



City of Arcadia

Office of the
City Clerk

NOTICE OF SPECIAL MEETING

As authorized by California Government Code Section 54956 and Arcadia City Charter Section 408, a Special Meeting of the Arcadia City Council is hereby called to be held at the City Council Chambers, 240 W. Huntington Drive, Arcadia, California on Tuesday, March 29, 2022, at 4:00 p.m.

COVID-19 NOTICE

This meeting of the Arcadia City Council will take place in a hybrid format. Pursuant to the Brown Act and AB 361, the City Council may meet virtually or in-person. This meeting is open to the public for in-person attendance and public comment; however, the public is also welcome to view City Council Meetings as they take place on the City's website at ArcadiaCA.gov/livegov or on ACTV (check your local listings), and to submit public comment as outlined below. In-person attendance is subject to Los Angeles County Department of Public Health regulations for COVID-19 mitigation. The City of Arcadia reserves the right to limit or deny access to City facilities. The use of face coverings is required for in-person attendance.

How to Submit Public Comment:

Citizens who wish to submit public comment may do so using one of the following methods. Public comment is limited to the time and words allotted.

- 1. In-Person:** Complete a blue Public Comment Speaker Card and provide it to the City Clerk prior to the start of the meeting. Cards submitted after the Mayor calls for public comments will not be accepted. Speakers shall be limited to five (5) minutes per person. At the Mayor's discretion, the time limit may be shortened to allow all speakers to address the City Council.
- 2. Phone:** A conference line has been established for public comment. Your call will be recognized in the order it was received. Please keep your phone on MUTE until you are recognized for public comment.

Conference Line: (669) 224-3412

Access Code: 604-838-893#

- 3. Website:** Use our online public comment form at ArcadiaCA.gov/comment at least 30 minutes prior to the posted meeting time. Your comments should be 300 words or less.
- 4. Email:** Please submit your comments via email to CityClerk@ArcadiaCA.gov so that it is received at least 30 minutes prior to the posted meeting time. Your email must be 300 words or less.

Please contact the City Clerk's Office at CityClerk@ArcadiaCA.gov or at (626) 574-5455 for more information.

At this Special Meeting, the following matters will be discussed.

240 W. Huntington Drive
Post Office Box 60021
Arcadia, CA 91066-6021
(626) 574-5455
(626) 447-7524 Fax
www.ArcadiaCA.gov

OPEN SESSION TO THE PUBLIC

- a. Council Member request to consider appointment of Michael Danielson to fill the unexpired term for City Council District 5 and calling for a Special Municipal Election.

Recommended Action: Provide Direction

Resolution No. 7418 calling and giving notice of an All-Mail Ballot Special Municipal Election to be held in City Electoral District 5 on Tuesday, August 30, 2022, to fill a vacancy on the City Council as required by the provisions of the City Charter and the laws of the State of California relating to Charter Cities.

Recommended Action: Adopt

Resolution No. 7419 adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an All-Mail Ballot Special Municipal Election to be held on Tuesday, August 30, 2022.

Recommended Action: Adopt

Resolution No. 7420 requesting the Board of Supervisors of the County of Los Angeles to render full services to the City relating to the conduct of an All-Mail Ballot Special Municipal Election to be held on Tuesday, August 30, 2022, to fill a vacancy on the City Council.

Recommended Action: Adopt

CLOSED SESSION


- a. Pursuant to Government Code Section 54956.9(d)(4) to confer with legal counsel regarding potential litigation – one (1) case.

There will be time reserved for those members of the public who wish to address the City Council regarding the above items.

In accordance with the Brown Act, public comments will be limited to addressing the items listed on this special meeting agenda. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda.

No other business than the above will be considered at this meeting.

