

RESOLUTION NO. 2018-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERNON, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 10, 2018, 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 10, 2018, 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: 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 10, 2018, was fifty (50), with three (3) provisional ballots cast.

SECTION 5: 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:

William J. Davis

Marlene Elsa Ybarra

SECTION 6: The following are declared to be the results of said General Municipal Election for the office of member of the City Council:

William J. Davis 30 votes

Marlene Elsa Ybarra 23 votes

Section 7: The City Council of the City of Vernon hereby declares that William J. Davis, was elected as member of the City Council for the full term of five (5) years.

SECTION 8: 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 9: 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 has been elected.

SECTION 10: The measure voted upon (Measure R) at the April 10, 2018, General Municipal Election was as follows:

<u>MEASURE R:</u>		
Shall an ordinance be adopted to authorize the levy of a 6% utility users' tax on electricity, gas, telecommunications, video and water utility services for commercial/industrial customers, with exemptions for residential services, raising a total annual amount of \$11.9 million for a duration of 10 years after the effective date?	YES	31
	NO	16

SECTION 11: The number of votes given in the one voting precinct in the City for and against the measure are as listed in Exhibit A attached hereto.

SECTION 12: The City Council does declare and determine that, as a result of the General Municipal Election, a simple majority

of the voters voting on Measure R did vote in favor of the measure, and the measure was carried, and shall be deemed approved and adopted.

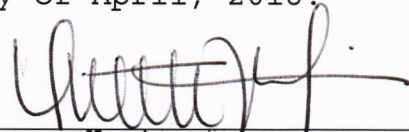
SECTION 13: The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing:

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

against the measures.

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 17th day of April, 2018.



Name: Yvette Woodruff-Perez

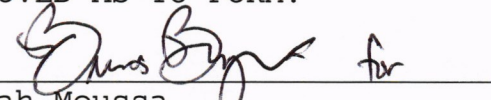
Title: Mayor / Mayor Pro-Tem

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. 2018-12, 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 17, 2018, and thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

Executed this 23 day of April, 2018, at Vernon, California.



Maria E. Ayala, City Clerk

(SEAL)

EXHIBIT A



EXHIBIT A-1

CITY OF VERNON – GENERAL MUNICIPAL ELECTION HELD APRIL 10, 2018

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 10, 2018, and find that the number of votes cast were as follows:

Total Registered Voters: 87 Ballots Received: 53 Total Votes Cast: 53 Turnout: 60.91%

Councilmember Seat			
	William J. Davis	Marlene Elsa Ybarra	Overvotes
April 10, 2018 (Semi-final Canvassing)	24	18	0
April 16, 2018 (Final Canvassing)	6	5	0
Total Votes Canvassed	30	23	0

/s/ Maria E. Ayala
Maria E. Ayala, City Clerk

Dated: April 16, 2018



EXHIBIT A-2

CITY OF VERNON – GENERAL MUNICIPAL ELECTION HELD APRIL 10, 2018

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 10, 2018, and find that the number of votes cast were as follows:

Total Registered Voters: 87 Ballots Received: 53 Total Votes Cast: 53 Turnout: 60.91%

Measure R				
	YES	NO	Undervotes	Overvotes
April 10, 2018 (Semi-final Canvassing)	26	13	3	0
April 16, 2018 (Final Canvassing)	5	3	3	0
Total Votes Canvassed	31	16	6	0

/s/ Maria E. Ayala
Maria E. Ayala, City Clerk

Dated: April 16, 2018

STAFF REPORT

UPDATED City Council Agenda Item Report

Agenda Item No. COV-36-2018
Submitted by: Matthew Ceballos
Submitting Department: City Clerk
Meeting Date: April 17, 2018

SUBJECT

A Resolution of the City Council of the City of Vernon, California, Reciting the Fact of the General Municipal Election held on April 10, 2018, Declaring the Result and Such Other Matters as Provided by Law

Recommendation:

*****NOTE*****

This staff report was updated based on the results from the Final Canvassing of the Votes that took place on Monday, April 16, 2018 at 3 p.m. in Council Chamber.

- 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. Accept the Certificate of Canvass; and
- C. Adopt a Resolution declaring the results of the General Municipal Election held April 10, 2018, declaring that William J. Davis is elected to the Office of Member of the City Council; and
- D. Declaring that Measure R is approved; and
- E. Authorize the City Clerk to deliver the Certificate of Election and administer the Oath of Office to William J. Davis.

