



# CITY OF CARSON

## Legislation Text

File #: 2021-291, Version: 1

### Report to Mayor and City Council

Tuesday, April 20, 2021

Discussion

#### **SUBJECT:**

#### **CONSIDER FILLING THE CITY CLERK VACANCY (CITY COUNCIL)**

#### **I. SUMMARY**

The position of City Clerk for the City of Carson has been vacated effective April 11, 2021, through the resignation of former City Clerk, Donesia Gause-Aldana. City Charter Section 306 (C) provides that vacancies in the City Clerk position shall be determined and filled in the same manner as City Councilmembers. This includes filling the vacancy by appointment (with two sub-options) or by special election on November 2, 2021.

Staff requests the City Council accept Ms. Gause-Aldana's letter of resignation and provide direction as to how it chooses to fill the vacancy created by the resignation of Ms. Gause-Aldana. Once City Council provides such direction, an appropriate resolution can be brought back to City Council for further consideration and adoption.

Additionally, some interest has been expressed in bringing back a future item to enable the City Council to consider a charter amendment in 2022 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.

#### **II. RECOMMENDATION**

1. ACCEPT the letter of resignation submitted by Donesia Gause-Aldana, the City's former City Clerk.
2. DISCUSS and PROVIDE direction for filling the vacancy created by Donesia Gause-Aldana's resignation from the City Clerk position.

3. 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

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, there will be costs associated with conducting a special election for the City Clerk position in the City of Carson.

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 cost of the City Clerk election would be in addition to the \$128,000. Since the City Clerk is a citywide elected seat rather than a single district, it is anticipated that the cost for a City Clerk election would exceed \$128,000. Staff has asked Los Angeles County for an estimate of this additional cost and it was not available at the time of this writing.

### **VI. EXHIBITS**

1. Resignation Letter from Donesia Gause-Aldana (pg. 4)

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