

RESOLUTION NO. 2019-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERNON, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 9, 2019, 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 9, 2019, 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 a part hereto 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: Two (2) voting precincts were established for the purpose of holding said Election, consisting of the regular election precincts 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 9, 2019, was sixty-four (64), with four (4) provisional ballots cast.

SECTION 5: The City Clerk canvassed the returns of the election and certified the results to the City Council, which certification and results are received and accepted, attached and made a part hereto as Exhibit A.

SECTION 6: The names of the persons voted for at the General Municipal Election for the office of member of the City Council, in order as they appeared on the official ballot, are as follows:

Carol R. Menke

Maria I. Acosta

Jason C. Roberts

SECTION 7: The following are declared to be the results of said General Municipal Election for the office of member of the City Council:

Carol R. Menke	48 votes
Maria I. Acosta	9 votes
Jason C. Roberts	7 votes

Section 8: The City Council of the City of Vernon hereby declares that Carol R. Menke, was elected as member of the City Council for the full term of five (5) years.

SECTION 9: 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 10: 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 him or her 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 or she has been elected.

SECTION 11: As announced by the City Clerk on March 25, 2019, Measures S and T, which appeared on the ballot for the April 9, 2019 General Municipal Election are nullified due to a typographical error in the Spanish translations of the two measures.

SECTION 12: The votes for and against the Measures shall not be canvassed, tallied, or certified by the City Clerk.

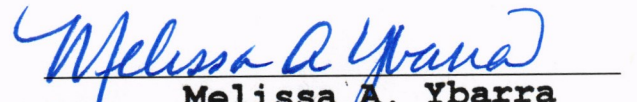
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SECTION 13: The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing:


- (1) The number of ballots cast in the City;
- (2) The names of the persons voted for;
- (3) For what office the person was voted for;
- (4) The number of votes given to the person; and
- (5) That the votes regarding the Measures were not canvassed for the reasons stated in Sections 11-12.

SECTION 14: The City Clerk of the City of Vernon shall certify to the passage, approval and adoption of this resolution, and the City Clerk, of the City of Vernon shall cause this resolution and the City Clerk's certification to be entered in the File of Resolutions of the Council of this City.

APPROVED AND ADOPTED this 16th day of April, 2019.

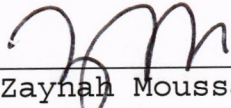

Name: Melissa A. Ybarra
Title: Mayor / ~~Mayor Pro Tem~~

ATTEST:



Maria E. Ayala, City Clerk

APPROVED AS TO FORM:



Zaynah Moussa,
Senior Deputy City Attorney

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Maria E. Ayala, City Clerk of the City of Vernon, do hereby certify that the foregoing Resolution, being Resolution No. 2019-09, 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 16, 2019, and thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

Executed this 22nd day of April, 2019, at Vernon, California.



Maria E. Ayala, City Clerk

(SEAL)

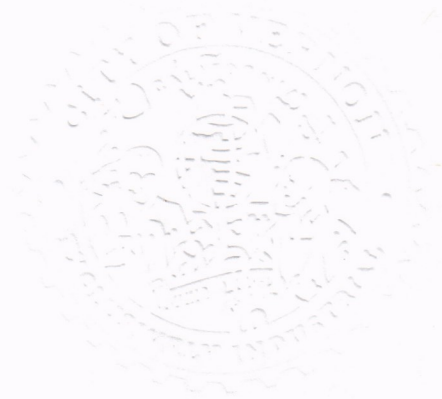


EXHIBIT A



Exhibit A

CITY OF VERNON – GENERAL MUNICIPAL ELECTION HELD APRIL 9, 2019

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 9, 2019, and find that the number of votes cast were as follows:

Total Registered Voters: 95 Ballots Received: 64 Total Votes Cast: 64 Turnout: 67%

Candidate Name	COUNCILMEMBER SEAT				Overvotes
	Carol R. Menke	Maria I. Acosta	Jason C. Roberts	Undervotes	
April 9, 2019 (Semi-Final Canvassing)	35	6	5	0	0
April 15, 2019 (Final Canvassing)	13	3	2	0	0
Total Votes Canvassed	48	9	7	0	0


