

RESOLUTION NO. 18-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA (1) CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2018 FOR THE PURPOSE OF FILLING A VACANCY TO A CITY COUNCIL SEAT ABANDONED AND VACATED BY ITS INCUMBENT EFFECTIVE AS OF MAY 19, 2018; AND (2) ORDERING THAT THIS SPECIAL MUNICIPAL ELECTION FOR THE VACATED CITY COUNCIL SEAT BE CONSOLIDATED WITH THE CITY'S GENERAL MUNICIPAL ELECTION OF THE SAME DATE WHICH WILL ITSELF BE CONSOLIDATED WITH THE COUNTY-ADMINISTERED GENERAL ELECTION OF THE SAME DATE AS PROVIDED BY PRIOR CITY COUNCIL RESOLUTION NO. 18-26 PURSUANT TO § 10403 OF THE CALIFORNIA ELECTIONS CODE

WHEREAS, at the City Council's regular meeting of June 5, 2018, the City Council of the City of Cudahy adopted Resolution No. 18-25, finding and declaring that Councilmember Jack Guerrero vacated his office as of May 19, 2018 and that the City Council seat held by him is now vacant pursuant to Government Code Section 36513; and

WHEREAS, Councilmember Jack Guerrero was elected to the City Council on March 5, 2013, and re-elected to the City Council on March 7, 2017;

WHEREAS, Councilmember Guerrero's current term was set to expire upon the certification of election results for the City's General Municipal Election of November 3, 2020;

WHEREAS, Government Code Section 36512(b) provides: If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent; and

WHEREAS, pursuant to the requirements of the laws of the State of California relating to general law cities, the City Council of the City of Cudahy calls and orders to be held in the City of Cudahy, California, on Tuesday, November 6, 2018, a Special Municipal Election to consider the election of a municipal officer; and

WHEREAS, at the City Council's regular meeting of June 5, 2018, the City Council of the City of Cudahy adopted Resolution No. 18-26:

1. Calling for and giving notice of a General Municipal Election to be held on Tuesday, November 6, 2018 for the election of three City Councilmembers;
2. Requesting consolidation of such election with the County of Los Angeles with any and all elections held on such date;
3. Requesting the County of Los Angeles to provide specific election administration services for such election;
4. Adopting regulations for candidates for elective office for such election regarding candidate statements; and
5. Providing for the determination of tie votes by lot unless the City Council adopts the provisions of Elections Code Section 15651(b) prior to the conduct of the election resulting in the tie vote. And,

WHEREAS, it is necessary and desirable that such Special Municipal Election to fill the vacated City Council be consolidated with the City's General Municipal Election to be held on November 6, 2018, which election, will in turn be consolidated with the County-administered General Election of the same date pursuant to Resolution No. 18-26;and

WHEREAS, it is requested that the precincts, polling places and election officers of the two elections (the General Municipal Election and the Special Municipal Election for the vacated City Council seat) be the same, and that the Los Angeles County Registrar-Recorder/County Clerk ("County Registrar") canvass the returns of the Special Municipal Election along with the returns for the consolidated General Municipal Election, and that the elections be held in all respects as if there were only one election.

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

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, including without limitation Government Code Section 36512 and 36516, there is called and ordered to be held in the City of Cudahy, California, on Tuesday, November 6, 2018 a Special Municipal Election for the purpose of electing one (1) person to fill the Cudahy City Council seat vacated and abandoned by its incumbent, Jack Guerrero effective as of May 19, 2018.

SECTION 2. Pursuant to Government Code Section 36512, and unlike the City Council seats which will be up for election as part of the City of Cudahy's routine General Municipal Election, the person elected to fill the City Council seat vacated by Jack Guerrero will only hold office for the unexpired balance of the term of office that Jack Guerrero would have otherwise served had he not abandoned and vacated his City Council seat. Accordingly, the person elected by Cudahy voters to fill the City

Council seat vacated by Jack Guerrero effective as of May 19, 2018 will only serve until the certification of election results for the City's General Municipal Election of November 3, 2020.

