



# CITY OF LONG BEACH

# NB-34

DEPARTMENT OF THE CITY CLERK

333 W. Ocean Blvd. Long Beach, CA 90802 (562) 570-6101 FAX (562) 570-6789

ELECTIONS BUREAU

January 22, 2008

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: [1] the appointment of Suja Lowenthal to the Office of Councilmember, Second Council District, Patrick O'Donnell to the Office of Councilmember, Fourth Council District, and Rae Gabelich to the Office of Councilmember, Eighth Council District; [2] the appointment of the same Councilmembers for terms of four years commencing on the third Tuesday of July, 2008; and [3] the cancellation of elections in Council Districts Two, Four and Eight previously called by the City Council on November 20, 2007.

## DISCUSSION

On November 20, 2007, the City Council adopted a resolution calling and giving notice of a Primary Nominating Election for City Council the abovementioned Council district offices.

With the close of the candidate nomination period on January 11, 2008, the above named Councilmembers were the only persons nominated. The City Clerk Certification of Fact regarding the only persons duly nominated in each Council District is shown in Attachment A.

Under this circumstance, Long Beach Municipal Code Section 1.21.070 becomes operative and it provides that if no candidate files nomination papers for a write-in candidacy by 5:00 P.M. on January 18, 2008, the City Council shall appoint to the office the person who has been nominated.

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.

If the City Council has not appointed any person to the office pursuant to Section 1.21.070 by January 24, 2008, an election for each of the abovementioned offices will be held.

FISCAL IMPACT

The City Clerk Department budget contains the appropriations necessary for conduct of the April 8, 2008 Primary Nominating Election. Cancellation of elections in the above referenced Council districts offices 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 18, 2008).

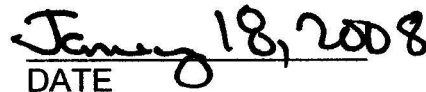


CITY CLERK CERTIFICATION OF FACT  
THAT THERE ARE NOT MORE CANDIDATES  
THAN OFFICES TO BE ELECTED

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 8, 2008, are as follows:

1. At the close of the nomination period on January 11, 2008, there are not more candidates than offices to be elected for the Office of Member of the City Council, District Two. The person so nominated is: SUJA LOWENTHAL
2. At the close of the nomination period on January 11, 2008, 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: PATRICK O'DONNELL
3. At the close of the nomination period on January 11, 2008, there are not more candidates than offices to be elected for the Office of Member of the City Council, District Eight. The person so nominated is: RAE GABELICH
4. That no candidate filed nomination papers for a write-in candidacy by five o'clock (5:00) P.M., on January 18, 2008; and that in 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.
5. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.
6. If, by the 75<sup>th</sup> day before the municipal election, no person has been appointed to the office pursuant to 1 or 2 above, the election shall be held.
7. 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  
4 OF LONG BEACH PROVIDING FOR THE APPOINTMENT  
5 OF SUJA LOWENTHAL TO THE OFFICE OF  
6 COUNCILMEMBER, SECOND COUNCIL DISTRICT,  
7 PATRICK O'DONNELL TO THE OFFICE OF  
8 COUNCILMEMBER, FOURTH COUNCIL DISTRICT, AND  
9 RAE GABELICH TO THE OFFICE OF COUNCILMEMBER,  
10 EIGHTH COUNCIL DISTRICT, FOR A FULL TERM OF  
11 FOUR YEARS COMMENCING ON THE THIRD TUESDAY  
12 OF JULY, 2008

13  
14 WHEREAS, a Primary Nominating Election has been scheduled to be held  
15 in the City on April 8, 2008, for the purpose of electing/nominating candidates for the  
16 Council District Offices in the Second, Fourth, Sixth and Eighth Council Districts; and

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

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

26 WHEREAS, the City Clerk has duly submitted to the City Council a  
27 certificate of the fact that only one person each has been nominated to be elected for the  
28 office of Councilmember, Second Council District, Councilmember, Fourth Council

1 District and Councilmember, Eight Council District, and has informed the City Council that  
2 it may at a regular or special meeting adopt one of the courses of action indicated above;

3  
4 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
5 follows:

6 Section 1. The City Clerk has submitted a certificate to the City Council  
7 that at the close of the nomination period on January 11, 2008, only one candidate, Suja  
8 Lowenthal, has been nominated to be elected to the office of Member of the City Council,  
9 Second Council District, and no nomination papers for a write-in candidacy has been  
10 received for such office. Pursuant to Long Beach Municipal Code Section 1.21.070, Suja  
11 Lowenthal is hereby appointed to the office of Member of the City Council, Second  
12 District for the full term of four years, commencing on the third Tuesday of July, 2008.

13 Section 2. The City Clerk has submitted a certificate to the City Council  
14 that at the close of the nomination period on January 11, 2008, only one candidate,  
15 Patrick O'Donnell, has been nominated to be elected to the office of Member of the City  
16 Council, Fourth Council District, and no nomination papers for a write-in candidacy has  
17 been received for such office. Pursuant to Long Beach Municipal Code Section 1.21.070,  
18 Patrick O'Donnell is hereby appointed to the office of Member of the City Council, Fourth  
19 District for the full term of four years, commencing on the third Tuesday of July, 2008.

20 Section 3. The City Clerk has submitted a certificate to the City Council  
21 that at the close of the nomination period on January 11, 2008, only one candidate, Rae  
22 Gabelich, has been nominated to be elected to the office of Member of the City Council,  
23 Eighth Council District, and no nomination papers for a write-in candidacy has been  
24 received for such office. Pursuant to Long Beach Municipal Code Section 1.21.070, Rae  
25 Gabelich is hereby appointed to the office of Member of the City Council, Eighth District  
26 for the full term of four years, commencing on the third Tuesday of July, 2008.

27 Section 4. That the Primary Nominating Election scheduled to be held on  
28 Tuesday, April 8, 2008, for the Member of the City Council for the Second, Fourth and

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

1 Eighth Council Districts is hereby cancelled; however, this resolution shall not in any way  
2 affect the holding and conduct of the Primary Nominating Election in the City of Long  
3 Beach on April 8, 2008, in the Sixth Council District.

4 Section 5. That the persons hereby appointed shall qualify and take  
5 office and serve exactly as if elected at a municipal election for the office.

6 Section 6. This resolution shall take effect immediately upon its adoption  
7 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

8 I hereby certify that the foregoing resolution was adopted by the City  
9 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2008, by the  
10 following vote:

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

12 \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

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

16 \_\_\_\_\_

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

18 \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

City Clerk

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HAM:fl  
1/14/08  
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