Dated: March 28, 2022



Mayor of the City of Arcadia



STAFF REPORT

Office of the City Manager

DATE: March 29, 2022

TO: Honorable Mayor and City Council

FROM: Dominic Lazzaretto, City Manager
By: Michael Bruckner, Deputy City Manager

SUBJECT: COUNCIL MEMBER REQUEST TO CONSIDER APPOINTMENT OF MICHAEL DANIELSON TO FILL THE UNEXPIRED TERM FOR CITY COUNCIL DISTRICT 5 AND CALLING FOR A SPECIAL MUNICIPAL ELECTION

Recommendation: Provide Direction

RESOLUTION NO. 7418 CALLING AND GIVING NOTICE OF AN ALL-MAIL BALLOT SPECIAL MUNICIPAL ELECTION TO BE HELD IN CITY ELECTORAL DISTRICT 5 ON TUESDAY, AUGUST 30, 2022, TO FILL A VACANCY ON THE CITY COUNCIL AS REQUIRED BY THE PROVISIONS OF THE CITY CHARTER AND THE LAWS OF THE STATE OF CALIFORNIA RELATING TO CHARTER CITIES.

Recommendation: Adopt

RESOLUTION NO. 7419 ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ALL-MAIL BALLOT SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, AUGUST 30, 2022

Recommendation: Adopt

RESOLUTION NO. 7420 REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER FULL SERVICES TO THE CITY RELATING TO THE CONDUCT OF AN ALL-MAIL BALLOT SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, AUGUST 30, 2022, TO FILL A VACANCY ON THE CITY COUNCIL.

Recommendation: Adopt

SUMMARY

A vacancy exists in City Council District 5 because of the passing of Council Member Chandler. The City Charter indicates that the City Council can appoint someone to fill the unexpired term or call for a Special Municipal Election.

At its December 9, 2021, Special Meeting, the City Council interviewed 11 prospective City Council candidates to fill the unexpired term in City Council District 5. At that meeting, which concluded on December 13, 2021, a consensus of the City Council was not reached on a candidate to fill the vacancy nor was consensus reached on calling for a Special Election. This City Council also discussed the vacancy and calling for a Special Election at the February 7, 2022, Adjourned City Council Meeting; however, after several failed motions on an appointment and calling for a Special Election, consensus was not reached, and no action was taken.

The City Charter requires that either the Mayor or three Council Members need to request in writing to call a Special Meeting. On March 25, 2022, the City Manager received three affirmative requests to call for a Special Meeting as soon as possible to consider the appointment of Michael Danielson and calling for a Special Election. It is recommended that the City Council provide direction on filling the vacancy for City Council District 5 and calling for a Special Election.

BACKGROUND

Article IV, Section 403 of the Arcadia City Charter prescribes the manner in which City Council vacancies are to be filled. The Charter states that the City Council has 30 days to fill a vacancy by appointment to the City Council. To be eligible for appointment to the City Council, an applicant must be an Arcadia resident currently residing in District 5 and a registered voter. The Charter requires that at least three of the remaining City Council Members agree on the appointee.

At the November 30, 2021, Special Meeting, the City Council directed the City Manager to solicit applications for appointment to fill the unexpired term in District 5. On December 1, 2021, the City announced that it was seeking applications to fill the vacancy, with applications due to the City Clerk's Office by 7:30 a.m. on Monday, December 6, 2021. The City received 14 applications in total; however, only 11 applications were referred to the City Council as meeting the application and eligibility requirements.

At the December 9, 2021, Special Meeting, the City Council interviewed 11 prospective City Council candidates to fill the unexpired term in City Council District 5. After several rounds of deliberation over several days of discussions, which concluded on December 13, the City Council was unable to reach a three-vote consensus on an appointment. Likewise, a motion to adopt resolutions relating to an All-Mail Ballot Special Municipal Election to be held on Tuesday, April 12, 2022, failed on a 2-2 vote.

At the February 7, 2022, Adjourned Regular Meeting, the City Council considered making an appointment and calling for a Special Election. After several rounds of deliberation on prospective candidates, the City Council was unable to reach a three-vote consensus on

an appointment. Similarly, the motion to adopt resolutions relating to a Special Municipal Election to be held on Tuesday, June 7, 2022, failed on a 2-2 vote.