 Maria E. Ayala, City Clerk

Dated: April 16, 2019

STAFF REPORT

City Council Agenda Item Report

Agenda Item No. COV-154-2019

Submitted by: Maria Ayala

Submitting Department: City Clerk

Meeting Date: April 16, 2019

SUBJECT

A Resolution of the City Council of the City of Vernon, California, Reciting the Fact of the General Municipal Election held on April 9, 2019, Declaring the Result and Such Other Matters as Provided by Law

Recommendation:

*****NOTE*****

This staff report was updated based on the results from the second, and final, Canvassing of the Votes that took place on Monday, April 15, 2019 at 3 p.m. in Council Chambers.

A. Find that the proposed actions are exempt from California Environmental Quality Act ("CEQA") review, because each is an administrative activity of government that will not result in direct or indirect physical changes in the environment, and therefore do 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. Adopt a Resolution declaring the results of the General Municipal Election held April 9, 2019, declaring that Carol R. Menke is elected to the Office of Member of the City Council.

Background:

On April 9, 2019, a General Municipal Election was held for the purpose of electing one (1) member to the City Council for the full term of five (5) years and to submit to the voters of the City of Vernon the following Measures:

Measure S: Shall Chapter 3.5 of Article III of the Vernon City Charter be amended to change the process for selecting the Mayor from one by which the other Councilmembers vote to one by which Councilmembers are appointed according to an automatic rotation schedule based on year of election?

Measure T: Shall Chapter 3.6 of Article III of the Vernon City Charter be amended to change the process for selecting the Mayor Pro Tempore from one by which the other Councilmembers vote to one by which Councilmembers are appointed according to an automatic rotation schedule based on year of election?

As of the closing of the nomination period on January 16, 2019, at 5:30 p.m., Maria I. Acosta, Carol R. Menke, and Jason C. Roberts were the only official candidates.

NULLIFYING BALLOT MEASURE S AND MEASURE T:

It came to the City's attention after the ballots were printed and mailed that there was a typographical error on the ballot with respect to Ballot Measures S and T - namely, that the Spanish translation for the boxes for "No" for both Measures was inadvertently translated as "Yes." Due to the potential voter confusion that could have ensued by reprinting and redistributing corrected ballots so close to the election, and because some ballots had already been returned, the City

determined that the most prudent course of action in line with its commitment to good governance and transparent elections was to not canvass, tally, or certify votes for either of the Measures.

This election update was shared with the City's registered voters beginning on March 25, 2019 via the following: an update on the City's Elections webpage, letters mailed to all registered voters, and a printed update included in any subsequent ballot mailings.

BALLOTS ISSUED:

On March 14, 2019, eighty (80) vote-by-mail ballots were mailed. Subsequently, fourteen (14) ballots were issued to fourteen (14) additional registered voters based on registered voter reports received from the Los Angeles County Registrar-Recorder/County Clerk ("County"). Two (2) duplicate ballots were issued to registered voters who had a change of address after the initial ballot mailing of March 14th. Three (3) provisional ballots were issued to registered voters who either misplaced or damaged their original ballot. One (1) provisional ballot was issued to a potentially conditionally registered voter.

This brings the total ballots issued by the City to one-hundred (100).

BALLOTS RECEIVED:

As of 8 p.m. on April 9, 2019 fifty-seven (57) were ballots received. Of the fifty-seven (57) ballots received: forty-six (46) were processed for signature verification by the County; thereby leaving a total of eleven (11) ballots pending signature verification processing. In accordance with California Elections Code Sections 3020 and 4103, the following ballots were received via U.S. Mail:

- *April 10, 2019 - four (4) ballots
- *April 11, 2019 - three (3) ballots
- *April 12, 2019 - zero (0) ballots

****Note:** Pursuant to the California Elections Code Section 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 may also allow ballots received on Friday, April 12, 2019 in accordance with California Elections Code Sections 3020 and 4103. However, due to the time of publication of the agenda packet, and that City Hall is closed on Fridays staff did not have the information in time for publication. The number of ballots received on Friday, April 12, 2019, if any, will be provided as an update to this staff report no later than Monday, April 15, 2019, by the close of business.