Background:

On April 10, 2018, 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 Measure:

Measure R: Shall an ordinance be adopted to authorize the levy of a 6% utility users’ tax on electricity, gas, telecommunications, video and water utility services for commercial/industrial customers, with exemptions for residential services, raising a total annual amount of \$11.9 million for a duration of 10 years after the effective date?

As of the closing of the nomination period on January 16, 2018, at 5:30 p.m., William J. Davis and Marlene Elsa Ybarra were the only official candidates.

BALLOTS ISSUED:

On March 15, 2018, eighty-five (85) vote-by-mail ballots were mailed. Subsequently two (2) ballots were issued to two (2) additional registered voters based on the 15-Day "Close of Registration" deadline. Of these two voters identified/added prior to the close of registration, one (1) ballot was issued as a provisional ballot to the voter; and, one (1) ballot was issued as vote-by-mail. Additionally, two (2) provisional ballots were issued on April 10, 2018 to vote-by-mail voters who came to City Hall to cast their vote, and claimed to have not received their original vote-by-mail ballots in the mail. This brings the total ballots issued by the City to eighty-nine (89).

BALLOTS RECEIVED:

As of 8 p.m. on April 10, 2018 forty-eight (48) ballots were received. Of the forty-eight (48) ballots received: forty-two (42) were processed for signature verification by the County; thereby leaving a total of six (6) 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 11, 2018 - four (4) ballots

*April 12, 2018 - one (1) 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 13, 2018 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 13, 2018, if any, will be provided as an update to this staff report no later than Monday, April 16, 2018, by the close of business.

BALLOTS CANVASSED:

On April 10, 2018 after the close of the Election at 8 p.m. forty-two (42) ballots were canvassed. The Semi-Final results are as follows:

COUNCILMEMBER SEAT

William J. Davis: 24

Marlene Elsa Ybarra: 18

Undervote: 0

Overvote: 0

MEASURE R

Yes: 26

No: 13

Undervote: 3

Overvote: 0

On April 16, 2018 at 3 p.m. eleven (11) ballots were canvassed. The Final results are as follows:

COUNCILMEMBER SEAT

William J. Davis: 6

Marlene Elsa Ybarra: 5

Undervote: 0

Overvote: 0

MEASURE R

Yes: 5

No: 3

Undervote: 3

Overvote: 0

**Note: An “undervote” is when the voter has declined to select a voting position.

The final official election results will be announced at the City Council meeting on Tuesday, April 17, 2018.

Fiscal Impact:

None.

ATTACHMENTS

- April 10, 2018 Election Results-Resolution
- Exhibit A - City Clerk's Certification

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 10, 2018, 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 10, 2018, 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.

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William J. Davis

Marlene Elsa Ybarra

SECTION 6: The following are declared to be the results of said General Municipal Election for the office of member of the City Council:

William J. Davis 30 votes

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Section 7: The City Council of the City of Vernon hereby declares that William J. Davis, was elected as member of the City Council for the full term of five (5) years.

SECTION 8: 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 9: 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 has been elected.

SECTION 10: The measure voted upon (Measure R) at the April 10, 2018, General Municipal Election was as follows:

<u>MEASURE R:</u>		
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SECTION 11: The number of votes given in the one voting precinct in the City for and against the measure are as listed in Exhibit A attached hereto.

SECTION 12: The City Council does declare and determine that, as a result of the General Municipal Election, a simple majority of the voters voting on Measure R did vote in favor of the measure, and the measure was carried, and shall be deemed approved and adopted.

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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 17th day of April, 2018.

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, _____, and thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

Executed this ____ day of April, 2018, at Vernon, California.

Maria E. Ayala, City Clerk

(SEAL)

EXHIBIT A



EXHIBIT A-1

CITY OF VERNON – GENERAL MUNICIPAL ELECTION HELD APRIL 10, 2018

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Councilmember Seat			
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April 10, 2018 (Semi-final Canvassing)	24	18	0
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_____/s/ Maria E. Ayala
 Maria E. Ayala, City Clerk

Dated: April 16, 2018



EXHIBIT A-2

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/s/ Maria E. Ayala
Maria E. Ayala, City Clerk

Dated: April 16, 2018

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.

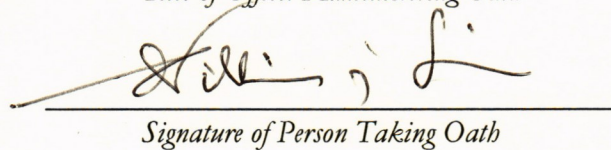
I, WILLIAM J. DAVIS , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the 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 17th day of April, 2018




Signature of Officer Administering Oath

City Clerk
Title of Officer Administering Oath


Signature of Person Taking Oath