

**600 ELECTIVE OFFICERS.**

The elective officers of the City shall be the Mayor, six members of the City Council, five members of the Board of Education, and the City Clerk and the City Treasurer. No person shall be a candidate for more than one of said offices at any municipal election.

**630 CITY TREASURER.**

The City Treasurer will be appointed by the City Manager and shall be responsible to and under the supervision of the City Manager and shall be a member of the classified service of the City. It shall be the duty of the City Treasurer to receive and safely keep all moneys which shall come into ~~his~~ the City Treasurer's hands as City Treasurer. ~~He~~ The City Treasurer shall comply with all provisions of law governing the deposit and securing of public funds. ~~He~~ The City Treasurer shall also comply with all the provisions of the general laws of the State governing the handling of such trust funds as may come into ~~his~~ the City Treasurer's possession. ~~He~~ The City Treasurer shall pay out moneys only on warrants signed by persons designated by law, or ordinance, as the proper persons to sign warrants and as to trust funds which may come into ~~his~~ the City Treasurer's possession or control by virtue of some law, ordinance or resolution, by warrant or other order, in accordance with the provisions of such law, ordinance or resolution. ~~He~~ The City Treasurer shall at regular intervals, at least once each month, submit to the Director of Finance a written report and accounting of all receipts, disbursements and fund balances, a copy of which report ~~he~~ the City Treasurer shall file with the City Council.

The City Treasurer may appoint a deputy, or deputies, from an eligible list to be prepared in accordance with the proceedings prescribed in the civil service system of the City, such deputy or deputies to receive such compensation as may be provided by the City Council.

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The City Clerk shall keep a book marked Ordinances into which ~~he~~the City Clerk shall record all City ordinances with ~~his~~the City Clerk's certificate annexed to each of said ordinances stating the same to be a true and correct copy of any ordinance of said City, giving the number of said ordinances and stating that the same has been published or posted according to law. Said record with said certificate shall be prima facie evidence of the contents of each ordinance and of the passage and publication of the same and shall be admissible as such evidence in any court or proceedings.

The official records of the City in the custody of the City Clerk shall not be filed in any court proceedings or other action but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. The City Clerk shall be the custodian of the seal of the City.

The City Clerk may appoint a deputy, or deputies, from an eligible list to be prepared in accordance with the proceedings prescribed in the civil service system of the City, such deputy or deputies to receive such compensation as may be provided for by the City Council.

The City Clerk and ~~his~~the City Clerk's deputy, or deputies, shall have power to administer oaths or affirmations, to take affidavits and depositions pertaining to the affairs and business of the City, which may be used in any court or proceedings in the State, and to certify the same.

~~The salary of the City Clerk shall be determined by the City Council. The City Clerk shall devote his entire time to the interests of the City, and shall be entitled to receive expenses, vacation periods and sick leave, with pay, the same as prescribed by the civil service ordinances of the City for heads of departments.~~

**603 VACANCIES.**

a) Any vacancies occurring in any of the elective offices provided for in this Charter, other than of members of the Board of Education, shall be filled by appointment by the City Council. Vacancies in the Board of Education shall be filled by appointment by the Board of Education.

b) In the event of the City Council or the Board of Education, respectively, failing to fill a vacancy by appointment within ~~thirty (30)~~60 days after such vacancy occurs, the City Council or the Board of Education, as the case may be, must immediately, after the expiration of said ~~thirty (30)~~60 days, cause an election to be held to fill such vacancy.

c) Any person appointed or elected to fill any vacancy on the City Council shall hold office only until the next regular municipal election at which time a person shall be elected to serve for the remainder of such unexpired term. Any person appointed or elected to fill a vacancy on the Board of Education shall hold office for the remainder of the unexpired term.

d) In the election of member of the City Council or members of the Board of Education, where full terms and ~~one (1)~~ or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms but the person or persons elected by the highest number of votes shall be elected for the full terms or term and the persons receiving the next highest vote shall be elected for the unexpired terms or term, as the case may be.

**Sullivan, Patrick**

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**From:** Arthur Christopher Schaper [REDACTED]  
**Sent:** Saturday, October 19, 2019 10:35 PM  
**To:** Furey, Pat; Aurelio Mattucci; Chen, George; Rizzo, Geoffrey; Goodrich, Tim; Griffiths, Mike; Herring, Milton; Sullivan, Patrick  
**Subject:** October 22, 2019 City Council Meeting, Agenda Item 9B

**WARNING: External e-mail**

**Please verify sender before opening attachments or clicking on links.**

Dear Torrance City Council:

I commend the council for taking the necessary steps to amend the charter to deal with a number of frustrating issues, not the least of which is the unjustified, long-standing absence of the city treasurer.

I approve of allowing for sixty days before deciding to fill a vacancy. It takes time, and qualified candidates should have a chance to be vetted before appointment and the calling of a special election, if needed.

I do not approve, however, of turning the city treasurer and city clerk into appointed positions. If an elected official does not report to work after 60 days, then that elected position should be vacated by city council vote, then someone should be appointed to fill the position until the next election. A charter amendment to establish this process is appropriate.

I think those amendments should be rejected.

I would also like the city council to consider the following Charter Amendments in the future.

1. Increase the stipend for city councilmembers to \$1,000 a month.
2. Increase the stipend for the mayor to \$2,000 a month. Of course, elected officials are free to decline the stipend.
3. Have all elections, city council, mayor (and ideally City Clerk and Treasurer) decided by majority vote in the March election. In the event that no one candidate in a race receives a majority vote, then the top two contenders advance to a run-off in the November election of that same year.
4. Establish a process to replace unexcused absentee elected officials, so that the city does not confront the same problems which have emerged because of the absentee treasurer Dana Cortez.

Arthur Christopher Schaper is a blogger, writer, and commentator on topics both timeless and timely; political, cultural, and eternal. A life-long Southern California resident, Arthur currently lives in Torrance. Follow his blogs at [The State of the Union](#) and [As He Is. So Are We Ministries](#).

