



**CITY CLERK DEPARTMENT**  
*Long Beach, California*

**NB-13**

LARRY HERRERA  
*City Clerk*

**ADMINISTRATIVE DIVISION**

*Monique De La Garza*  
*Administrative Officer*

**ELECTIONS BUREAU**

*Poonam Davis*  
*City Clerk Bureau Manager*

**LEGISLATIVE BUREAU**

*Merianne Nakagawa*  
*City Clerk Bureau Manager*

September 8, 2009

**HONORABLE MAYOR AND CITY COUNCIL**  
City of Long Beach  
California

**RECOMMENDATION:**

Adopt a Resolution proclaiming, calling, giving notice of and providing for the holding of a Special Election to be held in the City of Long Beach on Tuesday, the 29th day of December, 2009, for the Election of Governing Board Member of the Long Beach Unified School District Area 3 for the remainder of the term of office terminating on the third Monday of July, 2010; and

Adopt a Resolution requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a Special Election to be held on Tuesday, December 29, 2009.

**DISCUSSION**

On September 1, 2009, the Long Beach Unified School District Board adopted a resolution declaring a vacancy in the office of Board of Education Member, District 3 (see Attachment 1). Pursuant to the City Charter, the Board also adopted a resolution requesting that the City Clerk Department conduct and administer a Special Election to fill the vacant office on December 29, 2009 (see Attachment 2).

Approval of the above recommendations will authorize the City Clerk Department to administer the Special Election.

Upon authorization from Los Angeles County Board of Supervisors, nomination papers, candidate statement filings and fees, and campaign statement filings will be processed by the Los Angeles County Registrar-Recorder/County Clerk in Norwalk, California. Upon authorization, the nomination period will be formally announced by the City Clerk Department and the Los Angeles County Registrar-Recorder/County Clerk.

HONORABLE MAYOR AND CITY COUNCIL  
September 8, 2009  
Page 2

FISCAL IMPACT

The costs for a Special Election in the Long Beach Unified School District Area 3 are estimated between \$219,295 and \$235,832. The Long Beach Unified School District Board of Education will reimburse all funds expended for this Special Election by the City, including administrative costs.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

*Patricia Davis for Larry Herrera*

LARRY G. HERRERA  
CITY CLERK

Attachments: Attachment 1 – LBUSD Resolution No. 090109-B  
Attachment 2 – LBUSD Resolution No. 090109-C

ATTACHMENT 1  
RESOLUTION NO. 090109-B

**A RESOLUTION OF THE GOVERNING BOARD OF EDUCATION  
OF THE LONG BEACH UNIFIED SCHOOL DISTRICT  
DECLARING A VACANCY IN THE OFFICE OF BOARD OF EDUCATION MEMBER,  
DISTRICT 3**

**WHEREAS**, by letter dated August 5, 2009, Board of Education Member Michael Ellis (District 3) informed Superintendent Steinhauser and Board of Education Members Meyer, Williams, Barton, and Stanton of his intent to resign from the office of Board of Education Member (District 3); and

**WHEREAS**, Board Member Ellis' August 5, 2009 letter to Superintendent Steinhauser and Board of Education Members Meyer, Williams, Barton, and Stanton states that his resignation from the office of Board Member (District 3) shall be effective September 1, 2009; and

**WHEREAS**, Board Member Ellis has taken no action to withdraw his resignation subsequent to notifying Superintendent Steinhauser and Board of Education Members Meyer, Williams, Barton, and Stanton of his intent to resign effective September 1, 2009; and

**WHEREAS**, Superintendent Steinhauser and the Board of Education have taken actions in reliance on Board Member Ellis' August 5, 2009 letter stating his intent to resign the office of Board Member (District 3) effective September 1, 2009; and

**WHEREAS**, subdivision (c) of section 1770 of the California Government Code provides that a vacancy occurs in a public office by operation of law upon the happening of the incumbent's resignation of that office; and

