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From the Los Angeles Times

Lynwood council members ignore recall, stay put

Replacements wait in the wings as four ousted in recent recall conduct business as usual.

By Hector Becerra

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By all appearances, there was going to be a historic changing of the guard Tuesday night at Lynwood City Hall. Four council members recalled from office were to step down and their newly elected replacements were to be sworn in.

An overflow crowd filled the council chambers as the city manager prepared for the new council members to take over.

But the ousted council members didn't budge.

To the surprise of many, the recalled officials went about business and showed no indication that they would relinquish control of power -- at least for now.

"I was all dressed up with nowhere to go," said Jim Morton, a longtime Lynwood resident who had expected to be sworn into office.

"There's a whole crowd of people there to see us installed. We were completely out of the picture, it seems."

Critics said it was a last-chance power grab by council members -- some of whom face public corruption charges filed by Los Angeles County prosecutors. When the recall started, the council stripped the city clerk of her election authority and refused to schedule an election, until state and county authorities stepped in.

"They won't listen to the county Board of Supervisors, they won't listen to [county Registrar-Recorder] Conny McCormack, they won't listen to a senator or even the governor," said Maria Santillan, the one council member not recalled.

Recalled Mayor Louis Byrd said he and his colleagues had a right to continue serving office. Byrd, 75, said he would step down later this month, and there have been rumblings in town about a court challenge.

The outgoing council members on Tuesday defied a new state law -- and bucked the advice of the city attorney -- by calling a special meeting to extend the life of a controversial proposal to build a 70,000-seat NFL-style stadium and commercial development.

"It's no different than the White House," Byrd said. "When a change of guard happens at the White House, the president signs pardons and this thing and the other. They clean house. They make something they

want to happen, happen."

The stadium development was the central issue in the recall campaign, along with public corruption charges facing two of the council members. The development project would require more than 1,000 homes to be leveled.

The state law, based on a bill sponsored by Assemblyman Hector De La Torre (D-South Gate), prohibits any recalled elected official from taking an action that could cost city funds. Passed last year, it was inspired by the 2003 recall in South Gate, in which the outgoing politicians went on a spending spree.

City Atty. Anthony Willoughby said he advised the Lynwood council members not go ahead with the vote on the football stadium project.

"Whether they like it or not, it's the law of the land," Willoughby said.

There was debate about whether the current council should have stepped down Tuesday.

In a letter sent Tuesday to Lynwood, the county counsel stated that according to the state elections code, as soon as the results were certified, the oath of office was to be "immediately" administered. The Board of Supervisors had certified the election earlier that day.

De La Torre said the Lynwood council forfeited the right to administer the oath when the city lost the right to run the recall election because of its leaders' defiance.

"The officially elected new representatives can take office at any point. They can be sworn in at any time," De La Torre said. "They don't have to be sworn in at a council meeting. They can be sworn in in a garage."

De La Torre said the outgoing council members were exposing Lynwood to legal problems by voting on the stadium project in the face of state law.

"They're going against their fiduciary responsibility," De La Torre said. "Then again, since they're recalled, they probably don't feel a fiduciary responsibility, which is why I introduced that bill in the first place."

But Willoughby said the new council could not have taken office Tuesday, because there had not been a 24-hour notice of a public hearing, as law requires. He said he expected the new council members to be sworn in Oct. 16.

Critics accused ousted council members of trying to prolong their political careers in order to get certain pet projects passed. Byrd neither disagreed with that assessment nor apologized for their actions.

He said the city of more than 100,000 in southeast L.A. county needed developments, such as the football stadium and commercial project, to generate revenue.

Byrd said everyone whose home is leveled would get another one and not owe any more on it. But Councilwoman Santillan said that none of that was in writing and that people would end up giving up a house for a condominium.

Given the city's troubled recent history -- including a 16-year federal prison sentence handed down last year to former Mayor Paul Richards -- Santillan said people had no reason to trust the outgoing council members.

"We're going to follow the law," Byrd said. "What's the urgency? What was the urgency on the recall?"

The urgency, Santillan said, was to get the lame-duck council members out before they tried to pass what she considered more hare-brained schemes.

"My concern," Santillan said, "is they're going to call more special meetings and do, I don't know what."

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