

## ORDINANCE NO. 1251

AN ORDINANCE OF THE CITY OF VERNON AMENDING SECTIONS 5.113, 5.114, 5.115, 5.116, 5.117, 5.118, 5.121, 5.122 AND REPEALING SECTION 5.138 OF ARTICLE VIII OF CHAPTER 5 OF THE VERNON MUNICIPAL CODE RELATING TO UTILITY USERS' TAX

THE PEOPLE OF THE CITY OF VERNON HEREBY ORDAIN AS

FOLLOWS:

SECTION 1: Section 5.113 of Article VIII of Chapter 5 of the Vernon Municipal Code is hereby amended to read as follows:

**Section 5.113. Effective Date; Maximum Rate; Sunset Date.**

(a) The taxes imposed by this Article shall become effective upon certification by the City Council of the adoption by the electorate of the ordinance adding this Article to the Code (the "Effective Date"). As soon after the Effective Date as reasonably practicable, the Tax Administrator shall submit written notification to the Service Suppliers, in accordance with procedures established by the Service Suppliers, requesting that the Utility Users' Tax be collected. The Service Suppliers responsible for collecting and remitting the Utility Users' Tax shall have a reasonable period of time to install and implement necessary billing changes to effect the collection of the Utility Users' Tax, but in no event to exceed 90 days from the date of receipt of such written notification or, if 90 days from the date of receipt of such written notification is not the first day of a month, then the first day of the month following the month in which such 90th day occurs.

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(b) This Article and the Utility Users' Tax shall be of no further force and effect at 11:59 p.m. (California time) on the date that is ten years after the Effective Date; provided, however, that nothing herein shall prohibit the City from taking any action authorized under this Article after such time and date to collect any Utility Users' Tax accrued and owed as of such time and date.

SECTION 2: Section 5.114 of Article VIII of Chapter 5 of the Vernon Municipal Code is hereby amended to read as follows:

**Section 5.114. Electricity Users' Tax.**

(a) There is hereby imposed a tax upon every Person using electrical energy in the City at the rate of 6.0% of the Electrical Charges made for such electrical energy. The Electricity Users' Tax shall be paid by the Person paying for such electrical energy.

(b) As used in this Section, the term "using electrical energy" shall not be construed to mean (i) the storage of electrical energy by a Person in a battery that such Person owns or possesses for use in an automobile or other machinery or device apart from the premises upon which the electrical energy was received; provided, however, that the term "using electrical energy" shall include the receiving of such electrical energy for the purpose of using it in the charging of batteries, (ii) the mere receiving of electrical energy by an Electrical Corporation or governmental agency within the City for resale, or (iii) the use of electrical energy in the production or distribution of water, gas or other utility by a public utility or a governmental agency.

(c) The Electricity Users' Tax shall be collected from the Service User by the Service Supplier providing the electrical

energy or its billing agent. The amount of tax collected in each month shall be remitted by the Service Supplier or its billing agent to the Tax Administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the Electricity Users' Tax shall be remitted on or before the next business day thereafter. The Electricity Users' Tax shall be deemed remitted on the date received by the Tax Administrator, or on the date postmarked if remitted by first class United States mail with postage fully prepaid.

SECTION 3: Section 5.115 of Article VIII of Chapter 5 of the Vernon Municipal Code is hereby amended to read as follows:

**SECTION 5.115. Gas Users' Tax.**

(a) There is hereby imposed a tax upon every Person using gas, including natural or manufactured gas or any alternative hydrocarbon fuel which may be substituted therefor, in the City which is delivered through mains, pipes or mobile transport at the rate of 6.0% of the Gas Charges made for such gas. The Gas Users' Tax shall be paid by the Person paying for such gas.

(b) There shall be excluded from the base on which the Gas Users' Tax is computed charges made for gas which is to be resold and delivered through mains, pipes or mobile transport, and charges made for gas used by a Nonutility Supplier to generate electrical energy for its own use or for sale to others, provided the electrical energy so generated is subject to tax under Section 5.114 of this Article.

(c) The Gas Users' Tax shall be collected from the Service User by the Service Supplier providing the gas or its billing agent. The amount of tax collected in each month shall be

remitted by the Service Supplier or its billing agent to the Tax Administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the tax shall be remitted on or before the next business day thereafter. The Gas Users' Tax shall be deemed remitted on the date received by the Tax Administrator, or on the date postmarked if remitted by first class United States mail with postage fully prepaid.