[Townhall.com Contributor](#)

[Barbwire.com Contributor](#)

[Canada Free Press Contributor](#)

Twitter: [@ArthurCSchaper](#)

Facebook: <https://www.facebook.com/arthur.schaper.503>

Email: [REDACTED]

PayPal: [REDACTED]

“It does not take a majority to prevail ... but rather an irate, tireless minority, keen on setting brushfires of freedom in the minds of men.” -- Samuel Adams

Council Meeting of  
October 22, 2019

**Supplemental #2**

Honorable Mayor and Members  
of the Torrance City Council  
City Hall  
Torrance, California

**Members of the Council:**

**SUBJECT: City Attorney – Supplemental Material for Agenda Item 9B**

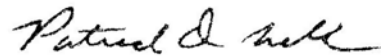
This supplemental includes four attachments.

- Attachment A is the revised Exhibit A to Resolution for City Treasurer as an appointive office
- Attachment B is redline of the changes to the City Treasurer Charter sections
- Attachment C is the revised Exhibit A to Resolution for City Clerk as an appointive office
- Attachment D is redline version of the changes to the City Clerk Charter sections

Since the publication of Supplemental #1, Staff noticed that the Charter sections relating to the City Treasurer and City Clerk allow them to appoint a deputy or deputies. This was a left over provision for elected officials. It has been deleted from the proposed Charter language as it is inconsistent with Charter section 930 (entitled The Power of the City Manager Over Executive Departments), section 1300 (entitled Civil Service System), and section 1320 (entitled Compensation; Appointive Officers and Employees).

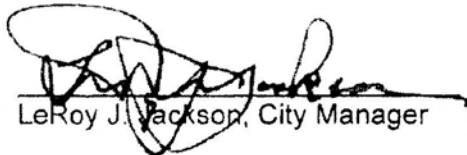
The positions of City Treasurer and the City Clerk would become employees at the end of their current term of office if these two Charter amendments pass. The City Treasurer would move from the City Treasurer Resolution to the Executive and Management Resolution. The City Clerk would move from the Elected Officials resolution to the Executive and Management Resolution.

Respectfully submitted,



Patrick Q. Sullivan  
City Attorney

NOTED:

  
LeRoy J. Jackson, City Manager

- Attachments:
- A. Revised Exhibit A to City Treasurer Resolution
  - B. Redline of changes to City Treasurer Charter sections
  - C. Revised Exhibit A to City Clerk Resolution
  - D. Redline of changes to City Clerk Charter sections

#2 96

## ATTACHMENT A

## EXHIBIT A

## MEASURE " \_\_\_\_\_ "

SECTION 1. THE PEOPLE OF THE CITY OF TORRANCE DO HEREBY AMEND THE TORRANCE CITY CHARTER BY REPEALING TORRANCE CITY CHARTER SECTION 600 AND REPLACING IT WITH A NEW SECTION 600 TO THE CITY CHARTER:

**600 ELECTIVE OFFICERS**

The elective officers of the City shall be the Mayor, six members of the City Council, five members of the Board of Education, and the City Clerk. No person shall be a candidate for more than one of the elective offices at any municipal election.

SECTION 2 SECTION 2 THE PEOPLE OF THE CITY OF TORRANCE DO HEREBY AMEND THE TORRANCE CITY CHARTER BY REPEALING TORRANCE CITY CHARTER SECTION 630 AND REPLACING IT WITH A NEW SECTION 630 TO THE CITY CHARTER:

**630 CITY TREASURER.**

The City Treasurer will be appointed by the City Manager and shall be responsible to and under the supervision of the City Manager and shall be a member of the classified service of the City. It shall be the duty of the City Treasurer to receive and safely keep all moneys which shall come into the City Treasurer's hands as City Treasurer. The City Treasurer shall comply with all provisions of law governing the deposit and securing of public funds. The City Treasurer shall also comply with all the provisions of the general laws of the State governing the handling of such trust funds as may come into the City Treasurer's possession. The City Treasurer shall pay out moneys only on warrants signed by persons designated by law, or ordinance, as the proper persons to sign warrants and as to trust funds which may come into the City Treasurer's possession or control by virtue of some law, ordinance or resolution, by warrant or other order, in accordance with the provisions of such law, ordinance or resolution. The City Treasurer shall at regular intervals, at least once each month, submit to the Director of Finance a written report and accounting of all receipts, disbursements and fund balances, a copy of which report the City Treasurer shall file with the City Council.

SECTION 3. Approval, Filing and Recordation of Charter Amendment. Pursuant to California Government Code Section 34460, if approved by a majority of voters, the Mayor and City Clerk shall certify, authenticate and attest to the passage of this Charter Amendment. The City Clerk shall also (i) record one copy of this Charter Amendment with the Los Angeles County Recorder's Office, (ii) file one copy in the City's archives and (iii) file one copy with the California Secretary of State. Each copy recorded with the County Recorder and filed in the City's archives shall also be filed with the following:

- (a) Certified copies of all publications and notices required of the City by State law in connection with the calling of an election to propose the Charter Amendment.
- (b) Certified copies of any arguments for or against the Charter Amendment that were mailed to voters pursuant to California Elections Code Sections 9281 and 13303.
- (c) A certified abstract of the vote at the election at which the Charter Amendment was approved by the voters.

SECTION 4. Ratification and Effective Date. Pursuant to California Government Code Section 34459, this Charter Amendment shall be deemed ratified if approved by a majority of the eligible voters of the City of Torrance voting at the General Election of March 3, 2020. However, this Charter Amendment shall not take effect until it has been accepted and filed by the Secretary of State pursuant to Government Code Section 34460.

SECTION 5. Severability. If any provision of this Charter Amendment or the application thereof to any person or circumstance is held invalid, the remainder of the Charter Amendment and the application of such provision to other persons or circumstances shall not be affected thereby.

