



Date: February 9, 2006  
To: Mayor and Members of the City Council  
From: Robert E. Shannon, City Attorney  
Subject: Next Steps in Response to Resignation of Councilmember Dan Baker

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As a result of the resignation of Councilmember Dan Baker, effective Wednesday, February 8, 2006, certain actions are required by the Charter to fill the vacancy created by this resignation.

Initially, the City Council must adopt a resolution declaring a vacancy in the office of Second District Councilmember. Our office has prepared that resolution, to be considered at the next Council meeting on February 14, 2006.

Once the vacancy is declared, the City Council has two options. Under the first option, the City Council may call a special election in order to fill the remainder of Councilmember Baker's term. This election must be called within 60 days of the declaration of the vacancy, and must be held within 120 days of the declaration of vacancy.

Under the second option, the City Council may appoint a person to fill the rest of Councilmember Baker's term. In any event, to be eligible for appointment or election, the person must be a legally registered voter and a resident of the Second District at the time of nomination to office.

Should the Council choose to call an election, please be advised that even though the April 11, 2006, primary would fall within this period, the sample ballot deadline for that election cannot be met. Therefore, the next available election date would be the general run-off election on June 6, 2006. This would be a "winner take all" election with no primary.

If the June election date is chosen, the filing period for accepting nomination papers for candidates for the Second District Councilmanic District Office shall begin on February 27, 2006, and shall end on March 10, 2006.

Please give me a call if you have any questions regarding the above.

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#06-00650

cc: Gerald R. Miller, City Manager  
Larry Herrera, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH, CALIFORNIA, DECLARING A VACANCY IN THE OFFICE OF MEMBER OF THE CITY COUNCIL FOR THE SECOND COUNCILMANIC DISTRICT

WHEREAS, Dan Baker, Councilmember from the Second Councilmanic District has resigned his Council office effective February 8, 2006.

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

Section 1. Pursuant to Section 204 of the City Charter, the City Council finds and determines that there is a vacancy in the office of a member of the City Council for the Second Councilmanic District.

Sec. 2. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2006, by the following vote:

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

City Clerk

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