**WHEREAS**, the happening of the event described in subdivision (c) of section 1770 of the California Government Code occurred at 12:00 a.m. on September 1, 2009 by reason of the effective date of resignation stated in Board Member Ellis' letter of resignation; and

**WHEREAS**, pursuant to subdivision (c) of section 1770 of the California Government Code a vacancy occurred by operation of law in the office of Board of Education Member (District 3) at 12:00 a.m. on September 1, 2009;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Education of the Long Beach Unified School District hereby finds and declares that the office of Board of Education Member (District 3) became vacant at 12:00 a.m. on September 1, 2009

**AYES:** 4

**NOES:** 0

**ABSTAIN:** 0

**ABSENT:** 0

That the Board of Education adopt Resolution No. 090109-B, finding and declaring that the office of Board of Education Member (District 3) became vacant effective at 12:00 a.m. on September 1, 2009.

**APPROVED, ADOPTED AND SIGNED** on September 1, 2009.

**BOARD OF EDUCATION OF THE LONG BEACH  
UNIFIED SCHOOL DISTRICT OF  
LOS ANGELES COUNTY, CALIFORNIA**

By:     Mary Stanton     President

By:     Teresa Williams     Vice-President

By:     Paul But     Member

By:     Don Meyer     Member

By: \_\_\_\_\_ Member

ATTACHMENT 2  
RESOLUTION NO. 090109-C

**A RESOLUTION OF THE GOVERNING BOARD OF EDUCATION  
OF THE LONG BEACH UNIFIED SCHOOL DISTRICT  
CALLING A SPECIAL ELECTION  
TO FILL THE VACANCY IN THE OFFICE OF  
BOARD OF EDUCATION MEMBER, DISTRICT 3**

**WHEREAS**, the Long Beach Unified School District Board of Education ("Board of Education") is committed to ensuring that all persons who reside within the District's boundaries are represented on the Board of Education;

**WHEREAS**, the office of Board of Education Member (District 3) became vacant at 12:00 a.m. on September 1, 2009 by operation of law under subdivision (c) of section 1770 of the California Government Code following Board Member Michael Ellis' resignation; and

**WHEREAS**, Section 2207 of the Long Beach City Charter provides for the manner in which vacancies on the Board of Education shall be filled; and

**WHEREAS**, Section 2207 of the Long Beach City Charter provides that vacancies on the Board of Education shall be filled for the remaining portion of the term of the vacant office at a special election to be called for that purpose, unless the vacancy occurs within 120 days of regular Board of Education election set forth in the Long Beach City Charter;

**WHEREAS**, Section 2207 requires the remaining members of the Board of Education to call a special election to fill the remaining portion of the term for a vacant Board of Education seat within 30 days after the occurrence of the vacancy; and

**WHEREAS**, Section 2207 requires that the special election called to fill the remaining portion of the term for a vacant Board of Education seat shall be held within 120 days of the occurrence of the vacancy; and

**WHEREAS**, since there are more than 120 days between September 1, 2009, the effective date of the vacancy in the office of Board of Education Member (District 3), and April 13, 2010, the date of the next regular Board of Education election under the provisions in the Long Beach City Charter, a special election must be called to fill the remaining portion of the term for the office of Board of Education Member (District 3);

**WHEREAS**, the date of this resolution, September 1, 2009, is within 30 days after the office of Board of Education Member (District 3) became vacant;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Education hereby calls a special election to be held on Tuesday, December ~~21~~, 2009 to fill the remaining portion of the term for the vacant office of Board of Education Member (District 3); and

**BE IT FURTHER RESOLVED THAT**, the Board of Education hereby requests that the Long Beach City Clerk conduct the election and to take all actions which are necessary or appropriate in connection with the election, including but not limited to, printing and mailing sample ballots, applications for absentee ballots, canvassing election returns and certifying the results of the election to the Board of Education.

The Board of Education further requests that the Los Angeles County Registrar of Voters take all actions necessary or appropriate in conjunction with the Long Beach City's conduct of the election, including but not limited to, issuing and receiving the candidate nomination papers.