DISCUSSION

Michael Danielson is a registered voter who lives in District 5, meaning he meets the criteria for appointment. It is understood that Mr. Danielson is retired music teacher who worked in the Arcadia Unified School District for over 30 years.

Government Code Section 36512 states the election should occur on the earliest practical date but not less than 114 days prior to calling for the election. Therefore, the April 12 and June 7 dates are no longer possible. The City Attorney has advised that the under a special rule in Elections Code Sections 1500(b) and 4004, the City Council can call an All-Mail Ballot Special Municipal Election to be held on Tuesday, August 30, 2022.

The City Clerk's Office has not yet verified the cost of an August 30, 2022, All-Mail Ballot Special Election with the County; however, due to the special date it is highly likely that the cost of the election will equal or exceed the original estimate for the April 12 election of \$150,000. Further, because the County has 30 days to certify the election, it is anticipated that the successful candidate would not be seated until the first meeting in October at the earliest. The next election date under Elections Code 1000(c) is the Tuesday, November 8, 2022. If it is the City Council's desire to call for a Special Election in August, the attached resolutions will make that possible.

FISCAL IMPACT

There is no impact to the General Fund by making an appointment. The cost for a Special Election is unknown at this time, but is likely to be upwards of \$150,000 for an All-Mail Ballot election held on August 30, 2022.

ENVIRONMENTAL ANALYSIS

The proposed actions do not constitute a project under the California Environmental Quality Act ("CEQA"), based on Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that they will have no impact on the environment. Thus, these matters are exempt under CEQA.

RECOMMENDATION

It is recommended that the City Council provide direction on filling the vacancy in Council District 5 and calling for a Special Election. If the City Council wishes to call for a Special Municipal Election, then it should take the following actions:

Appointment Of Michael Danielson for City Council District 5 and
Calling for A Special Municipal Election
March 29, 2022
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1. Determine that this action is not a project and is, therefore, exempt under the California Environmental Quality Act (“CEQA”).
2. Adopt Resolution No. 7418 calling and giving notice of an All-Mail Ballot Special Municipal Election to be held in City Electoral District 5 on Tuesday, August 30, 2022, to fill a vacancy on the City Council as required by the provisions of the City Charter and the laws of the State of California relating to Charter Cities.
3. Adopt Resolution No. 7419 adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an All-Mail Ballot Special Municipal Election to be held on Tuesday, August 30, 2022.
4. Adopt Resolution No. 7420 requesting the Board of Supervisors of the County of Los Angeles to render full services to the City relating to the conduct of an All-Mail Ballot Special Municipal Election to be held on Tuesday, August 30, 2022, to fill a vacancy on the City Council.

Attachment No. 1: Resolution No. 7418

Attachment No. 2: Resolution No. 7419

Attachment No. 3: Resolution No. 7420

RESOLUTION NO. 7418

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, CALLING AND GIVING NOTICE OF AN ALL-MAIL BALLOT SPECIAL MUNICIPAL ELECTION TO BE HELD IN CITY ELECTORAL DISTRICT 5 ON TUESDAY, AUGUST 30, 2022 TO FILL A VACANCY ON THE CITY COUNCIL AS REQUIRED BY THE PROVISIONS OF THE CITY CHARTER AND THE LAWS OF THE STATE OF CALIFORNIA RELATING TO CHARTER CITIES

WHEREAS, a vacancy in the office of City Councilmember representing District 5 on the Arcadia City Council was created by the death of Roger Chandler on November 13, 2021; and

WHEREAS, the term of office in which the vacancy occurs ends in November, 2022; and

WHEREAS, pursuant to City Charter Section 403 and California Government Code Section 36512, a vacancy on the City Council may be filled by appointment and/or by calling a special election to be held on the "earliest possible date", which is the next regularly established election date not less than 114 days from the call of the special election; and

