



PAT BROWN INSTITUTE FOR PUBLIC AFFAIRS

Unleashing the Power of Participation

January 28, 2022

What Happens to the Mayor's Seat If Eric Garcetti is Confirmed as Ambassador to India?

By Dr. Raphael J. Sonenshein, executive director of the Pat Brown Institute at Cal State LA, and executive director of the City of Los Angeles Appointed Charter Reform Commission (1997-99).

Raphael.sonenshein@calstatela.edu

Mayor Eric Garcetti's nomination for ambassador to India, already approved by the Senate Foreign Relations Committee, now rests in the United States Senate. While his confirmation is not certain, it could also come any day.

Los Angeles needs to be prepared for what would happen in case Garcetti vacates his office. Knowing how the process will work will avoid confusion in a year that has already left City Hall reeling.

The city charter contains a road map for just this eventuality. Sixty three years ago, in May 1959, voters adopted Charter Amendment 3. Supported by Mayor Norris Poulson, the city council and the city's civic leaders, Measure 3 reflected a Cold War fear that executive leadership might be inadequate in a local emergency. As the *Los Angeles Times* noted, "The amendment was worked out by the city council in collaboration with the Civil Defense Committee of the Bar Assn to meet major disaster and possible 'space age' emergencies."

Measure 3 specified that should the mayor temporarily or permanently vacate the office, the President of the City Council automatically "shall act as Mayor of this city." So far, this provision has only been used when the mayor is temporarily out of the city or state. Now, for the first time, it may be needed to address a full-scale vacancy.

The Acting Mayor provision has worked well for those situations in which the Mayor is temporarily away and is expected to return. Until the 1999 charter reform, the council president became Acting Mayor when the mayor left the city. With five incorporated cities literally inside the borders of Los Angeles city, the mayor would be technically absent if addressing the Beverly Hills Chamber of Commerce. The 1999 charter reform improved the situation by indicating that the mayor is present if within the boundaries of the state. Most recently, Council President Nury Martinez served effectively as Acting Mayor while Mayor Garcetti was in quarantine overseas.

The designers of these provisions did not intend for the Acting Mayor to be a permanent fix for a truly vacant seat. The 1959 ballot argument co-signed by Mayor Poulson and Council President John S. Gibson, Jr. stated that: "...a qualified incumbent will be automatically provided for during this purely temporary period pending formal action taken to appoint a

successor.” The goal was to give the council sufficient time to consider who might be appointed to fill the seat for the remainder of the mayor’s term.

The charter provided that the council president “shall not lose his (sic) rights as a member of the council.” It would hardly be fair to force the council president to take on the Acting Mayor role and thereby lose the office he or she had won in an election.

The city council has several options under the charter. As soon as the vacancy occurs, the Council President automatically becomes Acting Mayor. If the council takes no further action, that role will continue until the new mayor takes office in December. Alternatively, the council can appoint a mayor who will serve until December.

Theoretically, if a mayoral candidate wins the June primary with a majority, he or she could be appointed to begin serving as mayor sometime before December. But with a crowded field of strong candidates, that scenario is unlikely. While the council may call a special election, that is even harder to envision given the ongoing mayoral race and the prohibitive cost of an election to fill a short term seat.

We should assume that the council will decide to fill the position either by an Acting Mayor continuing until the election or by an appointed mayor. On this decision, the Charter is silent. There is no set time limit for the Acting Mayor to hold office. It could be days, weeks, or months. We have a relatively short period of vacancy to fill, but one that is longer than when the mayor is out of the city or state.

There are pros and cons to each path.

Having the Council President serve as Acting Mayor for the rest of year is an easier lift, since no action by the council is required. As the second most important office holder in the city, the Council President is well positioned to understand the matters that face the mayor and the transition might be relatively smooth. A possible downside that could emerge later in the year is a potential conflict of roles between the two jobs, such as in the mayoral appointment and council confirmation of commissioners, or the mayoral direction and council oversight of city departments.

The appointment option would remove the possible conflicts in the two simultaneous positions, as the appointee would be able to play the mayor’s role separate from the council. A downside is that it may be very difficult for the council to find eight votes for any candidate, and if the choice is a sitting councilmember, another vacancy would be created in a body that is already missing one incumbent.

Whichever choice the council makes, the members should consider how this temporary mayor will help steer the city government through what would in essence be an unusually long transition between elected mayors. If handled well, it could provide a stable “government of city unity” that rebuilds some of the shattered image of the city government during a mayoral campaign in which that government is going to take some very big and public hits.