32291 and to discuss timing issues related to the Los Angeles County Registrar of Voters related to Carson's election.

Under parliamentary procedure, a Councilmember from the prevailing side can make a motion to reconsider an item, either at the meeting the item was approved or disapproved, or at the following meeting. Because no motion to reconsider Ordinance No. 20-2008 was made at the meeting at which the ordinance was adopted, the item needed to be come back at the next Agenda. The Mayor did not agendize the item for the next agenda for immediate consideration and instead agendized same in a section of the agenda titled: Council Requests for Future Agendized Items. A 4/5 vote is necessary for an item to be placed on the Council agenda without first receiving the Mayor's approval.

At the August 18, 2020 City Council meeting, the item requesting the Motion to Reconsider the Approval of Ordinance No. 20-2008 received the 4 votes necessary for it to be placed on the September 1, 2020 agenda (Mayor Robles voting no).

The election materials for Carson pursuant to Ordinance No. 20-2008 (By-District Elections) are well underway and it is not possible at this point to go back to at-large voting for the 2020 election.

Therefore, rescinding the ordinance would be ineffective at this point and may create confusion over the conduct of the election.

II. RECOMMENDATION

Receive and file this report and information regarding the LA County Registrar of Voters' schedule for the November 2020 election.

III. ALTERNATIVES

1. TAKE action to repeal or rescind Ordinance No. 20-2008 by introduction of a new Ordinance repealing or rescinding Ordinance No. 20-2008 thereby reverting Carson's election back to at-large.
2. TAKE any other action the Council deems appropriate.

IV. BACKGROUND

Mayor Pro Tem Dear has since explained that he undertook the effort to bring the item back for reconsideration, not for purposes of actually changing or rescinding the by-district ordinance necessarily, but more so due to the impact the coronavirus pandemic has had on the ability to have effective public discussion of the districting issue and the failure of the court in the SVREP case to provide clear guidance in that case for the City and to rule on the plaintiffs' motion for preliminary injunction. The coronavirus pandemic has made it difficult to have the kind of in-person public forum and discussion in which these issues are best discussed. While the public's written comments are read into the record, that format does not allow the City Council to provide immediate feedback to those commenting who may not be able to participate in a Zoom City Council meeting. In addition, residents and candidates who had already completed gathering signatures for nomination for this election had expressed concerns and the Court's lack of guidance warranted further discussion on this issue.

Mayor Pro Tem Dear therefore proposed a reconsideration of the ordinance as a means of providing a forum for discussion of these issues. As required by the City Council's rules, he obtained the vote of three other Council members as well to put the item on the agenda, to provide an opportunity to provide information to the public regarding the schedule for the November 2020 election set by the Los Angeles County Registrar of Voters, which is already well under way.

Below are some of the key milestone dates received by Mayor Pro Tem Dear from the LA

County Registrar that he wanted to share with the residents:

- August 23 - Last day to change the structure of election (e.g., going back to at-large voting).
- August 27 - Last day for printing changes
- September 3 - ballots for military overseas voters go out.

A vote on September 1 would not change the conduct of the Carson municipal election from by-district to at-large, since that deadline would have passed, nor would it be possible to change because the ballots would be printed, which would feature the candidates for each respective Council District.

V. FISCAL IMPACT

None.

VI. EXHIBITS

None.

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