The Board of Education hereby agrees to reimburse the City of Long Beach and Los Angeles County in full for all appropriate election costs incurred in the provision of any services performed by them for the District upon presentation of an invoice to the District.

AYES: 4

NOES: 0

ABSTAIN: 0

ABSENT: 0

That the Board of Education of the Long Beach Unified School District adopt Resolution 090109-C, calling a special election to be held on Tuesday, December 29, 2009 to fill the remaining portion of the term of the vacant office of Board of Education Member (District 3).

APPROVED, ADOPTED AND SIGNED on September 1, 2009.

BOARD OF EDUCATION OF THE LONG BEACH  
UNIFIED SCHOOL DISTRICT OF  
LOS ANGELES COUNTY, CALIFORNIA

By: Mary Stanton President

By: John Villanueva Vice-President

By: Paul Bark Member

By: Don Meyer Member

By: \_\_\_\_\_ Member

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH, REQUESTING THE BOARD OF  
SUPERVISORS OF THE COUNTY OF LOS ANGELES TO  
RENDER SPECIFIED SERVICES TO THE CITY RELATING  
TO THE CONDUCT OF A SPECIAL ELECTION TO BE  
HELD ON TUESDAY, DECEMBER 29, 2009

WHEREAS, a Special Election is to be held in the City of Long Beach,  
California on December 29, 2009; and

WHEREAS, in the course of conduct of this election, it will be necessary to  
mail sample ballots and polling place information to the registered voters of the City, and  
it will facilitate such mailing if the Registrar of Voters of the County of Los Angeles will  
make available to the City the computer record of the names and addresses of all eligible  
registered voters in order that labels may be printed for attaching to self-mailer sample  
ballot pamphlets; and

WHEREAS, all necessary expenses in performing this service shall be paid  
by the City of Long Beach;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
follows:

Section 1. That pursuant to the provisions of Section 10002 of the  
Elections Code of the State of California, the City Council requests the Board of  
Supervisors of the County to permit the Registrar of Voters to prepare and furnish to the  
City for use in conducting the above-mentioned election the computer record of the  
names and addresses of all eligible registered voters in the City in order that the City may  
print labels to be attached to self-mailer sample ballot pamphlets; furnish to the City  
printed indices of the voters to be used by the precinct board at the polling place; and

1 make available to the City additional election equipment and assistance according to  
2 state law, including processing of candidate nomination papers.

3 Section 2. That the City shall reimburse the County for services  
4 performed when the work is completed and upon presentation to the City of a properly  
5 approved bill.

6 Section 3. That the City Clerk is hereby directed to forward without delay  
7 to the Board of Supervisors and to the Registrar of Voters a certified copy of this  
8 resolution.

9 Section 4. This resolution shall take effect immediately upon its adoption  
10 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

11 Section 5. This resolution shall take effect immediately upon its adoption  
12 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

13 I hereby certify that the foregoing resolution was adopted by the City  
14 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2009 by the  
15 following vote:

16  
17 Ayes: Councilmembers: \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_

21 Noes: Councilmembers: \_\_\_\_\_  
22 \_\_\_\_\_

23 Absent: Councilmembers: \_\_\_\_\_  
24 \_\_\_\_\_

25  
26  
27 \_\_\_\_\_  
28 City Clerk



OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH ORDERING, PROCLAIMING,  
CALLING, GIVING NOTICE OF AND PROVIDING FOR THE  
HOLDING OF A SPECIAL ELECTION TO BE HELD IN THE  
CITY OF LONG BEACH ON TUESDAY, THE 29TH DAY OF  
DECEMBER, 2009, FOR THE ELECTION OF GOVERNING  
BOARD MEMBER OF THE LONG BEACH UNIFIED  
SCHOOL DISTRICT AREA 3 FOR THE REMAINDER OF  
THE TERM OF OFFICE TERMINATING ON THE THIRD  
MONDAY OF JULY, 2010