**PASSED, APPROVED and ADOPTED** by the People of the City of Torrance at a General Election held on March 3, 2020.

\_\_\_\_\_  
Mayor Patrick J. Furey

APPROVED AS TO FORM:  
PATRICK Q. SULLIVAN  
City Attorney

ATTEST:

\_\_\_\_\_  
Tatia Y. Strader  
City Attorney

\_\_\_\_\_  
Rebecca Poirier, MMC, City Clerk Assistant

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## MEASURE " \_\_\_\_ "

SECTION 1. THE PEOPLE OF THE CITY OF TORRANCE DO HEREBY AMEND THE TORRANCE CITY CHARTER BY REPEALING TORRANCE CITY CHARTER SECTION 600 AND REPLACING IT WITH A NEW SECTION 600 TO THE CITY CHARTER:

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SECTION 2 THE PEOPLE OF THE CITY OF TORRANCE DO HEREBY AMEND THE TORRANCE CITY CHARTER BY REPEALING TORRANCE CITY CHARTER SECTION 620 AND REPLACING IT WITH A NEW SECTION 620 TO THE CITY CHARTER:

**620 CITY CLERK**

The City Clerk will be appointed by the City Manager and shall be responsible to and under the supervision of the City Manager and shall be a member of the classified service of the City. It shall be the duty of the City Clerk to keep a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted exclusively to such purposes, respectively. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

The City Clerk shall keep a book marked Ordinances into which the City Clerk shall record all City ordinances with the City Clerk's certificate annexed to each of said ordinances stating the same to be a true and correct copy of any ordinance of said City, giving the number of said ordinances and stating that the same has been published or posted according to law. Said record with said certificate shall be prima facie evidence of the contents of each ordinance and of the passage and publication of the same and shall be admissible as such evidence in any court or proceedings.

The official records of the City in the custody of the City Clerk shall not be filed in any court proceedings or other action but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. The City Clerk shall be the custodian of the seal of the City.

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PASSED, APPROVED and ADOPTED by the People of the City of Torrance at a General Election held on March 3, 2020.

\_\_\_\_\_  
Mayor Patrick J. Furey

APPROVED AS TO FORM:  
PATRICK Q. SULLIVAN  
City Attorney

ATTEST:

\_\_\_\_\_  
Tatia Y. Strader  
City Attorney

\_\_\_\_\_  
Rebecca Poirier, MMC, City Clerk Assistant

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Council Meeting of  
December 10, 2019

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

Members of the Council:

**SUBJECT:** City Attorney – Consider **RESOLUTIONS** Withdrawing Amendments to the City Charter from the 2020 General Municipal Election  
Expenditure: None.

**RECOMMENDATION:**

Recommendation of the City Attorney that the City Council consider whether to:

- 1) Adopt a **RESOLUTION** rescinding the submission of a proposed City Charter amendment relating to making the office of the City Treasurer appointed at the General Municipal Election on March 3, 2020; and/or
- 2) Adopt a **RESOLUTION** rescinding the submission of a proposed City Charter amendment relating to making the office of the City Clerk appointed at the General Municipal Election on March 3, 2020; and/or
- 3) Adopt a **RESOLUTION** rescinding the submission of a proposed City Charter amendment relating to giving City Council 60 days to fill a vacancy in an elective office at the General Municipal Election on March 3, 2020.

**BACKGROUND:**

On July 23, 2019, the City Council decided to have the City Council review proposed amendments to the City Charter. The City Council held public hearings on August 27, 2019 and October 1, 2019 on proposed City Charter Amendments. On October 22, 2019, the City Council called an election to have three proposed amendments to the City Charter submitted to the qualified electors of the City of Torrance. The City Council adopted three resolutions:

1. Resolution No. 2020 -102 - Amending the City Charter to make the office of City Treasurer appointive
2. Resolution No. 2020-103 - Amending the City Charter to make the office of City Clerk appointive
3. Resolution No. 2020-104 - Amending the City Charter to give the City Council 60 days to fill a vacancy in an elective office

On December 3, 2019, Mayor Furey made an oral that requested the concurrence of the City Council to have staff bring back an item to consider withdrawing the City Charter amendments from the ballot for the General Municipal Election on March 3, 2020.

Elections Code section 9605 provides that the deadline for a legislative body to notify the county elections official of an amendment to or withdrawal of any measure previously submitted for placement on the ballot is the 83rd day prior to the election. The notice to the county elections official must be made by resolution of the legislative body. The 83rd day prior to the March 3, 2020 General Municipal Election is Wednesday, December 11, 2019.

**ANALYSIS:**

If the City Council wants to withdraw any or all three of the proposed amendments to the City Charter from the General Municipal Election of March 3, 2020, then the City Council will need to adopt one or more of the following resolutions:

- 1) **RESOLUTION** rescinding the submission of a proposed City Charter amendment relating to making the office of the City Treasurer appointed at the General Municipal Election on March 3, 2020; and/or
- 2) **RESOLUTION** rescinding the submission of a proposed City Charter amendment relating to making the office of the City Clerk appointed at the General Municipal Election on March 3, 2020; and/or
- 3) **RESOLUTION** rescinding the submission of a proposed City Charter amendment relating to giving City Council 60 days to fill a vacancy in an elective office at the General Municipal Election on March 3, 2020.

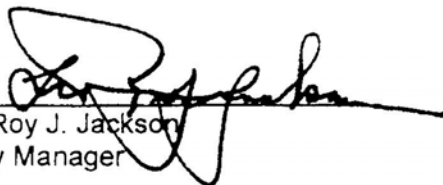
If one or more of the resolutions are adopted, then the resolution or resolutions will be sent to the Los Angeles County Registrar-Recorder/County Clerk to remove the proposed City Charter amendment from the General Municipal Election of March 3, 2020. If a resolution is not adopted, then that City Charter amendment will remain on the ballot for the General Municipal Election of March 3, 2020.

Respectfully submitted,



Patrick Q. Sullivan

NOTED:



LeRoy J. Jackson  
City Manager

Attachments:

- A. Resolution Rescinding City Charter Amendment – City Treasurer Appointed
- B. Resolution Rescinding City Charter Amendment – City Clerk Appointed
- C. Resolution Rescinding City Charter Amendment – 60 days to fill vacancy

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, RESCINDING THE SUBMISSION OF THE QUALIFIED ELECTORS OF THE CITY OF A PROPOSED CHARTER AMENDMENT RELATING TO MAKING THE CITY TREASURER APPOINTED AT THE MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2020, AS CALLED BY RESOLUTION NO. 2019-102

WHEREAS, a Municipal Election on Tuesday, March 3, 2020 has been called by Resolution 2019-102 adopted on October 22, 2019, and

WHEREAS, the City Council desires to rescind a question relating to making the City Treasurer appointed.

NOW, THEREFORE, the City Council of the City of Torrance resolves as follows:

Section 1. That the City Council, pursuant to its right and authority, does order rescinded Resolution No. 2019-102 the following question from the Municipal Election on Tuesday, March 3, 2020:

<p><b>"City of Torrance City Treasurer Appointed.</b> Shall the City Charter be amended to make the office of City Treasurer appointive?"</p>	YES
	NO

Section 2. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 3. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**INTRODUCED, APPROVED, and ADOPTED** this 10th day of December, 2019.

