

**NB-5**

CITY OF LONG BEACH

OFFICE OF THE CITY CLERK

333 West Ocean Boulevard • Long Beach, California 90802 • (562) 570-6101 • FAX (562) 570-6789

January 26, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

That the City Council either A.) Adopt the attached resolution pursuant to the provisions of Long Beach Municipal Code Section 1.21.070, providing for the appointment of Daryl Supernaw to the Office of Councilmember, Fourth Council District for the term of four years commencing on the third Tuesday of July, 2016; and the cancellation of election in Council District Four previously called by the City Council on November 10, 2015; or B.) Receive and file this report.

DISCUSSION

On November 10, 2015, the City Council adopted a resolution calling and giving notice of a Primary Nominating Election for City Council in Council Districts 2, 4, 6, and 8 scheduled to be held on April 12, 2016.

With the close of the candidate nomination period on January 15, 2016, Daryl Supernaw was the only person nominated for Long Beach City Council District Four. The City Clerk Certification of Fact regarding the only person duly nominated is shown in Attachment A.

Under this circumstance, Long Beach Municipal Code Section 1.21.070 provides that if no candidate files nomination papers for a write-in candidacy by 5:00 P.M. on January 22, 2016, the City Council has the option to either:

- A. Appoint to the office the person who has been nominated; or
- B. If, by the 75th day prior to the April 12, 2016 Primary Nominating Election, January 28, 2016, no person has been appointed to the office, the election shall be held.

As of the January 22, 2016 deadline no eligible voter filed nomination papers to run as a qualified write-in candidate.

TIMING CONSIDERATIONS

If the City Council has not appointed any person to the office pursuant to Municipal Code Section 1.21.070 by January 28, 2016, an election for the abovementioned office will be held. As such, the write-in period for Council District Four will begin February 15, 2016 to March 29, 2016, in accordance with California Election Code, Section 8601.

If the City Council makes an appointment pursuant to Municipal Code 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, pursuant to Municipal Code Section 1.21.070.

FISCAL IMPACT

The Office of the City Clerk budget contains the appropriations necessary to conduct the April 12, 2016 Primary Nominating Election. Should the City Council opt to cancel the election in Council District Four it could result in cost savings.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

A handwritten signature in cursive script, reading "Maria de la Luz Garcia".

MARIA DE LA LUZ GARCIA
CITY CLERK

Attachment A – City Clerk Certificate of Fact (January 22, 2016)



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

I, Maria de la Luz Garcia, 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 12, 2016, is as follows:

1. At the close of the nomination period of January 15, 2016, there are not more candidates than offices to be elected for the Office of Member of the City Council, District Four. The person so nominated is: DARYL SUPERNAW

2. That no candidate filed nomination papers for a write-in candidacy by five o'clock (5:00) P.M., on January 22, 2016; 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; or
- B. If, by the 75th day prior to the April 12, 2016 Primary Nominating Election, January 28, 2016, no person has been appointed to the office pursuant to Item No. 1 above, the election shall be held.

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 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.



Maria de la Luz Garcia
City Clerk

1/22/16
Date

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AUTHORIZING PROVIDING FOR
THE APPOINTMENT OF DARYL SUPERNAW TO THE
OFFICE OF COUNCILMEMBER, FOURTH COUNCIL
DISTRICT, FOR A FULL TERM OF FOUR YEARS
COMMENCING ON THE THIRD TUESDAY OF JULY, 2016

WHEREAS, a Primary Nominating Election has been scheduled to be held
in the City on April 12, 2016, for the purpose of electing/nominating candidates for the
Council District Offices in the Second, Fourth, Sixth and Eighth Council Districts; and

WHEREAS, Long Beach Municipal Code Section 1.21.070 provides that if
at the close of the nomination period for a regularly scheduled municipal election no more
than one person has been nominated to be elected from or by a Council District, and no
candidate has filed nomination papers for a write-in candidacy by the eighty-first (81st)
day prior to the election, the City Council may take one of the following courses of action:

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

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

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

Section 1. The City Clerk has submitted a certificate to the City Council
that at the close of the nomination period on January 15, 2016, only one candidate, Daryl

1 Supernaw, has been nominated to be elected to the office of Member of the City Council,
2 Fourth Council District, and no nomination papers for a write-in candidacy has been
3 received for such office. Pursuant to Long Beach Municipal Code Section 1.21.070,
4 Daryl Supernaw is hereby appointed to the office of Member of the City Council, Fourth
5 District for the full term of four years, commencing on the third Tuesday of July, 2016.

6 Section 2. That the Primary Nominating Election scheduled to be held on
7 Tuesday, April 12, 2016, for the Member of the City Council for the Fourth Council District
8 is hereby cancelled; however, this resolution shall not in any way affect the holding and
9 conduct of the Primary Nominating Election in the City of Long Beach on April 12, 2016,
10 in the Second, Sixth, and Eighth Council Districts.

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

13 Section 4. This resolution shall take effect immediately upon its adoption
14 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 _____, 2016,
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 22, 2016
To: Maria de la Luz Garcia, City Clerk
From: Maria de la Luz Garcia, City Clerk
Subject: Request to Add Agenda Item to Council Agenda of January 26, 2016

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 either A) Adopt resolution pursuant to the provisions of Long Beach Municipal Code Section 1.21.070, providing for the appointment of Daryl Supernaw to the Office of Councilmember, Fourth Council District for the term of four years commencing on the third Tuesday of July, 2016; and the cancellation of election in Council District Four previously called by the City Council on November 10, 2015; or B.) Receive and file this report.

Council District	Authorizing Councilmember	Signed by
5	Stacy Mungo	Stacy Mungo
1	Lena Gonzalez	Lena Gonzalez
7	Roberto Uranga	Roberto Uranga