RESOLUTION NO. 2019-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERNON, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 14, 2020

WHEREAS, a General Municipal Election will be held in the City of Vernon on April 14, 2020; and

WHEREAS, in the course of conducting the election it is necessary for the City to request services of the County of Los Angeles; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Vernon.

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 adoption of this resolution is exempt under the California Environmental Quality Act (CEQA), because it is an 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.

SECTION 3: Pursuant to the provisions of Elections Code Section 10002, the Vernon City Council requests that the Los Angeles County Board of Supervisors permit the County Election Department to provide the following services for use in conducting its election:
1. Provide appropriate forms for candidate statements, arguments and rebuttals and other forms required by the County;
2. Provide signature verification services as needed;
3. Print and mail official ballots and sample ballot booklet; and
4. Prepare and mail multilingual ballot materials in accordance with the Voting Rights Act.

SECTION 4: The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 5: 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 3rd day of December, 2019.

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

ATTEST:
Lisa Pope, City Clerk

APPROVED AS TO FORM:
Zaynah Moussa,
Senior Deputy City Attorney
STATE OF CALIFORNIA  )
COUNTY OF LOS ANGELES  ) ss

I, Lisa Pope, City Clerk of the City of Vernon, do hereby certify that the foregoing Resolution, being Resolution No. 2019-54, 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, December 3, 2019, and thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

Executed this 9th day of December, 2019 at Vernon, California.

Lisa Pope, City Clerk
(SEAL)
TRANSMITTAL COMMUNICATION
December 9, 2019

Celia Zavala, Executive Officer
Board of Supervisors, County of Los Angeles
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles, CA 90012

Re: Resolution No. 2019-54 – Requesting County Services
Resolution No. 2019-53 – Calling and Giving Notice of an All-Mail Ballot Election

Dear Ms. Zavala:

Transmitted herewith is a copy of Resolution Nos. 2019-53 and 2019-54 that were approved by City Council on December 3, 2019.

If you have any questions regarding this matter, please contact Lisa Pope at (323) 583-8811 ext. 546.

Very truly yours,

[Signature]

Deborah R. Juarez
Records Management Assistant

Enclosure

c: City Clerk
Resolution Nos. 2019-53, 2019-54

Exclusively Industrial
December 9, 2019

Dean C. Logan  
Registrar-Recorder/County Clerk Los Angeles County  
Election Coordination Unit, 2nd Floor, Rm. 2003  
12400 E. Imperial Highway  
Norwalk, CA 90650

Re: Resolution No. 2019-54 — A Resolution of the City Council of the City of Vernon, California, Requesting the Board of Supervisors of the County of Los Angeles to Render Specified Services to the City Relating to the Conduct of a General Municipal Election to be Held on Tuesday, April 14, 2020

Dear Mr. Logan:

Transmitted herewith is a certified copy of Resolution No. 2019-54 that was approved by City Council on December 3, 2019.

If you have any questions regarding this matter, please contact Lisa Pope at (323) 583-8811 ext. 546.

Very truly yours,

[Signature]
Deborah R. Juarez  
Records Management Assistant

Enclosure

c: City Clerk  
Resolution No. 2019-54
STAFF REPORT
City Council Agenda Item Report

Agenda Item No. COV-522-2019
Submitted by: Lisa Pope
Submitting Department: City Clerk
Meeting Date: December 3, 2019

SUBJECT
April 14, 2020 General Municipal Election

Recommendation:
A. Find that this action is exempt from the California Environmental Quality Act (CEQA) review, because it is an administrative activity 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;
B. Adopt a Resolution calling and giving notice of an all-mail ballot General Municipal Election to be held on Tuesday, April 14, 2020 for the election of a City Council Member as required by the provisions of the Charter of the City of Vernon and submitting a ballot measure to amend the Charter related to Mayoral rotation and a ballot measure levying a transactions and use tax to the voters at said election;
C. Determine authors of arguments and rebuttals;
D. Adopt a Resolution requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating the conduct of the General Municipal Election to be held on Tuesday, April 14, 2020; and
E. Direct the City Clerk to transmit a copy of the measures to the city attorney for preparation of impartial analyses.

Background:
Pursuant to Vernon Charter Section 5.1 and Municipal Code Section 2.118, the City of Vernon conducts all-mail ballot General Municipal Elections on the second Tuesday of April each year. The City Council is required to adopt various resolutions to begin the election process.

Resolution Calling the Election
The first resolution (Attachment 1) calls the election on Tuesday, April 14, 2020, for the election of one member of the City Council for a full five (5) year term and submits two ballot measures to the voters.

Charter Amendment Ballot Measure
Currently, the Charter dictates that the Mayor and Mayor Pro Tem are selected from the City Council following a regular municipal election. Charter Chapters 3.5 and 3.6 read as follows:

Chapter 3.5 - At the Council meeting at which any Council Member is installed following a regular municipal election, and at any time when there is a vacancy in the office of the Mayor, the City Council shall meet and shall elect one of its members as Mayor."

