

**RESOLUTION NO. CC-1202-014**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF LAWDALE, CALIFORNIA  
CANCELLING THE ELECTION THAT WAS TO BE HELD  
ON TUESDAY, APRIL 10, 2012 AND PROVIDING FOR  
THE APPOINTMENTS TO THE OFFICES OF THIS CITY  
THAT WERE TO BE ELECTED AT THAT TIME**

WHEREAS, as set forth on Resolution No. CC-1111-078, three City offices are subject to election on April 10, 2012 – the position of mayor and two city council seats. When the filing period for these offices closed on January 17, 2012, only the office of mayor was being contested, with one person qualifying to challenge the incumbent; and

WHEREAS, on January 26, 2012, seventy-five days before the election, the person challenging the incumbent mayor passed away; and

WHEREAS, pursuant to Elections Code Section 8027, when a sole challenger or incumbent for an office passes away after the 88th day before the election and before the 68th day before the election, the nominations period for that office must be reopened as of the day after the death until 5:00 p.m. on the 68th day before the election; and

WHEREAS, on January 26, 2012, the nominations period for the position of mayor was reopened through 5:00 p.m. on February 2, 2012, the 68th day before the election; and

WHEREAS, as of 5:00 p.m. on February 2, 2012, no one had filed papers for the position of mayor; and

WHEREAS, pursuant to Elections Code Section 10229, an election may be cancelled for having insufficient candidates, allowing the City to save the costs of the election, if the elections official certifies that, as of the close of the nominations period, only one person has been nominated to fill each of the three offices available for election and notice of this is published; and

WHEREAS, the City's Elections Official has certified that only one person has been nominated to fill each of the three offices available for election at the City election that is to be held on April 10, 2012, a copy of which certification is attached as Exhibit "A", such that the City Council may appoint to each office the person who has been nominated; and

WHEREAS, the required notice was published on February 4, 2012, in the Daily Breeze, a newspaper of general circulation pursuant to law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAWDALE, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That, pursuant to California Elections Code Section 10229, the following persons are being appointed to the offices to which each was nominated:


| <u>NAME</u>         | <u>OFFICE</u>              | <u>TERM</u> |
|---------------------|----------------------------|-------------|
| Harold E. Hofmann   | Mayor                      | 2 years     |
| James H. Osborne    | Member of the City Council | 4 years     |
| Robert Pullen Miles | Member of the City Council | 4 years     |

SECTION 2. The election scheduled to be held on Tuesday, April 10, 2012 is now canceled.

SECTION 3. The persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office.

SECTION 4. 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 9th day of February, 2012.

  
 Harold E. Hofmann, Mayor

ATTEST:

State of California            )  
 County of Los Angeles        )     SS  
 City of Lawndale             )

I, Paula Hartwill, City Clerk of the City of Lawndale, California, do hereby certify that the City Council of the City of Lawndale duly approved and adopted the foregoing Resolution No. CC-1202-014 at an adjourned regular meeting of said Council held on the 9th day of February, 2012, by the following voice vote:

| Name                            | Voting |    | Present, Not Voting |                   | Absent |
|---------------------------------|--------|----|---------------------|-------------------|--------|
|                                 | Aye    | No | Abstain             | Not Participating |        |
| Harold E. Hofmann, Mayor        | X      |    |                     |                   |        |
| James H. Osborne, Mayor Pro Tem | X      |    |                     |                   |        |
| Larry Rudolph                   | X      |    |                     |                   |        |
| Robert Pullen-Miles             | X      |    |                     |                   |        |
| Pat Kearney                     | X      |    |                     |                   |        |

  
 Paula Hartwill, City Clerk

APPROVED AS TO FORM:

  
 Tiffany J. Israel, City Attorney

**CITY CLERK'S CERTIFICATION  
THAT THERE ARE NOT MORE CANDIDATES  
THAN OFFICES TO BE ELECTED**

I, Pamela L. Giamario, Assistant City Clerk of the City of Lawndale, California, do hereby certify, pursuant to Section 10229 of the Elections Code of the State of California, to the following facts relating to the general municipal election to be held on Tuesday, April 10, 2012:

As of the close of the extended nomination period for mayor on February 2, 2012, there are not more candidates than offices to be elected.