WHEREAS, the Governing Board of Education for the Long Beach Unified  
School District has declared a vacancy in the Office of Board Member for District Area 3  
and has duly called and provided for the holding of a Special Election on Tuesday,  
December 29, 2009 in order to elect a board member to such office for the remainder of  
the term of office terminating on the third Monday of July, 2010, and has requested the  
City to conduct such election; and

WHEREAS, in accordance with applicable law, it is necessary for the City  
Council to order, proclaim and call a Special Election for the election of Governing Board  
Member of the Long Beach Unified School District Board Area 3;

NOW, THEREFORE, the City Council of the City of Long Beach does  
resolve, order, proclaim, declare, call and give notice as follows:

Section 1. Pursuant to the provisions of the Constitution and laws of the  
State of California and the provisions of the Charter of the City of Long Beach governing  
the holding of municipal elections, a Special Election is ordered, proclaimed and called to

1 be held in the City of Long Beach, California, between the hours of 7:00 a.m. and 8:00  
2 p.m. on the 29<sup>TH</sup> day of December, 2009, for the purpose of electing a member of the  
3 Long Beach Unified School District Governing Board Area 3 for the remainder of the  
4 term of office terminating on the third Monday of July, 2010.

5 Section 2. Notice is given of the holding and of the time and place of the  
6 election.

7 Section 3. The polls for the Special Election shall be open at 7:00 a.m.  
8 and shall be kept open until 8:00 p.m. when the polls shall be closed; except that, if at the  
9 hour of closing there are any voters in the polling place or in line at the door who are  
10 qualified to vote, and who have not been able to do so since appearing, the polls shall be  
11 kept open a sufficient time to enable them to vote; but no one who arrives at the polling  
12 place after 8:00 p.m. shall be entitled to vote, although the polls may be open when such  
13 person arrives.

14 Section 4. Pursuant to Section 13307 of the California Elections Code, a  
15 charge shall be levied against each candidate for the costs of the candidate's statements  
16 sent to each voter. The City Clerk is directed and authorized to establish and implement  
17 the charge for the costs of printing, handling, translating, and mailing any candidate  
18 statements as provided in Elections Code Section 13307. Any allegation of indigence or  
19 inability to pay the requisite fee in advance shall be handled by the City Clerk in  
20 accordance with the provisions of Elections Code Section 13309, and in such instances  
21 the candidate's statement shall only be published in the English language.

22 Section 5. No candidate will be permitted to include any additional  
23 materials in any sample ballot package.

24 Section 6. The City Clerk shall provide each candidate or the candidate's  
25 representative with a copy of this resolution.

26 Section 7. This resolution shall take effect immediately upon its adoption  
27 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2009, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664



**City of Long Beach Memorandum**  
*Working Together to Serve*

## REQUEST TO ADD AGENDA ITEM

**Date:** September 3, 2009  
**To:** Larry Herrera, City Clerk  
**From:** Larry Herrera, City Clerk  
**Subject:** Request to Add Agenda Item to Council Agenda of September 8, 2009

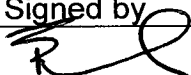
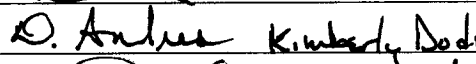
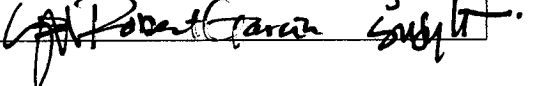
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Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Recommendation to adopt a Resolution proclaiming, calling, giving notice of and providing for the holding of a Special Election to be held in the City of Long Beach on Tuesday, the 29th day of December, 2009, for the Election of Governing Board Member of the Long Beach Unified School District Area 3 for the remainder of the term of office terminating on the third Monday of July, 2010; and

Adopt a Resolution requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a Special Election to be held on Tuesday, December 29, 2009.

Council District	Authorizing Councilmember	Signed by
2	SUZA LOWENTHAL	 BROCK COWARD
6	Dee Andrews	 Dee Andrews Kimberly Dodson
1	Robert Garcia	 Robert Garcia Subject

Attachment: Staff Report dated September 8, 2009

CC: Office of the Mayor