WHEREAS, pursuant to California Elections Code Section 1000, August 30, 2022, is the next regularly established all mail ballot election date that is not less than 114 days from the call of the special election; and

WHEREAS, pursuant to Arcadia Municipal Code Section 1703 and California Elections Code Section 4004, the City of Arcadia may fill this Council vacancy through the use of an all mail ballot election; and

WHEREAS, because this Council seat represents Electoral District 5, pursuant to Arcadia Municipal Code Section 1704, the all mail ballot election to be held on Tuesday, August 30, 2022, for the purpose of filling this vacant seat on the City Council, shall be

limited to candidates legally qualified and residing in Electoral District 5 and shall be voted upon only by qualified and registered voters residing in Electoral District 5.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA DOES HEREBY RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of the City Charter and laws of the State of California relating to charter cities, there is hereby called and ordered to be held in Electoral District 5 of the City of Arcadia, California, on Tuesday, August 30, 2022, a Special Municipal Election to be conducted by all mail ballot for the purpose of the election of a Councilmember for the term of office in which the vacancy was created by the death of Councilmember Roger Chandler which ends November, 2022.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is hereby authorized, instructed and directed to procure and furnish, or cause to be procured and furnished from the Los Angeles County Registrar of Voters/Election Department, any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election by all mail ballot.

SECTION 4. That pursuant to the California Elections Code, the Arcadia Municipal Code, and any other applicable provisions of law, said Special Election shall be conducted by all mail ballot, which shall be conducted pursuant to Chapter 2 of Division 4 (commencing with Section 4100) of the California Elections Code.

SECTION 5. That pursuant to the Arcadia Municipal Code Section 1704, only persons legally qualified and residing in Electoral District 5 may run as candidates and be elected to fill this Council vacancy, and only duly qualified and registered voters

residing in Electoral District 5 may cast an all mail ballot to elect a candidate to fill this Council vacancy.

SECTION 6. That in all particulars not recited in this resolution, the Special Municipal Election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of the holding of the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election in time, form and manner as required by law.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Passed, approved and adopted this 29th day of March, 2022.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:

Stephen P. Deitsch

Stephen P. Deitsch
City Attorney

RESOLUTION NO. 7419

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ALL MAIL BALLOT SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, AUGUST 30, 2022.

WHEREAS, a vacancy in the office of City Councilmember representing District 5 on the Arcadia City Council was created by the death of Roger Chandler on November 13, 2021; and

WHEREAS, by adoption of Resolution No. 7418 on March 29, 2022, the City Council has called and given notice of an all mail ballot Special Municipal Election to be held on Tuesday, August 30, 2022 in Electoral District 5 of the City of Arcadia, County of Los Angeles, for the purpose of electing a qualified replacement to fill the Council vacancy at said Special Municipal Election; and

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency shall adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates' statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

Section 1. GENERAL PROVISIONS. Pursuant to Sections 13307 and 13308 of the Elections Code of the State of California, each candidate for elective office to be voted for at the all mail ballot Special Municipal Election to be held in the City of Arcadia on Tuesday, August 30, 2022, may prepare a candidate's statement on an appropriate

form provided by the Elections Official for inclusion in the voter information guide. The statement may include the name, age and occupation of the candidate and a brief description of no more than two hundred (200) words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. In addition, the statement shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The statement shall be filed in typewritten format in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

(A) Pursuant to the Federal Voting Rights Act, the City is required to translate candidate statements into the following languages: Chinese, Korean, Spanish, and Vietnamese.

(B) Pursuant to State law, a candidate's statement must be translated and printed in the voter information guide in any language at the candidate's request.

(C) The Elections Official shall:

(1) Translations

(a) have all candidate statements translated into the languages specified in subsection (A) above; and

(b) have translated those statements into the languages as requested by the candidate in subsection (B) above.