The persons so nominated are:


|                                |                     |
|--------------------------------|---------------------|
| For mayor:                     | Harold E. Hofmann   |
| For member of the city council | James H. Osborne    |
|                                | Robert Pullen-Miles |

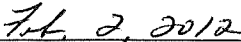
That Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

A notice of these facts will be published on February 4, 2012 in a newspaper of general circulation in the city pursuant to Section 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet to either make the appointments or direct an election to be held. The persons appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If the City Council makes an appointment pursuant to Section 10229, Elections Code, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.

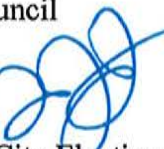
  
\_\_\_\_\_  
Pamela L. Giamario, Assistant City Clerk

  
\_\_\_\_\_  
Date



## CITY OF LAWNDALE

14717 BURIN AVENUE, LAWNDALE, CALIFORNIA 90260  
PHONE (310) 973-3200, FAX (310) 644-4556  
[www.lawndalecity.org](http://www.lawndalecity.org)

DATE: February 9, 2012  
TO: Honorable Mayor and City Council  
FROM: Tiffany J. Israel, City Attorney   
SUBJECT: Cancelling the April 10, 2012 City Election & Appointing Officers

### BACKGROUND

As described in Resolution No. CC-1111-078, three City offices would be subject to election on April 10, 2012. These offices are the position of mayor and two members of the city council. When the filing period for these offices closed on January 17, 2012, only the office of mayor was being contested, with one person qualifying to challenge the incumbent. However, on January 26, 2012, seventy-five days before the election, the person challenging the incumbent mayor passed away.

Pursuant to Elections Code Section 8027, when a sole challenger or incumbent passes away after the 88<sup>th</sup> day before the election and before the 68<sup>th</sup> day before the election, the nominations period for that office must be reopened as of the day after the death until 5:00 p.m. on the 68<sup>th</sup> day before the election. Accordingly, on January 26, 2012, the nomination period for the position of mayor was reopened through 5:00 p.m. on February 2, 2012, the 68<sup>th</sup> day before the election.

As no one has filed papers for the position of mayor within this re-opened period, pursuant to Elections Code Section 10229, the elections official published a notice in the Daily Breeze on February 4, 2012, stating that the election may be cancelled for having insufficient candidates. Cancelling the election may allow the City to save approximately \$35,000 in costs that would have been incurred to carry out the election, as well as the cost of the staff and volunteers hours spent to prepare for and conducting the election. The elections official has also issued a certificate of fact confirming that only one person has been nominated to fill each of the three offices available for the election which had been scheduled for April 10, 2012. In light of the notice given and the certification of the elections official, the City Council may appoint each of the three nominees to the office for which each is nominated.

### STAFF REVIEW

Resolution No. CC-1202-014 would cancel the April 10, 2012 City election and make the following appointments: Harold Hofmann to a new two year term as mayor, James Osborne to a new four year term as councilmember and Robert Pullen Miles to a new four year term as councilmember.

### COMMISSION REVIEW

N/A

LEGAL REVIEW

The resolution has been prepared and approved by the City Attorney.

FUNDING

The FY 2011-12 municipal budget included an allocation of \$45,000 for the election. Adoption of this resolution may result in a cost savings of approximately \$35,000.

RECOMMENDATION

STAFF RECOMMENDS THAT the City Council approve Resolution No. CC-1202-014 cancelling the April 10, 2012 City election and appointing the nominees to the positions of mayor and council members.

Attachments:      Resolution No. CC-1202-014  
                            Certification of the Elections Official

**CITY CLERK'S CERTIFICATION  
THAT THERE ARE NOT MORE CANDIDATES  
THAN OFFICES TO BE ELECTED**

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The persons so nominated are:

|                                |                     |
|--------------------------------|---------------------|
| For mayor:                     | Harold E. Hofmann   |
| For member of the city council | James H. Osborne    |
|                                | Robert Pullen-Miles |


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\_\_\_\_\_  
Pamela L. Giamario, Assistant City Clerk

  
\_\_\_\_\_  
Date