

Council Meeting of
March 20, 2012

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the City Council:

SUBJECT: Adopt RESOLUTION providing for appointment to offices and cancelling the Tuesday, June 5, 2012 General Municipal Election

RECOMMENDATION

Recommendation of the City Clerk that City Council act on the City Clerk's certification that there are not more candidates than offices to be elected by:

- 1) Appointing to office those persons nominated and adopt a **RESOLUTION** providing for the appointment to the offices of the City of Torrance that were to be elected on Tuesday, June 5, 2012 and cancelling the election.
- OR**
- 2) Giving direction to the City Clerk to continue preparation for placing the election on the ballot.

Funding

Funding is available in the City Clerk's 2011-2012 budget.

ANALYSIS

At the close of the nomination period for the June 5, 2012 General Municipal Election at 5:00 p.m. on Friday, March 9, 2012 there were no more candidates than offices to be elected. A written certification of that fact was presented to the Mayor and City Council on Friday, March 9, 2012 immediately following the close of nominations and a notice that there are not more candidates than offices to be elected was published in the Daily Breeze on Tuesday, March 13, 2012 according to California Elections Code §10229.

Four individuals who had filed Notices of Intention were issued nomination papers between February 14 and March 9, 2012. Three candidates, Gene Barnett, Pat Furey and Susan M. Rhilinger, returned the nomination papers and submitted all necessary papers by the deadline.

As only three individuals were nominated for the three positions, the City Council may appoint those individuals to the positions. Once an appointment is made, the Elections Code states that the City Clerk will not accept for filing any statement of write-in candidacy submitted after appointment is made. If no action is taken by the 75th day preceding the election (March 22, 2012), the election will be held.

The cost estimate from the Los Angeles County Registrar Recorder for holding this election is \$195,000.

BACKGROUND

Notice of the election was announced and made public in various ways including the January 24, 2012 meeting when resolutions were passed calling the election and requesting consolidation on the Los Angeles County ballot as the election falls on a scheduled statewide primary election; notice of the election was published in the Daily Breeze on February 7, 2012; posted on public notice boards both inside and outside City Hall and the opening of the nomination period was announced at City Council meetings.

Review of the Torrance election history shows the March 2, 2004 election was canceled due to a lack candidates.

According to California Elections Code §10229 - "The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election'. Installation of those appointed will be determined at a later date.

Respectfully submitted,



Sue Herbers
City Clerk

Noted:



LEROY J. JACKSON
CITY MANAGER

Attachments:

- A. Resolution 2012-30 – Providing for the Appointment to Offices
- B. City Clerk Certification that there are not more candidates than elected offices.

RESOLUTION NO. 2012-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, JUNE 5, 2012 AND CANCELLING THE 2012 GENERAL MUNICIPAL ELECTION.

WHEREAS, pursuant to § 10229 of the Elections Code of the State of California, as of the close of the nomination period on March 9, 2012, at 5:00 p.m. there are not more candidates than offices to be elected and that § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the persons who have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

WHEREAS, a notice was published on March 13, 2012 in a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to § 10229 of the Elections Code of the State of California, the following action is being taken:

The following persons are being appointed to the offices to which they were nominated:

NAME	OFFICE	TERM
Gene Barnett	Member of the City Council	2012-2016
Pat Furey	Member of the City Council	2012-2016
Susan M. Rhilinger	Member of the City Council	2012-2016

SECTION 2. The election scheduled to be held on Tuesday, June 5, 2012, is now cancelled.

SECTION 3. The persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

INTRODUCED, APPROVED AND ADOPTED, this 20th day of March 2012.

APPROVED AS TO FORM:
JOHN L. FELLOWS III, City Attorney

Mayor Frank Scotto

ATTEST:

by _____
Patrick Q. Sullivan, Assistant City Attorney

Sue Herbers, CMC
City Clerk

CITY CLERK CERTIFICATION THAT THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED

I, Sue Herbers, City Clerk of the City of Torrance, do hereby certify that pursuant to § 10229, Elections Code of the State of California, to the following facts relating to the General Municipal Election to be held on Tuesday, June 5, 2012:

As of the close of the nomination period on March 9, 2012, at 5:00 p.m., there are not more candidates than offices to be elected.

The persons so nominated are:

Gene Barnett

Pat Furey

Susan M. Rhilinger

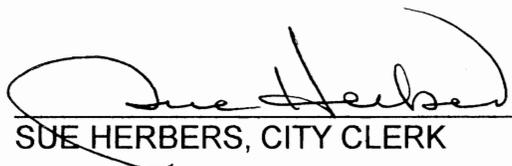
That § 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the persons who have been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

Pursuant to § 6061 of the Government Code a notice of these facts will be published on March 13, 2012 in the Daily Breeze, a newspaper of general circulation in the city. After the fifth day following the date of publication, the City Council will meet to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, (March 22, 2012), no person has been appointed to the offices pursuant to (1) or (2) above, the election shall be held. ✓

If the City Council makes an appointment pursuant to § 10229, Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.



SUE HERBERS, CITY CLERK

Posted on March 9, 2012 at 5:00 p.m.

✓ Correcting scrivener's error on the 75th day before the municipal election.
Posted March 13, 2012 at 12³⁰ p.m.