

## RESOLUTION NO. 2016-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERNON, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 12, 2016, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Vernon, California, on Tuesday, April 12, 2016, as required by law; and

WHEREAS, pursuant to Ordinance No. 1201, the election was conducted entirely by vote-by-mail ballot pursuant to Section 4000, et seq., of the Elections Code of the State of California; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; and

WHEREAS, an election officer was appointed, vote-by-mail ballots were properly sent to all registered voters, and in all respects the election was held and conducted, the votes were cast, received and canvassed, and the returns were made and declared in the time, form and manner required by the City Charter and the Elections Code of the State of California; and

WHEREAS, the City Clerk canvassed the returns of the election and has certified the results to the City Council, which certification and results are received, attached and made part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERNON AS FOLLOWS:

SECTION 1: The City Council of the City of Vernon hereby finds and determines that the above recitals are true and correct.

SECTION 2: The City Council of the City of Vernon finds

that this action is exempt from California Environmental Quality Act (CEQA) review, because it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a "project" as defined by CEQA Guidelines section 15378. Moreover, even if the activity in question were a project, it would be exempt from CEQA review, in accordance with Section 15061(b)(3), the general rule that CEQA only applies to projects that may have a significant effect on the environment.

SECTION 3: One (1) voting precinct was established for the purpose of holding said Election, consisting of the regular election precinct in the City as established for the holding of State and County elections.

SECTION 4: The whole number of vote-by-mail voter ballots legally cast in the City for the General Municipal Election held on April 12, 2016, was 36, with no provisional ballots cast.

SECTION 5: The following are declared to be the results of said General Municipal Election for the office of member of the City Council:

W. Michael McCormick	14 votes
Leticia Lopez	21 votes
David J. Ybarra*	1 votes

\*David J. Ybarra did not file official candidacy papers for the election.

Section 6: The City Council of the City of Vernon hereby declares that Leticia Lopez, was elected as member of the City Council for the full term of five (5) years.

SECTION 7: The City Clerk shall immediately make and deliver to the person so elected a Certificate of Election signed by the City Clerk and authenticated.

SECTION 8: The City Clerk shall also administer to the person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the Office of the City Clerk. The person so elected shall then be inducted into the respective office to which he/she has been elected.

SECTION 9: The City Clerk, or Deputy City Clerk, shall enter on the records of the City Council of the City, a statement of the result of the election, showing:

- (1) The number of ballots cast in the City;
- (2) The names of the person voted for;
- (3) For what office the person was voted for; and
- (4) The number of votes given to the person.

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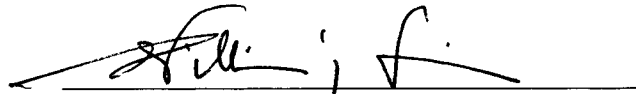
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SECTION 10: The City Clerk, or Deputy City Clerk, of the City of Vernon shall certify to the passage, approval and adoption of this resolution, and the City Clerk, or Deputy City Clerk, of the City of Vernon shall cause this resolution and the City Clerk's, or Deputy City Clerk's, certification to be entered in the File of Resolutions of the Council of this City.

APPROVED AND ADOPTED this 19<sup>th</sup> day of April, 2016.

  
Name: William J. Davis  
Title: Mayor / ~~Mayor Pro-Tem~~

ATTEST:


  
Maria E. Ayala  
City Clerk / ~~Deputy City Clerk~~

APPROVED AS TO FORM:

  
Brian Byun, Deputy City Attorney

STATE OF CALIFORNIA            )  
                                          ) ss  
COUNTY OF LOS ANGELES        )

I, **Maria E. Ayala**, City Clerk / ~~Deputy City Clerk~~ of the City of Vernon, do hereby certify that the foregoing Resolution, being Resolution No. 2016-17, was duly passed, approved and adopted by the City Council of the City of Vernon at a regular meeting of the City Council duly held on Tuesday, April 19, 2016, and thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

  
\_\_\_\_\_  
**Maria E. Ayala**  
City Clerk / ~~Deputy City Clerk~~

(SEAL)

**EXHIBIT A**

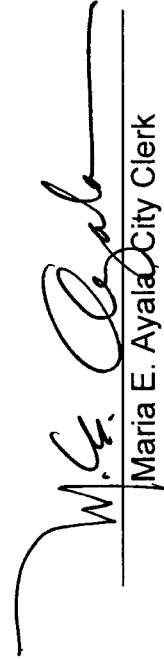
EXHIBIT A

**CITY OF VERNON – GENERAL MUNICIPAL ELECTION HELD APRIL 12, 2016**

**CITY CLERK'S CERTIFICATION OF CANVASS**

I, Maria E. Ayala, City Clerk of the City of Vernon, County of Los Angeles, State of California, do hereby certify that I have canvassed the returns of the General Municipal Election held on April 12, 2016, and find that the number of votes cast were as follows:

	Councilmember Seat		
	McCormick	Lopez	Ybarra
April 12, 2016 (Semi-final Canvassing)	13	15	1
April 18, 2016 (Final Canvassing)	1	6	0
Total Votes Canvassed		36	

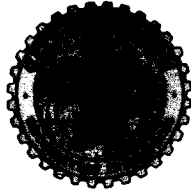
  
\_\_\_\_\_  
Maria E. Ayala, City Clerk

Dated: April 19, 2016

# **STAFF REPORT**



cc 4/19/16



# **UPDATED STAFF REPORT**

## **City Clerk Department**

**DATE:** April 19, 2016

**TO:** Honorable Mayor and City Council

**FROM:** Maria E. Ayala, City Clerk

**RE:** A Resolution of the City Council of the City of Vernon, California, Reciting the Fact of the General Municipal Election held on April 12, 2016, Declaring the Result and Such Other Matters as Provided by Law

**\*\*\*\*\* NOTE\*\*\*\*\***

*This staff report was updated as of the results from the second canvassing that took place on April 18, 2016 at 1 p.m. for the April 12, 2016 Election.*

**Recommendation**

- A. Find that the proposed approval is exempt from California Environmental Quality Act (“CEQA”) review, because it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines section 15378. Moreover, even if the activity in question were a project, it would be exempt from CEQA review, in accordance with Section 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment; and
- B. Accept the Certificate of Canvass.
- C. Adopt a Resolution declaring the results of the General Municipal Election held April 12, 2016, declaring that Leticia Lopez is elected to the Office of Member of the City Council; and
- D. Authorize the City Clerk to deliver the Certificate of Election and administer the Oath of Office to Leticia Lopez.

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**Background**

On April 12, 2016, a General Municipal Election was held for the purpose of electing one member to the City Council for the full term of five (5) years. As of the closing of the nomination period on January 20, 2016, at 5:30 p.m., W. Michael McCormick was the only official candidate. As of March 29, 2016, the closing of the write-in candidate period, Leticia Lopez was the only individual to file as a write-in candidate.

On March 14, 2016, sixty-five (65) vote-by-mail ballots were mailed. Subsequently seven (7) vote-by-mail ballots were also issued for new registered voters. As of 8 p.m. on April 12, 2016 33 (thirty-three) ballots were received. Of the ballots received, 29 (twenty-nine) were processed for signature verification, and canvassed on April 12, 2016. The City Clerk disallowed 1 (one) ballot due to lack of signature on ballot envelope AND that it was not a residential address within the City of Vernon; in addition, 3 (three) ballots were not able to be processed for signature verification in time for the semi-final canvassing, and will be canvassed at the final canvassing scheduled for April 18, 2016 at 1:00 p.m.

Pursuant to State of California Elections Code 3020(b), vote-by-mail ballots postmarked on or before the election date and received no later than three days after the election shall be timely cast. The City of Vernon, in accordance with State elections laws has noticed the final canvassing to take place on Monday, April 18, 2016 in City Hall Council Chambers at 1:00 p.m. so as to account for any and all eligible vote-by-mail ballots received within this timeframe.

**Updated Information**

The Office of the City Clerk received an additional four (4) ballots, postmarked April 12, 2016, on April 14, 2016. All four ballots were processed for signature verification through the County. There were a total of seven (7) ballots that were canvassed on April 18, 2016.

As of the **final canvassing** that took place on April 18, 2016 at 1 p.m., the vote tally was as follows:

Canvassing Date	Councilmember Seat			Sub-Total Votes
	Lopez	McCormick	Ybarra*	
April 12, 2016 (Preliminary Canvassing)	15	13	1	29
April 18, 2016 (Final Canvassing)	6	1	0	7
<b>Total Votes Canvassed</b>	<b>36</b>			

*\*Individual did not submit official nomination candidacy forms.*

The results of final canvassing will be summarized in the City Clerk’s Certification of Canvass, and will be incorporated as part of the proposed Resolution, and will be made available at the meeting.

**Fiscal Impact**

There is no negative fiscal impact.