\_\_\_\_\_  
Mayor Patrick J. Furey

APPROVED AS TO FORM:  
PATRICK Q. SULLIVAN  
City Attorney

ATTEST:

\_\_\_\_\_  
Tatia Y. Strader  
City Attorney

\_\_\_\_\_  
Rebecca Poirier, MMC, City Clerk Assistant

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, RESCINDING THE SUBMISSION OF THE QUALIFIED ELECTORS OF THE CITY OF A PROPOSED CHARTER AMENDMENT RELATING TO MAKING THE CITY CLERK APPOINTED AT THE MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2020, AS CALLED BY RESOLUTION NO. 2019-103

WHEREAS, a Municipal Election on Tuesday, March 3, 2020 has been called by Resolution 2019-103 adopted on October 22, 2019, and

WHEREAS, the City Council desires to rescind a question relating to making the City Clerk appointed.

NOW, THEREFORE, the City Council of the City of Torrance resolves as follows:

Section 1. That the City Council, pursuant to its right and authority, does order rescinded Resolution No. 2019-103 the following question from the Municipal Election on Tuesday, March 3, 2020:

<p><b>"City of Torrance City Clerk Appointed. Shall the City Charter be amended to make the office of City Clerk appointive?"</b></p>	<p>YES</p>
	<p>NO</p>

Section 2. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 3. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**INTRODUCED, APPROVED, and ADOPTED** this 10th day of December, 2019.

\_\_\_\_\_  
Mayor Patrick J. Furey

ATTEST:

APPROVED AS TO FORM:  
PATRICK Q. SULLIVAN  
City Attorney

\_\_\_\_\_  
Tatia Y. Strader  
City Attorney

\_\_\_\_\_  
Rebecca Poirier, MMC, City Clerk Assistant

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, RESCINDING THE SUBMISSION OF THE QUALIFIED ELECTORS OF THE CITY OF A PROPOSED CHARTER AMENDMENT RELATING TO GIVING CITY COUNCIL 60 DAYS TO FILL A VACANCY IN AN ELECTIVE OFFICE AT THE MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2020, AS CALLED BY RESOLUTION NO. 2019-104

**WHEREAS**, a Municipal Election on Tuesday, March 3, 2020 has been called by Resolution 2019-104 adopted on October 22, 2019, and

**WHEREAS**, the City Council desires to rescind a question relating to giving the City Council 60 days to fill a vacancy in an elective office.

**NOW, THEREFORE**, the City Council of the City of Torrance resolves as follows:

Section 1. That the City Council, pursuant to its right and authority, does order rescinded Resolution No. 2019-104 the following question from the Municipal Election on Tuesday, March 3, 2020:

<p><b>"City of Torrance 60 Days to Appoint a Vacancy. Shall the City Charter be amended to allow the City Council 60 days to fill a vacancy in an elective office?"</b></p>	<p><b>YES</b></p>
	<p><b>NO</b></p>

Section 2. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 3. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**INTRODUCED, APPROVED, and ADOPTED** this 10th day of December, 2019.

\_\_\_\_\_  
Mayor Patrick J. Furey

ATTEST:

APPROVED AS TO FORM:  
PATRICK Q. SULLIVAN  
City Attorney

\_\_\_\_\_  
Tatia Y. Strader  
City Attorney

\_\_\_\_\_  
Rebecca Poirier, MMC, City Clerk Assistant

Council Meeting of  
April 21, 2020

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

**Members of the Council:**

**SUBJECT:** City Attorney-- Adopt ORDINANCE allowing for mailed ballot elections

**RECOMMENDATION:**

Recommendation of the City Attorney that City Council adopt an ordinance to add a new Article 8 of Chapter 2 of Division 1 to allow for mailed ballot elections.

**FUNDING:** No funding is required for this action.

**BACKGROUND:**

On April 14, 2020 Councilman Chen was installed as the Council member for District 2, creating a vacancy for the remainder of his prior term as an at-large City Council member. City Charter Section 603(b) entitled "VACANCIES" requires the City Council to fill a vacancy by appointment within 30 days after such vacancy occurs. Failure to fill the vacancy requires an election to be held. 30 days from April 14, 2020 is May 14, 2020. However, the next Council meeting prior to May 14, 2020 is scheduled for May 12, 2020. Accordingly, the vacancy must be filled by May 12, 2020. In lieu of filling the vacancy by appointment, the City Council has asked if there is the option to conduct an all-mail election by which the public would then fill the vacancy.

The Torrance Municipal Code does not currently allow for an all-mail election. However, the Council may pass an ordinance in order to permit an all-mail election. The attached ordinance specifically indicates that mailed ballot elections are permissible in the City of Torrance. This Ordinance has the City opt out of Elections Code Section 4000. Opting out of Elections Code Section 4000 is necessary because the Elections Code only allows for mailed ballot elections such as the one that the City is considering when a City has no more than 1000 registered voters. The City of Torrance has approximately 85,000 voters. Since the City of Torrance is a Charter City and elections are considered a Municipal Affair under the California Constitution (ART. XI, Section 5) the City is permitted to opt out of the Elections Code. Typically Ordinances do not take effect for 30 days after adoption. Government Code Section 36937. However, Ordinances regarding elections take effect immediately.

Government Code Section 36937 (a). If the Council decides to move forward with the mailed ballot election, then in addition to passing the Ordinance above, the City would also be required to pass a resolution to call for the election by mailed ballot as it is considered a special election.

Recently, the City Clerk, who is the City of Torrance's election official, attempted to obtain a cost estimate for a mailed ballot election. However, the Los Angeles County Registrar-

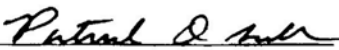
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MONDAY**

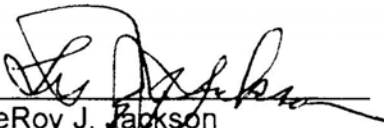
**9D**

Recorder/County Clerk indicated that they require the City of Torrance's election official to submit a letter along with the authority/authorization of the City to hold an all-mail ballot election before the County will provide the City with a quote. Accordingly, in order to obtain the cost of a mailed ballot election it is recommended that the City Council adopt the attached Ordinance. The attached Ordinance does not actually call an election but merely gives the City the authority and the flexibility to call a mailed ballot election at a later date, if it wishes to do so.

