

## RESOLUTION NO. 2019-104

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ORDERING, CALLING AND PROVIDING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF TORRANCE ON TUESDAY, MARCH 3, 2020, FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT RELATING TO GIVING CITY COUNCIL 60 DAYS TO FILL A VACANCY IN AN ELECTIVE OFFICE TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE CHARTER AMENDMENT; AND PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A PROPOSED CHARTER AMENDMENT TO BE SUBMITTED AT THE ELECTION**

**WHEREAS**, City Charter section 603 provides that all vacancies in elective offices, other than the Board of Education, shall be filled by appointment by the City Council; and

**WHEREAS**, City Charter section 603 further provides that the City Council must fill the vacancy within 30 days of the occurrence of the vacancy or the City Council must call an election to fill the vacancy; and

**WHEREAS**, 30 days is an extremely short amount of time for the City Council to announce the vacancy, receive applications, interview applicants, and return with an appointment agenda item to the City Council meeting; and

**WHEREAS**, Government Code section 36512 provides that in the event of a vacancy in an elective office, the City Council shall appoint within 60 days of the occurrence of the vacancy or call an election to fill the vacancy; and

**WHEREAS**, pursuant to authority provided by California Constitution, Article XI, Torrance City Charter Section 1620, California Government Code Sections 34450 et. seq. and California Elections Code Sections 9255 et. seq., the City Council of the City of Torrance desires to submit to the voters a proposed charter amendment to allow City Council 60 days to fill a vacancy in an elective office ("Charter Amendment"); and

**WHEREAS**, California Constitution, Article XI, Section 3, requires that any charter amendment be approved by a majority of City voters voting at an election called for that purpose; and

**WHEREAS**, pursuant to California Government Code Section 34458(b), the City Council held a duly noticed public hearing on August 27, 2019 and a second duly noticed public hearing on October 1, 2019 to hear public comment and testimony and to consider the Charter Amendment, with the two public hearings being held at 7:00 p.m., outside normal City business hours; and

**WHEREAS**, pursuant to California Government Code Section 34458(b), this resolution is being adopted at a City Council meeting which is at least 21 calendar days after the second public hearing referenced above; and

**WHEREAS**, the City Council is authorized and directed by statute to submit the proposed Charter Amendment to the voters; and

**WHEREAS**, the City Council further desires to set deadlines and rules for primary and rebuttal arguments for and against the Charter Amendment;

**NOW, THEREFORE**, the City Council of the City of Torrance resolves as follows:

**SECTION 1**

The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

**SECTION 2**

That pursuant to the provisions of California Constitution, Art. XI, Section 3, Torrance City Charter section 1620, California Government Code, Sections 34450 et. seq., and California Elections Code, Sections 9255 et. seq., and any other applicable requirements of the laws of the State of California relating to charter cities, the City Council, by a majority vote, hereby calls and orders to be held a General Municipal Election in the City of Torrance between the hours of 7:00 a.m. and 8:00 p.m. on Tuesday, the 3rd day of March, 2020, for the purpose of submitting to a vote of the qualified electors of the City of Torrance the following proposed Charter Amendment:

<b>“City of Torrance 60 Days to Appoint a Vacancy. Shall the City Charter be amended to allow the City Council 60 days to fill a vacancy in an elective office?”</b>	<b>YES</b>
	<b>NO</b>

**SECTION 3**

That the text of the Charter Amendment to be submitted to the voters is attached hereto as Exhibit "A".

**SECTION 4**

That the minimum vote requirement for the Charter Amendment to pass is a simple majority (50% + 1) of the votes cast.

## **SECTION 5**

That pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Charter Amendment to the City Attorney. The City Attorney shall prepare an impartial analysis of the Charter Amendment, not to exceed 500 words in length, showing the effect of the Charter Amendment on the existing law and the operation of the Charter Amendment, and transmit such impartial analysis to the City Clerk not later than the deadline for submittal of primary arguments for or against the Charter Amendment.

The impartial analysis shall include a statement indicating whether the Charter Amendment was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Charter Amendment is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **"The above statement is an impartial analysis of Ordinance or Measure " \_\_\_\_." If you desire a copy of the ordinance or measure, please call the Office of the City Clerk at (310)618-2870 and a copy will be mailed at no cost to you."**

## **SECTION 6**

Primary Arguments. That the City Council authorizes (i) the Mayor, City Council or any member(s) of the City Council, (ii) any appointive officer of the City, (iii) any individual voter eligible to vote on the above measure, (iv) a bona fide association of such citizens or (v) any combination of voters and associations, to file a written argument in favor of or against the City measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, the City Council Rules of Order, and to change the argument until and including the date fixed below by the City Clerk, after which no arguments for or against the City measure may be submitted to the City Clerk.

## **SECTION 7**

Pursuant to the City Council Rules of Order, the Mayor, with the approval of the City Council, may designate a person, or association of persons, to write arguments either for or against or both for and against the adoption of any measure or proposition placed on the ballot.