SECTION 4: Section 5.116 of Article VIII of Chapter 5 of the Vernon Municipal Code is hereby amended to read as follows:

**SECTION 5.116. Water Users' Tax.**

(a) There is hereby imposed a tax upon every Person using water in the City at the rate of 6.0% of the Water Charges made for such water. The Water Users' Tax shall be paid by the Person paying for such water.

(b) The Water Users' Tax shall be collected from the Service User by the Service Supplier providing the water or its billing agent. The amount of tax collected in each month shall be remitted by the Service Supplier or its billing agent to the Tax Administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the tax shall be remitted on or before the next business day thereafter. The Water Users' Tax shall be deemed remitted on the date received by the Tax Administrator, or on the date postmarked if remitted by first class United States mail with postage fully prepaid.

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SECTION 5: Section 5.117 of Article VIII of Chapter 5 of the Vernon Municipal Code is hereby amended to read as follows:

**SECTION 5.117. Telecommunication Users' Tax.**

(a) There is hereby imposed a tax upon every Person using Telecommunications Services at the rate of 6.0% of the Telecommunications Charges made for such Telecommunications Services. The Telecommunications Users' Tax shall be paid by the Person paying for such Telecommunications Services. There is a rebuttable presumption that Telecommunications Services, which are billed to a Billing Address or Service Address in the City, are used, in whole or in part, within the City's boundaries and such services are subject to the Telecommunications Users' Tax. If the Billing Address of the Service User is different from the Service Address, the Service Address of the Service User shall be used for purposes of the Telecommunications Users' Tax.

(b) Mobile Telecommunications Service shall be sourced in accordance with the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124). The Tax Administrator may issue and disseminate to Service Suppliers of Telecommunications Services, which are subject to the tax collection requirements of this Section, sourcing rules for the taxation of other Telecommunications Services, including, but not limited to, Postpaid Telecommunications Services, Prepaid Telecommunications Services and Private Telecommunications Services; provided, that, such rules are based upon custom and common practice that further administrative efficiency and minimize multi-jurisdictional taxation.

(c) To prevent actual multi-jurisdictional taxation of Telecommunications Services subject to the Telecommunications Users' Tax, any Service User, upon proof to the Tax Administrator that the Service User has previously paid the same tax in another state or local jurisdiction on such Telecommunications Services, shall be allowed a credit against the Telecommunications Users' Tax to the extent of the amount of such tax legally imposed in such other state or local jurisdiction; provided, however, that the amount of credit shall not exceed the Telecommunications Users' Tax owed to the City.

(d) The Tax Administrator may issue and disseminate to Service Suppliers of Telecommunications Services that are subject to the tax collection requirements of this Section, an administrative ruling identifying those telecommunications services, or charges therefor, that are subject to or not subject to the Telecommunications Users' Tax.

(e) The Telecommunications Users' Tax shall be collected from the Service User by the Service Supplier providing the Telecommunications Services or its billing agent. The amount of tax collected in each month shall be remitted by the Service Supplier or its billing agent to the Tax Administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the tax shall be remitted on or before the next business day thereafter. The Telecommunications Users' Tax shall be deemed remitted on the date received by the Tax Administrator, or on the date postmarked if remitted by first class United States mail with postage fully prepaid.

SECTION 6: Section 5.118 of Article VIII of Chapter 5 of the Vernon Municipal Code is hereby amended to read as follows:

**SECTION 5.118. Video Users' Tax.**

(a) There is hereby imposed a tax upon every Person using Video Services in the City at the rate of 6.0% of the Video Charges made for such Video Services. The Video Users' Tax shall be paid by the Person paying for such Video Services. There is a rebuttable presumption that Video Services, which are billed to a Billing Address or Service Address in the City, are used, in whole or in part, within the City's boundaries and that such Video Services are subject to the Video Users' Tax. If the Billing Address of the Service User is different from the Service Address, the Service Address of the Service User shall be used for purposes of the Video Users' Tax.

(b) The Tax Administrator may issue and disseminate to Service Suppliers of Video Services that are subject to the tax collection requirements of this Section, an administrative ruling identifying those Video Services, or charges therefor, that are subject to or not subject to the Video Users' Tax.

(c) The Video Users' Tax shall be collected from the Service User by the Service Supplier providing the Video Services or its billing agent. The amount of tax collected in each month shall be remitted by the Service Supplier or its billing agent to the Tax Administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the tax shall be remitted on or before the next business day thereafter. The Video Users' Tax shall be deemed remitted on the date received by the Tax Administrator, or on the date

postmarked if remitted by first class United States mail with postage fully prepaid.