Respectfully submitted,

Noted:

  
Patrick Sullivan  
City Attorney

  
LeRoy J. Jackson  
City Manager

Attachment:      A.      Ordinance  
                          B.      Ordinance Summary

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE ADDING A NEW ARTICLE 8  
ENTITLED "ELECTIONS" TO CHAPTER 2 OF DIVISION 1  
OF THE TORRANCE MUNICIPAL CODE**

---

**WHEREAS**, California Constitution Article XI, Section 5 grants charter cities the power to make and enforce all ordinances and regulations with respect to municipal affairs; and

**WHEREAS**, the conduct of city elections is specifically enumerated as a municipal affair in California Constitution Article XI, Section 5(b)(3); and

**WHEREAS**, California Constitution Article XI, Section 7 grants cities the power to pass laws relating to health, safety, and welfare; and

**WHEREAS**, mailed ballot elections could be used to save costs on an election;

**WHEREAS**, mailed ballot elections could be used in response to a natural disaster or public health emergency where traditional voting methods are either not available or do not comply with orders by Federal, State, County, or City governments; and

**WHEREAS**, Torrance City Charter section 400 authorizes the City to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in the Charter and the California Constitution; and

**WHEREAS**, pursuant to California Environmental Quality Act ("CEQA") Guidelines §15378 and California Public Resources Code § 21065, the Council finds that this ordinance is not a "project" because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment; and that, even if this ordinance qualified as a "project" subject to CEQA, and pursuant to CEQA Guidelines §15601(b)(3), there is no possibility that this project will have a significant impact on the physical environment.

THE CITY COUNCIL OF THE CITY OF TORRANCE DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1**

A new Article 8 entitled "Elections" of Chapter 2 of Division 1, is added to read in its entirety as follows:

“12.8.010 Mailed ballot elections

The City Council may, by resolution, provide for an election by mailed ballot notwithstanding the limitations of California Elections Code, Section 4000 et seq.”

**SECTION 2**

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance to the extent of the inconsistencies and no further, are repealed.

**SECTION 3**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases are declared invalid or unconstitutional.

**SECTION 4**

This ordinance will take effect immediately pursuant to Government Code Section 36937(a). Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

**INTRODUCED and ADOPTED** this 21st day of April 2020.

\_\_\_\_\_  
Mayor, Patrick J. Furey

APPROVED AS TO FORM:

ATTEST:

By: \_\_\_\_\_  
Patrick Q. Sullivan  
City Attorney

\_\_\_\_\_  
Rebecca Poirier, MMC City Clerk

## ATTACHMENT B

ORDINANCE NO. \_\_\_\_\_

## SUMMARY

On April 21, 2020 the City Council of the City of Torrance adopted Ordinance No. \_\_\_\_\_, an ordinance that adds a new Article 8 to Chapter 2 of Division 1 of the Torrance Municipal Code regarding City Council meetings. TMC Section 12.8.010 gives the Council the authority to provide for an election by mailed ballot by resolution notwithstanding the limitations of California Elections Code, Section 4000 et seq. Copies of the Ordinance are available from the City Clerk's Office or online at [www.torranceca.gov](http://www.torranceca.gov).

\*\*\*\*\*City Clerk to add a paragraph stating the names of the City Council members that voted in favor and those that voted against.\*\*\*\*\*



Council Meeting of  
April 21, 2020

**SUPPLEMENTAL #1**

Honorable Mayor and Members  
of the Torrance City Council  
City Hall  
Torrance, California

**Members of the Council:**

**SUBJECT: City Attorney – Adopt ORDINANCE Allowing for Mailed Ballot Elections.  
Expenditure: None.**

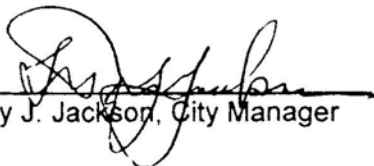
The attached correspondence was received subsequent to the posting of the agenda.

Respectfully submitted,



Patrick Q. Sullivan  
City Attorney

NOTED:

  
LeRoy J. Jackson, City Manager

Attachment: A. Correspondence



## ITEM 9D – Public Comment

From: G. Rick Marshall [REDACTED]

Date: Mon, April 20, 2020 9:25 PM

Subject: Public Comment 4/21/2020 Council Meeting - Agenda Item 9D

Mr. Mayor and Members of the City Council,

While I appreciate and applaud your attempt to follow the law and our City Charter, I believe that passing an ordinance to take effect immediately allowing for mail ballot only elections would be a mistake that would haunt us from the day it took effect for the following reasons:

1. Postal mail and by extension mail balloting is unreliable during this pandemic shutdown: We are in the midst of a nationwide shutdown. This is effecting every area of our economy and government as evidenced by the fact that I cannot come before you in person. The postal service is affected, the registrar of voters is affected, and the printers are affected. They are not fully staffed. Mail is unreliable during this shutdown. This is not idle speculation. It occurred in Wisconsin during their primary election two weeks ago on April 7th. The postal service is investigating the "undelivered" mail ballots.
2. Mail ballots are at best problematic according to a federal study by the United States Election Assistance Commission. They found the following issues:
  - a. They are frequently not counted. In 2016, more mail ballots were misdirected and unaccounted for that the margin of votes separating President Trump and Hillary Clinton.
  - b. Invitation to voter fraud. Inaccurate and out-of-date voter lists are used to mail the ballots. Deceased, inactive and ineligible voters remain on the voter lists. This means that the ballots can be mailed to the wrong house and/or wrong person. The Los Angeles County Registrar was sued over the fact that there were more registered voters on their rolls than eligible population in the County. They have consented to clean up the rolls. This was only the inactive voter rolls though. According to Paul Mitchell of the nonpartisan research firm Political Data Inc, "This whole thing does nothing to clean up the active voter file."
  - c. Mail ballot problems can negatively affect the outcome of the election. Remember the 2018 Governor's race? 118,000 voters were left off the voter rolls by the Los Angeles County Registrar of Voters. The foul-up affected roughly 2.3% of registered voters across the county and 35% of its polling places. The Los Angeles County Registrar of Voters has sought an independent review. Have you seen the results? Neither have I. Cynics might conclude that made the difference as to whether Anthony Villarigosa made it into the top 2 primary to face Gavin Newsom. Instead, John Cox squeezed in.
3. Mail Ballot Rejections. Mail ballot rejections are on the rise. These are cases where ballots are sent, completed (by someone at a particular address, not necessarily the voter), and returned to election officials — yet were rejected for various reasons, most commonly because the signature on the absentee ballot envelope does not match the signature of the voter on his or her registration form. The voter was registered long ago and their signature has changed. They don't know their ballot was rejected.
4. Voter Mistakes. When voting by mail, in contrast to polling places, there is no one to help fix a voting mistake. Because of that mail voting mistakes are fatal. Again, the voter doesn't know their vote was rejected.