(2) Printing

(a) print all translations of all candidate statements in the main voter information guide. The main voter information guide will be in the following languages: Chinese, Korean, Spanish, and Vietnamese.

(b) print any translations of candidates in the languages as requested by the candidate in subsection (B) above.

SECTION 3. PAYMENT.

- A. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in subsections (A) and (B) of Section 2 above pursuant to Federal and State law.
- B. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the main voter information guide.
- C. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language required by subsection (A) of Section 2 above in the main voter information guide.
- D. The candidate shall be required to pay for the cost of printing the candidate's statement in any foreign language requested by the candidate pursuant to subsection (B) of Section 2 above in the main voter information guide.

The Elections Official shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the Elections Official his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. The estimate of costs is just an approximation of the actual cost that varies from one election to another and the actual cost may ultimately be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Each candidate shall be required to pay upon receipt of an invoice his or her prorated share of actual costs should those costs exceed the estimated amount deposited. In the event of overpayment, the Elections Official shall prorate the excess amount among the candidates and refund the excess amount paid within thirty (30) days of the election.

SECTION 4. MISCELLANEOUS.

- A. All candidate statements shall be translated by certified, registered or qualified translators/interpreters meeting the criteria of Elections Code Section 13307(b)(2).
- B. The Elections Official shall allow bold type, underlining, capitalization, indentations, bullets, and leading hyphens to the same extent and manner as allowed in previous City elections.
- C. The Elections Official shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot or voter information guide package.

SECTION 6. The Elections Official shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 7. All previous resolutions establishing City Council policy on payment for candidates' statements to the extent they are inconsistent herewith are deemed to be of no further force or effect.

SECTION 8. This Resolution shall apply only to the election to be held on August 30, 2022, and shall thereafter be deemed to be of no further force or effect.

SECTION 9. The City Clerk shall certify to the adoption of this Resolution.

[SIGNATURES ON THE NEXT PAGE]

Passed, approved and adopted this 29th day of March, 2022.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:

Stephen P. Deitsch

Stephen P. Deitsch
City Attorney

RESOLUTION NO. 7420

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER FULL SERVICES TO THE CITY RELATING TO THE CONDUCT OF AN ALL-MAIL BALLOT SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, AUGUST 30, 2022 TO FILL A VACANCY ON THE CITY COUNCIL

WHEREAS, a vacancy in the office of City Councilmember representing District 5 on the Arcadia City Council was created by the death of Roger Chandler on November 13, 2021; and

WHEREAS, by adoption of Resolution No. 7418 on March 29, 2022, the City Council has called and given notice of an all mail ballot Special Municipal Election to be held on Tuesday, August 30, 2022 in Electoral District 5 of the City of Arcadia, County of Los Angeles, for the purpose of electing a qualified replacement to fill the Council vacancy at said Special Municipal Election; and

WHEREAS, by adoption of this Resolution, the City Council desires that the County of Los Angeles render full services to the City in connection with said all mail ballot Special Municipal Election; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Arcadia.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Section 10002 of the Elections Code of the State of California, this City Council requests the Board of Supervisors of Los Angeles County to permit the County Registrar of Voters/Election Department to render

full election services to the City of Arcadia. The full election services which the City of Arcadia requests the Registrar of Voters/Election Department, or such other official as may be appropriate, to perform, and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots; making such publications as are required by law in connection therewith; the preparation, printing, mailing and furnishing of vote-by-mail ballots and other necessary supplies or materials to conduct the all mail ballot election; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Arcadia; and the performance of such other election services as may be requested by the City Clerk.

SECTION 2. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution and is directed to forward without delay to said Board of Supervisors and to the County Registrar of Voters/Election Department each a certified copy of this Resolution.

[SIGNATURES ON THE NEXT PAGE]

Passed, approved and adopted this 29th day of March, 2022.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:

Stephen P. Deitsch

Stephen P. Deitsch
City Attorney