SECTION 7: Section 5.121 of Article VIII of Chapter 5 of the Vernon Municipal Code is hereby amended to read as follows:

**SECTION 5.121. Exemptions.**

(a) Nothing in this Article shall be construed as imposing a tax upon any person or upon any utility charges when the imposition of such tax upon such person or such utility charges would be in violation of a Federal or State statute, the Constitution of the United States or the Constitution of the State.

(b) The Utility Users' Tax imposed by this Article shall not be imposed upon utility charges for residential services if (i) the person paying for such utility charges for residential services resides in a residential structure that (A) with respect to Telecommunications Services, is the service address for such Telecommunications Services, or (B) with respect to all other services, is the residential structure to which services are delivered.

(c) The exemptions granted by this section shall not eliminate the duty of the Service Supplier from collecting taxes from such exempt individuals or the duty of such exempt individuals from paying such taxes to the Service Supplier, unless an exemption is granted to the Service User in accordance with the provisions of subsection (d) of this section.

(d) Any Service User who believes he/she is exempt from the taxes imposed by this chapter because of the provisions of subsection (b) above may file an application with the Tax Administrator for an exemption; provided, however, that such



requirement shall not apply to a person that is a Federal or State agency or subsection of such agency with a name commonly known to be associated with a Federal or State agency. Said application shall be made upon a form supplied by the Tax Administrator and shall state those facts, declared under penalty of perjury, which qualify the applicant for an exemption, and shall itemize each Service Supplier serving the user. The Tax Administrator shall review all such applications and certify as exempt those applicants determined to qualify therefor and shall notify all Service Suppliers affected that such exemption has been approved, stating the name of the applicant, the address to which such exempt service is being supplied, the account number, if any, and such other information as may be necessary for the Service Supplier to identify and remove the exempt Service User from its tax billing procedure. Upon receipt of such notice, the Service Supplier shall cease to bill any further tax imposed by this chapter against such exempt service user upon the earlier of a change of service address, termination of service, or until further notice by the Tax Administrator is given. The Service Supplier shall eliminate such exempt Service User from its tax billing procedure upon receipt of such notice from the Tax Administrator, but in no event later than sixty (60) days after receipt of such notice from the Tax Administrator, or as otherwise provided by law. If deemed exempt by the Tax Administrator, such Service User shall give the Tax Administrator timely written notice of any change in service suppliers so that the Tax Administrator can properly notify the new Service Supplier of the person's tax exempt status. A person that fails to comply with this Section shall not be entitled to a refund

of taxes collected and remitted to the Tax Administrator from such person as a result of such noncompliance. The decision of the Tax Administrator may be appealed pursuant to Section 5.131 of this Article. Filing an application with the Tax Administrator and appeal to the City Administrator pursuant to Section 5.131 of this Article is a prerequisite to a suit thereon. All exemptions shall continue and be renewed automatically by the City Treasurer so long as the prerequisite facts supporting the initial qualification for exemption continue; provided, however, that the exemption shall automatically terminate with any change in the service address or residence of the exempt individual; further provided, such individual may nevertheless apply for a new exemption with each change of address or residence. Any individual deemed exempt from the tax shall notify the Tax Administrator within ten (10) days of any change in fact or circumstance which might disqualify such individual from receiving such exemption. The Tax Administrator may request re-verification of eligibility from individuals claiming an exemption annually or as deemed necessary by the Tax Administrator. It shall be a misdemeanor for any person in a household to knowingly receive the benefits of the exemptions provided by this Section when the basis for such exemption either does not exist or ceases to exist. Notwithstanding any of the provisions of this subsection, however, any Service Supplier who determines by any means that a new or non-exempt service user is receiving service through a meter or connection which was deemed by the Tax Administrator to be exempt by virtue of an exemption issued to a previous Service User or exempt user of the same meter or connection, shall immediately notify the Tax Administrator of such

fact, and the Tax Administrator shall conduct an investigation to ascertain whether or not the provisions of this Section have been complied with and, where appropriate, order the Service Supplier to commence collecting the tax from the non-exempt Service User.

(e) The City Council may, by ordinance or resolution, establish one or more classes of persons or one or more classes of utility charges otherwise subject to payment of the Utility Users' Tax and provide that such classes of persons or utility charges shall be exempt, in whole or in part, from the Utility Users' Tax for a specified period of time.