5. Vote Harvesting. While it is now legal in California to harvest ballots, there is no chain of custody requirement. An all-mail ballot election is an invitation to voter fraud. According to the United States Election Assistance Commission, the most recent 2018 election eight of the top 10 counties in terms of missing ballots are in California alone. Any idea which county in California was at the top of the list?

My information mostly drawn from here: <https://www.foxnews.com/opinion/voting-epidemic-mail-ballot-failures-christian-adams-hans-von-spakovsky>.

It is not clear to me why Measure U, the voter approved 60 day charter amendment for council appointments does not replace the old 30 day rule? It became effective at the same time as the at large council seat became vacant. You are meeting under Governor Newsom's executive order that allows you to hold zoom meetings and avoid violating the Brown Act. Why doesn't his executive order extending the time for the March Primary election certification April 29<sup>th</sup>, not apply here?

And even if you don't make the deadline (either 30 or 60 days), what is the problem with an election? You can't call one any sooner than 86 days after the expiration of the deadline, whichever you choose. If you are worried about budget issues, wouldn't that serve to cause you to work together to find an agreeable appointment within the timeframe granted by the charter even if it is the shorter time frame? The application process for the vacant seat is in progress. The application deadline is April 29<sup>th</sup>. Are you saying your six members cannot interview applicants in the intervening 13 days?

It seems to me there is no need for this ordinance. Please do not pass it. It will only create more problems. We as a City have enough of those already. Let's follow the admonition of physicians, "First do no harm".

G. Rick Marshall

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## ITEM 9D – Public Comment

From: G. Rick Marshall [REDACTED]  
Date: Tues, April 21, 2020 10:34 AM  
Subject: Public Comment - Agenda Item 9d Supplemental

Mr. Mayor and Members of the City Council,

Let me call your attention to the letter the Election Integrity Project of California identifying significant risks to Los Angeles County elections if Ballots are mailed to every voter. You may read the [letter here](#) but I highlight the following points:

1. Los Angeles County has 206,728 "no show" registrations on the active roll. They have not voted or updated their registrations since November 2008, a decade ago. 1,486 are over 100 years old and 117,500 have no record of ever having voted. LIKELY some of these voters are in Torrance.
2. Los Angeles County has 10,556 registrants that appear to be registered to vote more than once. Of them, 21 appear three times. Could some be in Torrance?
3. Los Angeles County has 1,300 duplicate registrants that have already voted more than once in at least one election.
4. Los Angeles County has 855,788 ineligible registrants. LIKELY some of these voters are in Torrance.

Additionally, the California Secretary of State has confirmed the double-voting occurred in the March 3<sup>rd</sup> primary. These conditions dilute your vote and mine if everyone is mailed a ballot in a Torrance special election.

I respectfully implore you not to pass the ordinance proposed on tonight's agenda.

Thank you.

G. Rick Marshall  
[REDACTED]  
Torrance, CA 90501  
[REDACTED]



Council Meeting of  
March 2, 2021

Honorable Mayor and Members  
of the Torrance City Council  
City Hall  
Torrance, California

**Members of the City Council:**

**SUBJECT: City Clerk – Discuss and Provide Direction to City Clerk on Election Date Change. Expenditure: None.**

**RECOMMENDATION**

Recommendation of the City Clerk that City Council discuss and provide direction to the City Clerk on how the City Council would like to proceed regarding the Election Date Change enacted by Senate Bill 970.

**BACKGROUND/ANALYSIS**

The City of Torrance Charter Section 510 states that General Municipal Elections shall be held in said City on the same day as the statewide direct primary election in each even numbered years. Senate Bill 970 which was enacted Friday, September 18, 2020 maintains the Statewide Presidential Primary Election in March, but moves the Statewide Gubernatorial Primary to June. This means the City of Torrance Municipal Election will switch every two years between March and June. For example, in 2022, our election will be held on June 7, 2022. In 2024, our election would be held on March 5, 2024.

In the past, the City of Torrance was prohibited from moving the General Municipal Election to November of even numbered years because the Los Angeles County Registrar Recorder / County Clerk (RRCC) was unable to accommodate another agency on the ballot. The RRCC has redesigned the ballot and is now able to accommodate this change if the residents of Torrance approve it. The RRCC suggested November in even years as an alternative to the primary if the City wished to maintain the municipal election in even numbered years.

The City Council would need to provide direction to the City Clerk to work with the City Attorney to place a measure on the November 2, 2021 ballot. The deadline to request Consolidation with the RRCC and call a Special Election is Friday, August 6, 2021.

The Los Angeles County Registrar Recorder / County Clerk stated if the voters approved a measure on the November 2, 2021 ballot to move the election from June 7, 2022 to November 8, 2022, the change would be effective in 2022 provided the ballot language was clear regarding this change.

The City Clerk has obtained an estimate for the cost of a Special Election on November 2, 2021. The cost to place one measure on the ballot is \$646,000. The cost to place up to four measures on the ballot is \$721,000. The cost estimate is attached.

The City Clerk has contacted two local cities currently holding elections. The City of Hermosa Beach who was quoted \$100,000 for one City Council race by the RRCC and the City of Redondo Beach which is running a stand-alone all-mail ballot with an estimated cost of \$350,000 for Mayor, three City Council district seats, City Attorney, and three members of the Redondo Beach School Board. It should be noted that the City of Redondo Beach election is being run by the City Clerk with one election consultant and existing city clerk staff. In addition, due to lack of election companies and lack of election consultants, many of the election processes are being done manually by the internal City Clerk staff in addition to their regular duties. These include issuing and tracking ballots via an excel spreadsheet rather than a software program and manually stuffing the ballot envelopes for those who didn't receive their ballot. Signature verification will also be done in house. They will be utilizing the RRCC's Vote by Mail boxes located in their city. It should be noted the cost of the election would increase if polling locations and poll workers were needed.