## **SECTION 8**

The deadline to submit arguments for or against the City Measure pursuant to this Resolution is declared by the City Clerk to be Friday, December 13, 2019, at 5:30 p.m. Each argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

## **SECTION 9**

Rebuttal Arguments. Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the primary arguments for and against the City Measure which will be printed and distributed to the voters, the Clerk shall send copies of the primary argument in favor of the Measure to the authors of the primary argument against, and copies of the primary argument against to authors of the primary argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than Monday, December 23, 2019 at 5:30 p.m. Authors may change a rebuttal argument until and including the date fixed above by

the City Clerk, after which no rebuttal arguments for or against the City measure may be submitted to the City Clerk. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

**SECTION 10**

That notice of the time and place of holding the election is hereby 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 11**

The City Clerk is authorized, instructed and directed to coordinate with the County of Los Angeles Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 12**

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

**SECTION 13**

This call for a general election on March 3, 2020 includes the Vote Center Election procedure provided for in Elections Code section 4007.

**SECTION 14**

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 15**

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

**SECTION 16**

The City Council finds that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**SECTION 17**

The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

**SECTION 18**

That the City Council authorizes the City Clerk to administer the election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

**INTRODUCED, APPROVED, and ADOPTED** this 22nd day of October, 2019.



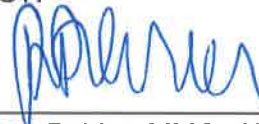
\_\_\_\_\_  
Mayor Patrick J. Rurey

APPROVED AS TO FORM:



\_\_\_\_\_  
Patrick Q. Sullivan, City Attorney

ATTEST:



\_\_\_\_\_  
Rebecca Poirier, MMC, City Clerk

Attachment: Exhibit A Text of Charter Amendment


**TORRANCE CITY COUNCIL RESOLUTION NO. 2019-104**

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES        )     ss  
CITY OF TORRANCE                )

I, Rebecca Poirier, City Clerk of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Torrance at a regular meeting of said Council held on the 22nd day of October, 2019 by the following roll call vote:

AYES:        COUNCILMEMBERS        Chen, Goodrich, Griffiths, Herring, Mattucci, Rizzo, and Mayor Furey.  
NOES:        COUNCILMEMBERS        None.  
ABSTAIN:     COUNCILMEMBERS        None.  
ABSENT:     COUNCILMEMBERS        None.

Date: 10/22/19

  
\_\_\_\_\_  
Rebecca Poirier, MMC  
City Clerk of the City of Torrance

## MEASURE " \_\_\_\_ "

SECTION 1. THE PEOPLE OF THE CITY OF TORRANCE DO HEREBY AMEND THE TORRANCE CITY CHARTER BY REPEALING TORRANCE CITY CHARTER SECTION 603 AND REPLACING IT WITH A NEW SECTION 603 TO THE CITY CHARTER:

**603 VACANCIES**

- a) Any vacancies occurring in any of the elective offices provided for in this Charter, other than of members of the Board of Education, shall be filled by appointment by the City Council. Vacancies in the Board of Education shall be filled by appointment by the Board of Education.
- b) In the event of the City Council or the Board of Education, respectively, failing to fill a vacancy by appointment within 60 days after such vacancy occurs, the City Council or the Board of Education, as the case may be, must immediately, after the expiration of said 60 days, cause an election to be held to fill such vacancy.
- c) Any person appointed or elected to fill any vacancy on the City Council shall hold office only until the next regular municipal election at which time a person shall be elected to serve for the remainder of such unexpired term. Any person appointed or elected to fill a vacancy on the Board of Education shall hold office for the remainder of the unexpired term.
- d) In the election of member of the City Council or members of the Board of Education, where full terms and 1 or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms but the person or persons elected by the highest number of votes shall be elected for the full terms or term and the persons receiving the next highest vote shall be elected for the unexpired terms or term, as the case may be.

SECTION 3. Approval, Filing and Recordation of Charter Amendment. Pursuant to California Government Code Section 34460, if approved by a majority of voters, the Mayor and City Clerk shall certify, authenticate and attest to the passage of this Charter Amendment. The City Clerk shall also (i) record one copy of this Charter Amendment with the Los Angeles County Recorder's Office, (ii) file one copy in the City's archives and (iii) file one copy with the California Secretary of State. Each copy recorded with the County Recorder and filed in the City's archives shall also be filed with the following:

- (a) Certified copies of all publications and notices required of the City by State law in connection with the calling of an election to propose the Charter Amendment.
- (b) Certified copies of any arguments for or against the Charter Amendment that were mailed to voters pursuant to California Elections Code Sections 9281 and 13303.
- (c) A certified abstract of the vote at the election at which the Charter Amendment was approved by the voters.

SECTION 4. Ratification and Effective Date. Pursuant to California Government Code Section 34459, this Charter Amendment shall be deemed ratified if approved by a majority of the eligible voters of the City of Torrance voting at the General Election of March 3, 2020. However, this Charter Amendment shall not take effect until it has been accepted and filed by the Secretary of State pursuant to Government Code Section 34460.

SECTION 5. Severability. If any provision of this Charter Amendment or the application thereof to any person or circumstance is held invalid, the remainder of the Charter Amendment and the application of such provision to other persons or circumstances shall not be affected thereby.

**PASSED, APPROVED, and ADOPTED** by the People of the City of Torrance at a General Election held on March 3, 2020.

\_\_\_\_\_  
Mayor Patrick J. Furey

APPROVED AS TO FORM:  
PATRICK Q. SULLIVAN, City Attorney

ATTEST:

\_\_\_\_\_  
Tatia Y. Strader, Assistant City Attorney

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Rebecca Poirier, MMC, City Clerk