SECTION 8: Section 5.122 of Article VIII of Chapter 5 of the Vernon Municipal Code is hereby amended to read as follows:

**SECTION 5.122. Rate of Utility Users' Tax; Termination, Reduction or Suspension of Utility Users' Tax.**

(a) The City Council may, by ordinance or resolution, adjust any of the rates of the Utility Users' Tax; provided, however, that such rate shall not exceed 7.0% unless approved by the voters.

(b) The rates established by this article shall be revised annually based upon changes in the Consumer Price Index for All Urban Consumers (CPI-U), All Items Index, Los Angeles-Anaheim-Riverside Area (1982-84=100) (herein-after "CPI") published by the United States Department of Labor, Bureau of Labor Statistics. In the event said CPI for the twelve-month period ending March 31 of each year (the "adjustment date") is higher than said CPI for the twelve-month period ending March 31, 2018, the tax rates set forth in this article shall be increased by multiplying said tax rates by a fraction, the numerator of which is the CPI on the adjustment

date and the denominator of which is the CPI for the twelve-month period ending March 31, 2018. The resulting adjusted tax rates shall then be the tax rates for the fiscal year commencing the next July 1st. There shall be no reduction in rates by operation of this provision. If, in the future, said CPI shall be changed so that the base year differs from that used as of the effective date of this article, it shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. The City Clerk shall submit a written report to the City Council setting forth the adjustments to the tax rates required by this subsection, which the City Council shall approve by resolution.

(c) Upon any such adjustment in tax rate, the Tax Administrator shall submit, as soon thereafter as reasonably practicable, written notification to the Service Suppliers, in accordance with procedures established by the Service Suppliers, of such adjustment in tax rate. The Service Suppliers responsible for collecting and remitting the Utility Users' Tax shall have a reasonable period of time to implement such change in tax rate, but in no event to exceed sixty (60) days from the date of receipt of such written notification or, if 60 days from the date of receipt of such written notification is not on the first day of a month, then the first day of the month following the month in which such 60th day occurs.

(d) The City Council may, by ordinance or resolution, terminate or suspend the Utility Users' Tax. Upon any such termination or suspension, the Tax Administrator shall submit, as soon thereafter as reasonably practicable, written notification to

the Service Suppliers, in accordance with procedures established by the Service Suppliers, of such termination or suspension. The Service Suppliers responsible for collecting and remitting the Utility Users' Tax shall have a reasonable period of time to implement such termination or suspension, but in no event to exceed sixty (60) days from the date of receipt of such written notification or, if 60 days from the date of receipt of such written notification is not on the first day of a month, then the first day of the month following the month in which such 60<sup>th</sup> day occurs.

SECTION 9: Section 5.138 of Article VIII of Chapter 5 of the Vernon Municipal Code is hereby deleted in its entirety.

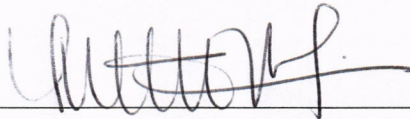
SECTION 10: Any ordinance or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 11: Severability. If, for any reason, any portion of this Ordinance is rendered or declared invalid or unenforceable by a court or an administrative body of competent jurisdiction or by reason of any preemptive legislation, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION 12: Book of Ordinances. The City Clerk, or Deputy City Clerk, shall attest and certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk's, or Deputy City Clerk's, certification to be entered in the Book of Ordinances of the Council of this City. The City Clerk, or Deputy City Clerk, shall cause this ordinance to be published or posted as required by law.

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SECTION 13: This Ordinance was approved and adopted by the People of the City of Vernon at the City's April 10, 2018, general municipal election.

  
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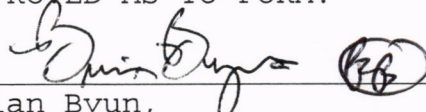
Name: Yvette Woodruff-Perez

Title: Mayor / ~~Mayor Pro-Tem~~

ATTEST:

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

APPROVED AS TO FORM:

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

# **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.

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:

<b><u>MEASURE R:</u></b>		
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?	<b>YES</b>	31
	<b>NO</b>	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.

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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 17<sup>th</sup> 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**

**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%

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

\_\_\_\_\_  
/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
<b>Total Votes Canvassed</b>	<b>31</b>	<b>16</b>	<b>6</b>	<b>0</b>

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

Dated: April 16, 2018