



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

**NB-23**

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*

January 24, 2012

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

**RECOMMENDATION:**

That the City Council adopt the attached resolution pursuant to the provisions of Long Beach Municipal Code Section 1.21.070, providing for the appointment of Dee Andrews to the Office of Councilmember, Sixth Council District for the term of four years commencing on the third Tuesday of July, 2012; and the cancellation of election in Council District Six previously called by the City Council on November 8, 2011.

**DISCUSSION**

On November 8, 2011, the City Council adopted a resolution calling and giving notice of a Primary Nominating Election for City Council in the abovementioned Council District Office.

With the close of the candidate nomination period on January 13, 2012, the above named Councilmember was the only person nominated. The City Clerk Certification of Fact regarding the only person duly nominated in each Council District is shown in Attachment A.

Under this circumstance, Long Beach Municipal Code Section 1.21.070 becomes operative as it provides that if no candidate files nomination papers for a write-in candidacy by 5:00 P.M. on January 20, 2012, the City Council shall appoint to the office the person who has been nominated. As of this deadline no eligible voter filed nomination papers to run as a qualified write-in candidate.

If the City Council makes an appointment pursuant to Section 1.21.070, the City Clerk shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made.

**TIMING CONSIDERATIONS**

Approval of the recommended action at this time will allow the City Clerk Department to prepare the official ballot, sample ballot and ballot pamphlet.

HONORABLE MAYOR AND CITY COUNCIL  
January 24, 2012  
Page 2

If the City Council has not appointed any person to the office pursuant to Section 1.21.070 by January 26, 2012, an election for the abovementioned office will be held.

FISCAL IMPACT

The City Clerk Department budget contains the appropriations necessary for conduct of the April 10, 2012 Primary Nominating Election. Cancellation of election in Council District Six will result in savings to the General Fund.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LARRY HERRERA  
CITY CLERK

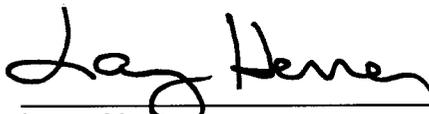
Attachment A – City Clerk Certificate of Fact (January 19, 2012)



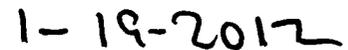
**CITY CLERK CERTIFICATION OF FACT  
THAT THERE ARE NOT MORE CANDIDATES  
THAN OFFICES TO BE ELECTED**

I, Larry Herrera, City Clerk of the City of Long Beach, California do hereby certify that, pursuant to Section 1.21.070 of the Long Beach Municipal Code, the facts relating to the Primary Nominating Election to be held on Tuesday, April 10, 2012, is as follows:

1. At the close of the nomination period of January 13, 2012, there are not more candidates than offices to be elected for the Office of Member of the City Council, District Six. The person so nominated is: DEE ANDREWS
2. That no candidate filed nomination papers for a write-in candidacy by five o'clock (5:00) P.M., on January 20, 2012; and that such cases, Section 1.21.070 of the Long Beach Municipal Code allows one of the following actions to be taken by the City Council:
  - A. Appoint to the office the person who has been nominated.
  - B. Appoint to the office any eligible elector if no one has been nominated.
3. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.
4. If, by the 75<sup>th</sup> day before the municipal election, no person has been appointed to the office pursuant to Item No. 1 above, the election shall be held.
5. If the City Council makes an appointment pursuant to Section 1.21.070 of the Long Beach Municipal Code, the City Clerk shall not accept for filing any statement of write-in candidacy, which is submitted after the appointment is made.



Larry Herrera  
City Clerk



Date

1 RESOLUTION NO.

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
4 LONG BEACH PROVIDING FOR THE APPOINTMENT OF  
5 DEE ANDREWS TO THE OFFICE OF COUNCILMEMBER,  
6 SIXTH COUNCIL DISTRICT, FOR A FULL TERM OF FOUR  
7 YEARS COMMENCING ON THE THIRD TUESDAY OF  
8 JULY, 2012  
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10 WHEREAS, a Primary Nominating Election has been scheduled to be held  
11 in the City on April 10, 2012, for the purpose of electing/nominating candidates for the  
12 Council District Offices in the Second, Fourth, Sixth and Eighth Council Districts; and

13 WHEREAS, Long Beach Municipal Code Section 1.21.070 provides that if  
14 at the close of the nomination period for a regularly scheduled municipal election no more  
15 than one person has been nominated to be elected from or by a Council District, and no  
16 candidate has filed nomination papers for a write-in candidacy five (5) days thereafter,  
17 the City Council may take one of the following courses of action:

- 18 1. Appoint to the office the person who has been  
19 nominated; or  
20 2. Appoint to the office any eligible elector if no one has  
21 been nominated; and

22 WHEREAS, the City Clerk has duly submitted to the City Council a  
23 certificate of the fact that only one person each has been nominated to be elected for the  
24 office of Councilmember, Sixth Council District, and has informed the City Council that it  
25 may at a regular or special meeting adopt one of the courses of action indicated above;

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

28 Section 1. The City Clerk has submitted a certificate to the City Council

1 that at the close of the nomination period on January 13, 2012, only one candidate, Dee  
2 Andrews, has been nominated to be elected to the office of Member of the City Council,  
3 Sixth Council District, and no nomination papers for a write-in candidacy has been  
4 received for such office. Pursuant to Long Beach Municipal Code Section 1.21.070, Dee  
5 Andrews is hereby appointed to the office of Member of the City Council, Sixth District for  
6 the full term of four years, commencing on the third Tuesday of July, 2012.

7 Section 2. That the Primary Nominating Election scheduled to be held on  
8 Tuesday, April 10, 2012, for the Member of the City Council for the Sixth Council District  
9 is hereby cancelled; however, this resolution shall not in any way affect the holding and  
10 conduct of the Primary Nominating Election in the City of Long Beach on April 10, 2012,  
11 in the Second, Fourth, and Eighth Council Districts.

12 Section 3. That the person hereby appointed shall qualify and take office  
13 and serve exactly as if elected at a municipal election for the office.

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

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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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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2012, by the following vote:

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

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

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

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



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

## REQUEST TO ADD AGENDA ITEM

**Date:** January 19, 2012  
**To:** Councilmember  
**From:** Larry Herrera, City Clerk  
**Subject:** Request to Add Agenda Item to Council Agenda of **January 24, 2012**

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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:

*That the City Council adopt the attached resolution pursuant to the provisions of Long Beach Municipal Code Section 1.21.070, providing for the appointment of Dee Andrews to the Office of Councilmember, Sixth Council District for the term of four years commencing on the third Tuesday of July, 2012; and the cancellation of election in Council District Six previously called by the City Council on November 8, 2011.*

Council District	Authorizing Councilmember	Signed by
7	James Johnson	Michelle Clements for (JJ)
5	Geppie Schupfke	TIFFANY ANDREWS
2	SUSAN LOWENSTEIN	Susan Lowenstein

Attachment: Staff Report dated **January 24, 2012**

CC: Office of the Mayor