BALLOTS CANVASSED:

On April 9, 2019 after the close of the Election at 8 p.m. forty-six (46) ballots were canvassed. The Semi-Final results were as follows:

COUNCILMEMBER SEAT

Maria I. Acosta: 6
Carol R. Menke: 35
Jason C. Roberts: 5
Undervote: 0
Overvote: 0

On April 15, 2019 eighteen (18) ballots were canvassed, the results of the second, and final, canvassing were as follows:

COUNCILMEMBER SEAT

Maria I. Acosta: 3
Carol R. Menke: 13
Jason C. Roberts: 2
Undervote: 0
Overvote: 0

The final and official election results are:

COUNCILMEMBER SEAT

Maria I. Acosta: 9
Carol R. Menke: 48
Jason C. Roberts: 7
Undervote: 0
Overvote: 0

Fiscal Impact:

None.

ATTACHMENTS

- 1. Resolution Reciting the Fact of the General Municipal Election held on April 9, 2019 (Updated on April 15, 2019)

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 9, 2019, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

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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 a part hereto 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: Two (2) voting precincts were established for the purpose of holding said Election, consisting of the regular election precincts in the City as established for the holding of State and County elections.

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SECTION 7: The following are declared to be the results of said General Municipal Election for the office of member of the City Council:

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Section 8: The City Council of the City of Vernon hereby declares that Carol R. Menke, was elected as member of the City Council for the full term of five (5) years.

SECTION 9: 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 10: 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 him or her 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 or she has been elected.

SECTION 11: As announced by the City Clerk on March 25, 2019, Measures S and T, which appeared on the ballot for the April 9, 2019 General Municipal Election are nullified due to a typographical error in the Spanish translations of the two measures.

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- (5) That the votes regarding the Measures were not canvassed for the reasons stated in Sections 11-12.

SECTION 14: The City Clerk of the City of Vernon shall certify to the passage, approval and adoption of this resolution, and the City Clerk, of the City of Vernon shall cause this resolution and the City Clerk's certification to be entered in the File of Resolutions of the Council of this City.

APPROVED AND ADOPTED this 16th day of April, 2019.

Name: _____
Title: Mayor / Mayor Pro-Tem

ATTEST:

Maria E. Ayala, City Clerk

APPROVED AS TO FORM:

Zaynah Moussa,
Senior Deputy City Attorney

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Maria E. Ayala, 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 16, 2019, and thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

Executed this ____ day of April, 2019, at Vernon, California.

Maria E. Ayala, City Clerk

(SEAL)



Exhibit A

CITY OF VERNON – GENERAL MUNICIPAL ELECTION HELD APRIL 9, 2019 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 9, 2019, and find that the number of votes cast were as follows:

Total Registered Voters: 95 Ballots Received: 64 Total Votes Cast: 64 Turnout: 67%

Candidate Name	COUNCILMEMBER SEAT				Overvotes
	Carol R. Menke	Maria I. Acosta	Jason C. Roberts	Undervotes	
April 9, 2019 (Semi-Final Canvassing)	35	6	5	0	0
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/s/ Maria E. Ayala
Maria E. Ayala, City Clerk

Dated: April 16, 2019

SUPPORTING DOCUMENTATION

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, Carol R. Menke , 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 16th day of April, 2019



[Handwritten Signature]

Signature of Officer Administering Oath

City Clerk

Title of Officer Administering Oath

[Handwritten Signature]

Signature of Person Taking Oath



CITY OF VERNON – GENERAL MUNICIPAL ELECTION HELD APRIL 9, 2019
CITY CLERK’S CERTIFICATION OF CANVASS

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COUNCILMEMBER SEAT					
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April 9, 2019 (Semi-Final Canvassing)	35	6	5	0	0
April 15, 2019 (Final Canvassing)	13	3	2	0	0
Total Votes Canvassed	48	9	7	0	0


 Maria E. Ayala, City Clerk

Dated: April 16, 2019