SECTION 3. It is requested that the County Registrar identify and differentiate on the November 6, 2018 ballot presented to Cudahy voters:

- (a) Those multiple City Council seats that are part of the City's at-large General Municipal Election and subject to a full four-year term of office which will not expire until the certification of election results at the City's General Municipal Election of November 8, 2022; and
- (b) The single vacated City Council that is the subject of the Special Municipal Election and that is subject to an abbreviated term of office which will end upon the certification of election results following the next General Municipal Election of November 3, 2020.

SECTION 4. That pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of the City of Cudahy's Special Municipal Election to fill the vacated City Council seat along with the City's General Municipal Election, with the County Registrar-administered General Election of November 6, 2018.

SECTION 5. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 6. That the City Clerk is authorized, instructed and directed to coordinate with the County of Los Angeles Registrar of Voters to procure and furnish any and all ballots, notices, printed matter and supplies, services, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 7. That the polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 8. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for the holding of municipal elections in the City.

SECTION 9. That the County of Los Angeles Registrar of Voters Office is authorized to canvass the returns of the City of Cudahy's Special Municipal Election. The elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The City of Cudahy's Special Municipal Election will

be held and conducted in accordance with the provisions of law regulating the General Municipal Election, including without limitation, Elections Code § 10418.

SECTION 10. That the Board of Supervisors is hereby requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election. The City Council also incorporates into this resolution all of the requirements and restrictions applicable to candidates for office as set forth in Resolution No. 18-26, including requirements and restrictions relating to the content, wording and submission of candidate statements. (A true and correct copy of Resolution No. 18-26 is attached and incorporated into this Resolution as **Exhibit "A"** by this reference).

SECTION 11. That the City of Cudahy recognizes that additional costs will be incurred by the County of Los Angeles by reason of this consolidation and agrees to reimburse the County for any such costs upon presentation of a properly submitted invoice.

SECTION 12. That the notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election in time, form and manner as required by law.

SECTION 13. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 14. That all the provisions of any existing resolution as heretofore adopted by the City Council that are in conflict with the provisions of this resolution are hereby repealed.

SECTION 15. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 16. The City Council reserves the right to fill the vacancy to Mr. Guerrero's seat within sixty (60) days from the commencement of the vacancy on May 19, 2018, pursuant to Government Code Section 36512(b). However, as provided under Government Code Section 36512(b)(2)(A), any person so appointed shall only serve until the certification of election results following the City's upcoming General Municipal Election of November 6, 2018. Government Code Section 36512(b)(2)(A) provides in relevant part:

If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election.

As found under Resolution No. 18-25, the vacancy to Jack Guerrero's seat occurred on May 19, 2018 which was a date within the first half of Mr. Guerrero's term of office. The date of the vacancy was more than 130 days from the date of the City's next General

Municipal Election of November 6, 2018. Accordingly, any person appointed to fill the vacancy to Mr. Guerrero's seat may only serve until the certification of election results following the City's General Municipal Election of November 6, 2018.

SECTION 17. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 18. That the City Clerk shall forward without delay, a copy of said resolution to the Los Angeles County Board of Supervisors, the Los Angeles County Registrar-Recorder/County Clerk, and to the City Clerk of the City of Los Angeles.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at its regular meeting on this 3rd day of July 2018.



Chris Garcia
Mayor

ATTEST:



Richard Iglesias
Deputy City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Richard Iglesias, Deputy City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No.18-33 was passed and adopted by the City Council of the City of Cudahy at a regular meeting held on the 3rd day of July, 2018, and that said Resolution was adopted by the following vote, to-wit:

AYES: Markovich, Sanchez, Hernandez, and Garcia

NOES: None

ABSENT: None

ABSTAIN: None


Richard Iglesias
Deputy City Clerk