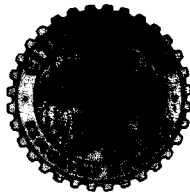
**Attachment(s)**

1. Draft Resolution Reciting the Fact of the General Municipal Election held on April 12, 2016, and Declaring the Results.  
*(Final Resolution for this item will be disseminated at the meeting pending the final canvassing of the ballots scheduled to be held on April 18, 2016, at 1:00 p.m.)*

**RECEIVED**

APR 14 2016

CITY CLERK'S OFFICE



**RECEIVED**

APR 13 2016

CITY ADMINISTRATION

**STAFF REPORT**  
**CITY CLERK DEPARTMENT**

CA 4-13-16

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**DATE:** April 19, 2016

**TO:** Honorable Mayor and City Council

**FROM:** Maria E. Ayala, City Clerk

**RE:** A Resolution of the City Council of the City of Vernon, California, Reciting the Fact of the General Municipal Election held on April 12, 2016, Declaring the Result and Such Other Matters as Provided by Law

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**Recommendation**

A. Find that the proposed approval is exempt from California Environmental Quality Act ("CEQA") review, because it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a "project" as defined by CEQA Guidelines section 15378. Moreover, even if the activity in question were a project, it would be exempt from CEQA review, in accordance with Section 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment; and

*Final determination to be announced at the City Council Meeting pending the second Canvassing of the Votes scheduled for Monday, April 18, 2016 at 1 p.m. in Council Chambers.*

B. Accept the Certificate of Canvass.

C. Adopt a Resolution declaring the results of the General Municipal Election held April 12, 2016, declaring that \_\_\_\_\_ (name of successful candidate) is elected to the Office of Member of the City Council; and

D. Authorize the City Clerk to deliver the Certificate of Election and administer the Oath of Office to \_\_\_\_\_ (name of successful candidate).

**Background**

On April 12, 2016, a General Municipal Election was held for the purpose of electing one member to the City Council for the full term of five (5) years.

As of the closing of the nomination period on January 20, 2016, at 5:30 p.m., W. Michael McCormick was the only official candidate. As of March 29, 2016, the closing of the write-in candidate period, Leticia Lopez was the only individual to file as a write-in candidate.

On March 14, 2016, sixty-five (65) vote-by-mail ballots were mailed. Subsequently seven (7) vote-by-mail ballots were also issued for new registered voters. As of 8 p.m. on April 12, 2016 33 (thirty-three) ballots were received. Of the ballots received, 29 (twenty-nine) were processed for signature verification, and canvassed on April 12, 2016. The City Clerk disallowed 1 (one) ballot due to lack of signature on ballot envelope AND that it was not a residential address within the City of Vernon; in addition, 3 (three) ballots were not able to be processed for signature verification in time for the semi-final canvassing, and will be canvassed at the final canvassing scheduled for April 18, 2016 at 1:00 p.m.

Pursuant to State of California Elections Code 3020(b), vote-by-mail ballots postmarked on or before the election date and received no later than three days after the election shall be timely cast. The City of Vernon, in accordance with State elections laws has noticed the final canvassing to take place on Monday, April 18, 2016 in City Hall Council Chambers at 1:00 p.m. so as to account for any and all eligible vote-by-mail ballots received within this timeframe.

The final official election results will be announced at the City Council meeting on April 19, 2016.

As of the **semi-final canvassing** that took place on day of Election, April 12, 2016 at 8 p.m., the vote tally was as follows:

	Councilmember Seat		
	Lopez	McCormick	Ybarra*
April 12, 2016	15	13	1
Total Votes Canvassed	29		

*\*Individual did not submit official nomination candidacy forms.*

The results of final canvassing will be summarized in the City Clerk’s Certification of Canvass, and will be incorporated as part of the proposed Resolution, and will be made available at the meeting.

**Fiscal Impact**

There is no negative fiscal impact.

**Attachment(s)**

1. Draft Resolution Reciting the Fact of the General Municipal Election held on April 12, 2016, and Declaring the Results.  
*(Final Resolution for this item will be disseminated at the meeting pending the final canvassing of the ballots scheduled to be held on April 18, 2016, at 1:00 p.m.)*

## RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERNON, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 12, 2016, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Vernon, California, on Tuesday, April 12, 2016, as required by law; and

WHEREAS, pursuant to Ordinance No. 1201, the election was conducted entirely by vote-by-mail ballot pursuant to Section 4000, et seq., of the Elections Code of the State of California; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; and

WHEREAS, an election officer was appointed, vote-by-mail ballots were properly sent to all registered voters, and in all respects the election was held and conducted, the votes were cast, received and canvassed, and the returns were made and declared in the time, form and manner required by the City Charter and the Elections Code of the State of California; and

WHEREAS, the City Clerk canvassed the returns of the election and has certified the results to the City Council, which certification and results are received, attached and made part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERNON AS FOLLOWS:

SECTION 1: The City Council of the City of Vernon hereby finds and determines that the above recitals are true and correct.

