



County of Los Angeles
CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

July 31, 2007

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The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF REGISTRAR-RECORDER/COUNTY CLERK:
APPROVE THE IMPLEMENTATION OF SENATE BILL 484 AUTHORIZING THE
COUNTY TO ADMINISTER RECALL AND SPECIAL ELECTIONS HELD IN THE
CITY OF LYNWOOD DURING THE 2007 AND 2008 CALENDAR YEARS
(ALL DISTRICTS - 3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

Approve the implementation of Senate Bill 484 authorizing the Registrar-Recorder/County Clerk (RR/CC) to administer, for all purposes, all recall and special elections held in the City of Lynwood (City) during the 2007 and 2008 calendar years.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On July 25, 2007, the Governor signed into law Senate Bill 484 (Chapter 126, Statutes of 2007) as an urgency statute, declaring that there exists a need for an experienced, objective, impartial and professional entity to conduct any recall or special election to be held within the City during the 2007 and 2008 calendar years.

This law provides that these elections shall be administered, for all purposes, by the RR/CC upon approval by your Board.

Implementation of Strategic Plan Goals

This action is consistent with the County's Strategic Plan goal of Organizational Effectiveness supporting collaboration across functional and jurisdictional boundaries.

FISCAL IMPACT/FINANCING

Senate Bill 484 requires the City to reimburse the County of Los Angeles, from the City treasury, for all expenses authorized and necessarily incurred in conducting any recall or special election held within the City pursuant to this bill.

If payment is not made in a timely manner, and after sufficient notice to the City, your Board may pass a resolution informing the State-Controller that some or all of the amount due is outstanding. The State-Controller shall, upon receipt of such a resolution, deduct from apportionments scheduled for periodic distribution to the City, from any unrestricted funds or moneys, the outstanding balance owed and instead pay the amount to the County of Los Angeles.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Senate Bill 484 declares that it is the intent of the Legislature to ensure the integrity, efficiency, and lawful conduct of recall and special elections in the City, in order to avoid bias or the perception of bias or impropriety, and to strengthen the public's confidence in the fair and free operation of the election process and the reporting of results.

In April, the elected Lynwood City Clerk (Clerk) obtained the services of the RR/CC to validate the signatures on petitions for the recall of four out of five Lynwood City Council (Council) members which were received by the Clerk. After the RR/CC's verification, it was determined that enough signatures were gathered, the Clerk certified the validity of the petitions to the Council on June 5, 2007. After receipt of the certification, the Council had 14 days to order the election. However, the Council failed to order the election within the time required by law, and as such, the RR/CC ordered the election to be held on September 25, 2007, as required by Elections Code Section 11241.

Shortly after the election date was set, the Council voted to remove the election duties from the Clerk, who immediately delivered the petitions to the Sheriff for safe keeping. On or about June 19, 2007, the Council named a new person to conduct election duties including obtaining the recall petitions and reviewing them for validity. The Council alleged that the certification of the petitions by the Clerk was invalid, and refused to begin the processes necessary to conduct the elections.

In an effort to ensure that the election would proceed, the proponents of the recall filed a lawsuit in the Los Angeles Superior Court (*Aide Castro, et al. v. City of Lynwood, et al.*, BS 109686), which also named the RR/CC and Sheriff. The lawsuit sought a preliminary injunction to require the City to take all action necessary to conduct the recall election and to prevent the Sheriff from releasing the recall petitions to the City.

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On July 19, 2007, Judge Dzintra Janavs, in Department 86 of the Los Angeles Superior Court, granted the preliminary injunction which requires the City to take all steps necessary to conduct the recall election on September 25, 2007. Judge Janavs also ruled that the recall petitions should remain in the possession of the Sheriff, a neutral party, until further notice. Based on the ruling, the City is prevented from delaying the election process or refusing to conduct the election.

Within days after the court's ruling, the RR/CC and Sheriff were served by a second lawsuit filed by Lynwood residents seeking to allow the City election official, as appointed by the Council, to have access to the recall petitions in order to determine if fraud has occurred in the signing of the petitions, and if fraud is found, cancel the election scheduled for September 25, 2007. This new lawsuit is related to the previously filed litigation and will most likely be heard again by Judge Janavs.

By taking the action as authorized by Senate Bill 484, the RR/CC will become, by statute, the election official for the Lynwood recall elections and as such, will be able to immediately prepare for the September 25, 2007, elections in a fair and impartial manner as requested by the Legislature. The pending litigation will have no impact on the RR/CC's official duties as the election official in the City recall elections. However, if the court determines that the election should not proceed, then the RR/CC will follow whatever order is imposed by the Court.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The recommended action will not affect current election services.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:LN
SK:ljp

c: County Counsel
Registrar-Recorder/County Clerk

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