To provide additional perspective, as of the last RRCC report to the Secretary of State, the City of Torrance currently has 94,214 registered voters, the City of Redondo Beach has 50,009 registered voters, and the City of Hermosa Beach has 15,140 registered voters.

The California Constitution Article XI, section 5(b) provides that "it shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: "... (3) the conduct of city elections." This was the provision the City of Redondo Beach used to challenge the California Voter Participation Rights Act (AB415) and the court found that the law did not apply to charter cities.

The City of Torrance Municipal Code does not currently allow for an all-mail election. On April 21, 2020, the City Attorney brought forth an Ordinance to add a new Article 8 of Chapter 2 of Division 1 to allow mailed ballots for the City of Torrance. This would have provided the City the option to utilize all mail ballots, however, City Council chose not to adopt it. If the City wanted to consider an all-mail ballot, this ordinance would have to be brought back for consideration.

If the City of Torrance returned to stand-alone elections, consideration would have to be taken with regard to what resources are presently available to assist with the election due to limited election consultants and election companies who count the ballots. If polling locations and poll workers were required, the City has specific language requirements and would have to provide poll workers at each polling location who were fluent in these languages.

Elections Code 1000 provides the established election dates as follows: The first Tuesday after the first Monday in March of even-numbered year that is evenly divisible by four; the first Tuesday after the first Monday in March of each odd-numbered years; the second Tuesday of April in each even-numbered year; the first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four, and the first Tuesday after the first Monday in November of each year.

Elections Code 1001 states statewide election dates are an election held in November of an even-numbered year, an election held in June of an even-numbered year that is not evenly divisible by four and in March of each even-numbered year that is evenly divisible by four.

Election Code 1003 provides that elections held in chartered cities or chartered counties in which the charter provisions are inconsistent with Division 1, Chapter 1 Election Dates, the above established dates do not apply. Election Code 1100 states no election shall be held on any day other than a Tuesday, nor shall any election be held on the day before, the day o, or the day after a holiday. The City Council could choose a Tuesday election date to place on a ballot for voter approval.

If the City of Torrance chose a date not on an established election date, there would be no guarantee that the Los Angeles Registrar Recorder / County Clerk would be able to allow the City to consolidate to run the municipal election.

If the City of Torrance returned to stand-alone elections and chose to remain on the March ballot, the election would run concurrently with the RRCC's primary every two years. The RRCC would be unable to provide assistance. There would be separate ballots for the primary and the city, as well as separate polling locations for the two concurrent elections.

A stand-alone election is where the City Clerk directly runs the election. The City Clerk would hire a printing company to print the sample ballot pamphlets, ballots, envelopes, etc. The Office of the City Clerk would send out, receive, and audit the ballots in house. City Clerk staff would perform signature verification and perform all administrative duties associated with the election. A separate company would be hired to count the ballots on election night in the City Council Chamber and Police Officers or security guards would be needed to protect the process. If the election included polling locations, additional measures would be needed to assist the poll workers to bring the ballots from the polling location into the Council Chamber. Additional staff would be needed to sit on the precinct board to open the ballots and prepare them to be counted. Please note, since AB 415 went into effect requiring cities to consolidate with the Los Angeles County Registrar Recorder / County Clerk, there are minimal companies and consultants who assist with elections.

**IMPACTS**

The current impact of SB 970 is not just the election moving every two years, but the terms of the existing Elected Officials seats who were originally ending in March 2022. By the State moving the date of the election, the Mayor, three Councilmembers, City Clerk, and City Treasurer terms will automatically extend to June 2022.

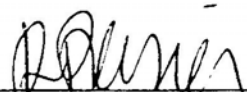
If the City Council were to approve a measure on the ballot to change the City's election from the primary ballot to the general election, the existing Elected Officials terms would be extended to November 2022.

Additional impacts to consider are budgetary, an election was not budgeted in the current budget cycle. If the City Council voted to place a measure on the ballot to change the date, funding would have to be identified. Costs of consolidating an election have risen significantly due to the new Vote Center model with those costs being passed down the cities.

The City could choose to remain on the primary ballot which would not affect the current budget to the City. If the City chose to remain on the primary, future elections would occur as follows:

June 7, 2022  
 March 5, 2024  
 June 2, 2026  
 March 7, 2028  
 June 4, 2030  
 March 2, 2032

Respectfully submitted,

  
 \_\_\_\_\_  
 Rebecca Poirier, MMC  
 City Clerk

Noted:

  
 \_\_\_\_\_  
 Aram Chaparyan  
 City Manager

ATTACHMENTS:

A. November 2, 2021 Election Quote



## Los Angeles County Registrar-Recorder/County Clerk

DEAN C. LOGAN  
Registrar-Recorder/County Clerk

January 20, 2021

Rebecca Poirier, City Clerk  
City of Torrance  
3031 Torrance Boulevard  
Torrance, CA 90503

### ESTIMATED COST FOR NOVEMBER 2, 2021 LOCAL AND MUNICIPAL ELECTIONS

Dear Ms. Poirier:

As requested, below are four election cost estimate scenarios for the City of Torrance:

<u>Scenario</u>	<u>Estimated Cost</u>
One Measure	\$646,000
Two Measures	\$671,000
Three Measures	\$696,000
Four Measures	\$721,000

Changes in election factors and unanticipated increases in labor and/or operational costs may result in a significant variance from this estimate, in addition, should another jurisdiction(s) hold an election on this same date, final costs could be impacted.

If you have any questions regarding this estimate, please contact the Election Billing Team at [ElectionBilling@rrcc.lacounty.gov](mailto:ElectionBilling@rrcc.lacounty.gov).