SECTION 2: The City Council of the City of Vernon finds

that this action is exempt from California Environmental Quality Act (CEQA) review, because it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a "project" as defined by CEQA Guidelines section 15378. Moreover, even if the activity in question were a project, it would be exempt from CEQA review, in accordance with Section 15061(b)(3), the general rule that CEQA only applies to projects that may have a significant effect on the environment.

SECTION 3: One (1) voting precinct was established for the purpose of holding said Election, consisting of the regular election precinct in the City as established for the holding of State and County elections.

SECTION 4: The whole number of vote-by-mail voter ballots legally cast in the City for the General Municipal Election held on April 12, 2016, was \_\_\_\_, with no provisional ballots cast.

SECTION 5: The following are declared to be the results of said General Municipal Election for the office of member of the City Council:

W. Michael McCormick	__	votes
Leticia Lopez	__	votes
David J. Ybarra*	__	votes

\*David J. Ybarra did not file official candidacy papers for the election.

Section 6: The City Council of the City of Vernon hereby declares that \_\_\_\_\_, was elected as member of the City Council for the full term of five (5) years.

SECTION 7: The City Clerk shall immediately make and deliver to the person so elected a Certificate of Election signed by the City Clerk and authenticated.

SECTION 8: The City Clerk shall also administer to the person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the Office of the City Clerk. The person so elected shall then be inducted into the respective office to which he/she has been elected.

SECTION 9: The City Clerk, or Deputy City Clerk, shall enter on the records of the City Council of the City, a statement of the result of the election, showing:

- (1) The number of ballots cast in the City;
- (2) The names of the person voted for;
- (3) For what office the person was voted for; and
- (4) The number of votes given to the person.

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SECTION 11: The City Clerk, or Deputy City Clerk, of the City of Vernon shall certify to the passage, approval and adoption of this resolution, and the City Clerk, or Deputy City Clerk, of the City of Vernon shall cause this resolution and the City Clerk's, or Deputy City Clerk's, certification to be entered in the File of Resolutions of the Council of this City.

APPROVED AND ADOPTED this 19<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Mayor / Mayor Pro-Tem

ATTEST:

\_\_\_\_\_  
City Clerk / Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian Byun, Deputy City Attorney

STATE OF CALIFORNIA            )  
                                          ) ss  
COUNTY OF LOS ANGELES        )

I, \_\_\_\_\_, City Clerk / Deputy City Clerk of the City of Vernon, do hereby certify that the foregoing Resolution, being Resolution No. \_\_\_\_\_, was duly passed, approved and adopted by the City Council of the City of Vernon at a regular meeting of the City Council duly held on Tuesday, April 19, 2016, and thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

\_\_\_\_\_  
City Clerk / Deputy City Clerk

(SEAL)

**EXHIBIT A**

**EXHIBIT A**

**CITY OF VERNON – GENERAL MUNICIPAL ELECTION HELD APRIL 12, 2016**

**CITY CLERK'S CERTIFICATION OF CANVASS**

I, Maria E. Ayala, City Clerk of the City of Vernon, County of Los Angeles, State of California, do hereby certify that I have canvassed the returns of the General Municipal Election held on April 12, 2016, and find that the number of votes cast were as follows:

	<b>Councilmember Seat</b>		
	<b>McCormick</b>	<b>Lopez</b>	<b>Ybarra</b>
<b>April 12, 2016 (Semi-final Canvassing)</b>	<b>13</b>	<b>15</b>	<b>1</b>
<b>April 20, 2015 (Final Canvassing)</b>			
<b>Total Votes Canvassed</b>			

\_\_\_\_\_  
Maria E. Ayala, City Clerk

Dated: \_\_\_\_\_

OATH OR AFFIRMATION  
OF ALLEGIANCE  
FOR PUBLIC OFFICERS AND  
EMPLOYEES

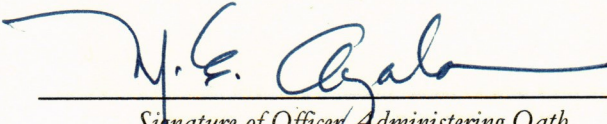
State of California )  
County of Los Angeles ) SS.  
City of Vernon )

*The Execution of this Oath is Required by Article XX, Section 3, of the Constitution of the State of California.*

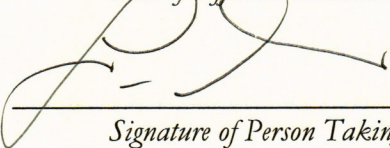
*I, LETICIA LOPEZ , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

*Subscribed and sworn to before me this 19<sup>th</sup> day of April, 2016*



  
\_\_\_\_\_  
Signature of Officer Administering Oath

City Clerk  
\_\_\_\_\_  
Title of Officer Administering Oath

  
\_\_\_\_\_  
Signature of Person Taking Oath