Chapter 3.6 - At the time that a Mayor is selected, the City Council shall also designate one of its members as Mayor Pro Tempore."

The proposed ballot measure would establish rotation of the Mayor and Mayor Pro Tem positions, rather than having the Council Members vote to elect these positions. A rotational process as prescribed by the proposed ballot measure
affords equal opportunities for each Council Member to serve as the City's Mayor and Mayor Pro Tem at some point in their tenure on the City Council. Similar ballot measures were on the April 2019 ballot but were withdrawn due to a technical error on the ballot.

Transaction and Use Tax Ballot Measure
The City has historically operated with a deficit in its General Fund that was partially alleviated via a transfer of funds from the electric utility each fiscal year, in order to provide essential services to its residents and businesses. While this is common practice among public agencies with their own utilities, it is not viewed as a best practice by rating agencies and regulatory bodies.

The City continues to be confronted with its traditional challenges to provide the core services to its residents and businesses of public safety and infrastructure, and to address deferred maintenance projects throughout the City, as well as two additional obstacles in recent years: unfunded pension and Other Post-Employment Benefits (OPEB) liabilities. Although the City adopted a 6% utility users' tax (Measure R) on April 10, 2018, and entered into an agreement with the Fire Protection District of Los Angeles County for fire protection on August 6, 2019, the City still faces financial challenges.

The City of Vernon, like municipal jurisdictions throughout the state, receives a 1% Sales and Use Tax pursuant to the Bradley-Burns Uniform Local Sales Tax and Use Law. California state law sets a cap for sales and use tax at 10.25% with a few exceptions as allowed by state legislation. The total sales tax assessed in the City is currently 9.5%, comprised of the following:

6.25% California State Rate
1% County Transportation
1% County Metro Transportation
1% City of Vernon
.25% County of Los Angeles Rate (County Homeless Services)

The City remains committed to its Good Governance reforms, including fiscal accountability and transparency, financial stability, as well as securing additional sources of revenue that are necessary to retain the City's current levels of service. One option to address budget deficits and build future reserves is the consideration of three-quarter cent (0.75%) local sales tax (technically, a 'Transactions and Use Tax'). Proceeds from the tax would be locally protected funds that could be used for maintaining and improving City services including safety, infrastructure, streets and housing. An increase to the City's sales tax would increase the City's revenue by approximately $6 million per year.

Arguments and Rebuttals
Elections Code Sections 9282 and 9285 allow for submittal of written arguments and rebuttal arguments. At its December 18, 2018 meeting, the Council authorized the Mayor to prepare and file arguments in favor of the proposed ballot measure related to Mayoral rotation. The Council may wish to do the same for these ballot measures. Elections Code Section 9286 requires the elections official to fix the date 14 days from the calling of the election as the deadline for submittal of arguments and Elections Code Section 9285 indicates rebuttal arguments shall be submitted no later than 10 days after the final filing date for primary arguments. Therefore, arguments would be due no later than December 17, 2019, and rebuttals must be submitted by December 30, 2019, since City Hall is closed on Friday, December 27, 2019.

Impartial Analysis
Elections Code Section 9280 provides for preparation of impartial analyses, showing the effect of the measures, by the City Attorney. The impartial analyses are due at the same time as the initial arguments.

Candidate Statement Regulations
Elections Code Section 13307 allows candidates to prepare a candidate statement for inclusion in the voter's pamphlet. On October 21, 2014, the Council adopted Resolution No. 2014-64 (Attachment 2) adopting regulations regarding candidate statements submitted to voters in a general municipal or special municipal election. This resolution applies to the April 2020 election.

Resolution Requesting County Services
The second resolution (Attachment 3) requests the services of the Los Angeles County Election Department to provide appropriate forms, and signature verification services, and prepare, print and mail official ballots and ballot materials.

Ballot Drop-Off Locations
In prior elections, the City has offered an additional ballot drop-off location on election day. No ballots were dropped off at the Vernon Fire Station in the October 2019 Special Municipal Election and only one was dropped off in April 2019 because the resident "was interested in seeing the process". Staff will consider options for providing the best value for voters and will inform voters of such.

Nomination Period
The nomination period for the April 14, 2020 Election begins December 23, 2019, at which time candidates may obtain nomination papers and required filing materials from the City Clerk Department. The last day to file nomination papers is January 21, 2020 (since City Hall is closed January 17 and 20, 2020). If an incumbent fails to file, the period is extended to January 27, 2020.

Fiscal Impact:
The proposed Transaction and Use Tax ballot measure is anticipated to generate approximately $6 million annually. Account No. 011.1003.596300 has $21,346 which is expected to be sufficient to cover the cost of the election.

ATTACHMENTS
- 1. Resolution Calling Election
- 2. Resolution No. 2014-64 regarding Candidate Statements
- 3. Resolution Requesting County Services