Sincerely,

DEAN C. LOGAN  
Registrar-Recorder/County Clerk

ALBERT NAVAS, Division Manager  
Finance and Management Division





**CITY OF ARCADIA, CALIFORNIA**

**CITY CHARTER  
As Amended 2022**

## **CITY COUNCIL**

2021-2022

Tom Beck  
Paul P. Cheng  
Michael Danielson  
Sho Tay  
April A. Verlato

CITY CLERK  
Gene Glasco

CITY MANAGER  
Dominic Lazzaretto

CITY ATTORNEY  
Stephen P. Deitsch

**CHARTER  
CITY OF ARCADIA  
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- Section 100. Name and Boundaries
- Section 101. Rights and Liabilities of the City
- Section 102. Ordinances, Codes, and Other Regulations
- Section 103. Officers and Employees
- Section 104. Effective Date of Charter

**ARTICLE II - Powers of City**

- Section 200. Powers
- Section 201. Intergovernmental Relations

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- Section 300. Form of Government

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- Section 400. City Council
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- Section 419. Ordinance. When Effective
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- Section 500. City Clerk

Section 502. Elimination of Elected Office

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- Section 601. City Manager. Powers and Duties
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- Section 805. Compensation. Vacancies
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- Section 810. Recreation and Parks Commission.  
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- Section 1201. Submission of Budget and Budget Message
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- Section 1216. Claims Against the City
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- Section 1300. Granting of Franchises
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- Section 1400. Establishment of a Board of Education
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- Section 1500. Definitions
- Section 1501. Violations
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**CHARTER  
CITY OF ARCADIA**

We, the People of the City of Arcadia, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State.

**ARTICLE I  
INCORPORATION AND SUCCESSION**

**Section 100. NAME AND BOUNDARIES.** The City of Arcadia, hereinafter termed the City, shall continue to be a municipal corporation under its present name, "City of Arcadia." The boundaries of the City shall be as established at the time this Charter takes effect, or as they may be changed thereafter in the manner authorized by law.

**Section 101. RIGHTS AND LIABILITIES OF THE CITY.** The City shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities, and contracts.

**Section 102. ORDINANCES, CODES, AND OTHER REGULATIONS.** All ordinances, codes, resolutions, regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until they shall have been duly repealed, amended, changed, or superseded by proper authority.

**Section 103. OFFICERS AND EMPLOYEES.** Subject to the provisions of this Charter, the present officers and employees shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the election or appointment and qualification of their successors and subject to such removal and control as herein provided.

**Section 104. EFFECTIVE DATE OF CHARTER.** This Charter shall take effect upon its approval by the Legislature of the State of California and any amendment hereto shall be effective when filed pursuant to the California Constitution.

## **ARTICLE II POWERS OF CITY**

**Section 200. POWERS.** The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the state of California. It shall also have the power to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted, or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power, duty, or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power. The City shall have the power and may act pursuant to procedure established by ordinance or any law of the State.

**Section 201. INTERGOVERNMENTAL RELATIONS.** The City may exercise any of its powers or perform any of its functions jointly, or in cooperation, by contract or otherwise, with any one or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof.

## **ARTICLE III FORM OF GOVERNMENT**

**Section 300. FORM OF GOVERNMENT.** The municipal government established by this Charter shall be known as the "Council-Manager" form of government.

**ARTICLE IV  
THE CITY COUNCIL**

**Section 400. CITY COUNCIL.** The City Council, hereinafter termed "Council," shall consist of five Councilmembers each representing a respective district within the City and elected to office in the manner provided in this Charter. The term of office shall be four years. Alternatively, and successively, three four-year terms shall be filled at one general municipal election and two four-year terms at the next such election, consistent with the sequence of terms of Councilmembers existing on the effective date hereof. The term of a Councilmember shall commence on the first Tuesday following certification of their election and they shall serve until their successor qualifies. Any ties in voting shall be settled by the casting of lots.

Each Councilmember in office at the time this Charter takes effect shall continue in office until the end of the term for which they were elected under the previous Charter; an appointed Councilmember shall continue in office during such time as hereinafter provided.

**Section 401. ELIGIBILITY.** No person shall be eligible to hold the office of Councilmember unless that person shall reside in the City, shall be a resident of the district from which the Councilmember is elected or appointed, and shall be a registered voter of the City upon appointment or when nomination papers are issued. A Councilmember who has been elected for two, consecutive four-year terms, excluding part or all of any unexpired term, shall not be eligible to hold the office of Councilmember again until two years after expiration of the second consecutive term, regardless of redistricting. This section shall apply to Councilmembers holding office on the effective date of this Charter.

**Section 402. COMPENSATION.** Compensation for Councilmembers is hereby set, and from time to time shall be changed, in accordance with the schedule applicable to the City of Arcadia set forth in the provisions of the Government Code relating to salaries of Councilmembers in general law cities. Such compensation may be increased or decreased by an affirmative vote of a majority of the voters voting on the proposition at any election.

**Section 403. VACANCIES, FORFEITURE OF OFFICE.  
FILLING OF VACANCIES.**

(a) A vacancy shall exist on the Council, and shall be declared by the Council, if a Councilmember resigns, is legally removed other than by recall, dies, or forfeits their office.

(b) A Councilmember shall forfeit their office if they (1) lack at any time while holding office any qualification for election prescribed by this Charter or by law, (2) violate any provision of this Charter, (3) are convicted of a crime involving moral turpitude, (4) without consent of the Council are absent from all regular Council meetings for a period of sixty consecutive days and the first regular meeting thereafter, said period to be computed from the last regular Council meeting they attend, (5) or accepts or retains any other elective public office. A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding, for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council to fill such vacancy shall have all the rights, duties, and powers of a Councilmember, and continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final.

(c) Any vacancy on the Council shall be filled by a majority vote of the remaining Councilmembers within sixty days after the vacancy occurs. If more than one vacancy exists, successive appointments shall be made, and each appointee shall participate in any succeeding appointment. If the Council fails, for any reason, to fill such vacancy within said sixty-day period, it shall forthwith call an election for the next established election date.

(d) In the event the Council does not call an election within sixty days of the effective date of the vacancy, the City Clerk shall call a special election to fill the vacancy, provided that the term of the vacant office does not expire at the next established election date. The special election shall take place at the next established election date. A special election called by the City Clerk shall be conducted by the County of Los Angeles and shall follow the same procedures as the most recent general municipal election for a vacant district seat. The City Clerk shall take any actions, including adoption of resolutions, necessary to effectuate the special election. The City Clerk shall call the special election within five working days. To effectuate this section, the City Manager shall have the powers to (i) expend funds of the City to pay for the costs of the special election, and (ii) in the absence of the City Clerk, to appoint an acting