



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 Conference Room, 240 W. Huntington Drive, Arcadia, California on Tuesday, June 14, 2022, at 10:00 a.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

- a. City Provision of Legal Defense to Council Member Danielson Concerning Quo Warranto Application.
Recommended Action: Authorize the City to Defend Council Member Danielson in this Matter

CLOSED SESSION

- a. Pursuant to Government Code Section 54956.9 (d)(1) to confer with legal counsel regarding the matter of the People of the State of California v. Michael Danielson, Office of the Attorney General for the State of California.

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: June 13, 2022

Mayor of the City of Arcadia



STAFF REPORT

Office of the City Manager

DATE: June 14, 2022

TO: Honorable Mayor and City Council

FROM: Dominic Lazzaretto, City Manager
By: Stephen P. Deitsch, City Attorney

SUBJECT: CITY PROVISION OF LEGAL DEFENSE TO COUNCIL MEMBER DANIELSON CONCERNING QUO WARRANTO APPLICATION
Recommendation: Authorize the City to Defend Council Member Danielson in this Matter

SUMMARY

On June 8, 2022, the Office of the Arcadia City Clerk received service of a Notice to Michael Danielson (the Notice") of Application for Leave to Sue (the "Application). The Notice and Application were filed with the Office of the Attorney General for the State of California by HQT Chinese American Equalization Association and Arcadia Voters Rights Group (the "Relators").

This process, also known as "quo warranto," is required to be pursued by those challenging as unlawful an individual occupying a public office. In such instances, an application must first be filed with the Attorney General for permission to sue the office holder. The Attorney General must then make certain findings in order to authorize such a challenge to be filed in court. The defendant office holder has the right to file with the Attorney General a response in opposition to such an application.

Separately, but in pending litigation involving the City which has direct relevance to the Notice and Application, the Relators recently served the City with a Petition for Writ of Mandate (the "Writ Petition"). The Writ Petition seeks a Court Order to compel the City to rescind its Ordinance adopting a map for new Council districts (the "District Map Ordinance"), which was required by the California Fair Maps Act. The Writ Petition also seeks to have the Court invalidate the City Council's appointment of Council Member Danielson to fill a Council vacancy, and to invalidate all votes of Council Member Danielson including his vote to adopt the District Map Ordinance.

Special Counsel selected by the City to represent the City in the Writ Petition has indicated that a response to the Notice and Application must be filed on Council Member Danielson's behalf by June 21, 2022.

DISCUSSION

The Application challenges the appointment of Council Member Danielson unanimously made by the City Council (by a vote of 4-0). The Application does not allege that Council Member Danielson personally acted improperly regarding his appointment. Rather than resulting from an act of Council Member Danielson himself, the challenge in the Application ultimately relates to an action taken by the City Council – that of appointing him. Since the issues raised in the Writ Petition impact the question of causing rescission of the District Map Ordinance, and include a challenge to Council Member Danielson’s appointment, the Application is a matter of interest and concern to the City, not merely to Council Member Danielson individually.

It should be emphasized how intertwined the Notice and Application are with the previously filed Writ Petition. The facts and legal theories, and the City’s defenses, are closely interrelated between the two. So this is a matter about which the City Council may reasonably determine that the public interest and necessity merit the City providing to Council Member Danielson the defense against the Application, since the defense in the Writ Petition of the validity of the City Council’s action to adopt the District Map Ordinance depend on it.

Under the specific facts involved in this quo warranto proceeding, as alleged in the Application, and for the reasons set forth above, it would be reasonable and appropriate for the City Council to authorize the provision of a legal defense to Council Member Danielson in the quo warranto process, including responding to the Application.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act (“CEQA”), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

RECOMMENDATION

It is recommended that the City Council authorize the City to defend Council Member Danielson in this matter, and to have Special Counsel representing the City in the Writ Petition do so.