RESOLUTION NO. 2012-51


WHEREAS, a General Municipal Election was held and conducted in the City of Vernon, California, on Tuesday, April 10, 2012, as required by law; and

WHEREAS, pursuant to Resolution No. 2011-188, 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 ("Elections Code"); and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were properly appointed; that vote-by-mail ballots were properly sent to all registered voters; that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the City Charter and the Elections Code; and

WHEREAS, election officers were 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; 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 recitals contained hereinabove are true and correct.

SECTION 2: One (1) voting precinct was established for the purpose of holding said General Municipal Election, consisting of the regular election precinct in the City as established for the holding of State and County elections.

SECTION 3: The number of vote-by-mail ballots properly cast in the City was 43, the number of provisional ballots properly cast in the City was 2, making a total of 45 ballots cast in the City.

SECTION 4: The names of persons voted for at the election for Member of the City Council are as follows:

Daniel D. Newmire and
Michael A. Ybarra.

SECTION 5: The number of votes given in the one voting precinct in the City to each of the persons above named for the respective offices for which the persons were candidates were as listed in Exhibit A attached.

SECTION 6: The City Council does declare and determine that Michael A. Ybarra was elected as Member of the City Council for the full term of five (5) years.

/ / / /
SECTION 7: 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 each person was voted for; and
4) The number of votes given to each person.

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; that the City Clerk shall also administer to each 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 9: 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, 2012.

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

ATTEST: Willard G. Yamaguchi, City Clerk
STATE OF CALIFORNIA 
COUNTY OF LOS ANGELES 

I, Willard G. Yamaguchi, City Clerk of the City of Vernon, do hereby certify that the foregoing Resolution, being Resolution No. 2012-51, 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, 2012, and thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

Executed this ___ day of April, 2012, at Vernon, California.

[Signature]
Willard G. Yamaguchi, City Clerk

(SEAL)
CITY OF VERNON – GENERAL MUNICIPAL ELECTION HELD APRIL 10, 2012
CITY CLERK’S CERTIFICATION OF CANVASS

I, Willard G. Yamaguchi, 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, 2012, and find that the number of votes cast for the office of City Council were as follows:

<table>
<thead>
<tr>
<th></th>
<th>City Council</th>
<th>Total Votes Cast</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Michael Ybarra</td>
<td>Daniel Newmire</td>
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<tr>
<td>Vote by Mail Ballots</td>
<td>24</td>
<td>19</td>
</tr>
<tr>
<td>Provisional Ballots</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL VOTES CAST</td>
<td>26</td>
<td>19</td>
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Willard G. Yamaguchi, City Clerk
City of Vernon, California

Dated: April 12, 2012
DATE: April 18, 2012

TO: Kristen Enomoto, Council Department Manager
Mark Whitworth, City Administrator/Fire Chief

FROM: Willard Yamaguchi, City Clerk

RE: Resolution No. 2012-51 – A Resolution of the City Council of the City of Vernon, California, Reciting the Fact of the General Municipal Election Held on April 10, 2012, Declaring the Result and Such Other Matters as Provided by Law

Transmitted herewith is a copy of Resolution No. 2012-51 referenced above, which was approved by City Council on April 17, 2012.

Thank you.

WY: dj

Attachment

c: Ana Barcia
Resolution No. 2012-51
On April 10, 2012, a General Municipal Election was held for the purpose of electing a member to the City Council for the full term of five (5) years. There were two official candidates: Michael Ybarra and incumbent Daniel Newmire.

There were 69 vote-by-mail ballots mailed, fifty were received and sent to the County Registrar/Recorder’s Office (“Registrar”) for signature verification. The Signature Verification Unit at the Registrar identified two of the ballots with a “significant snag”. The City Clerk determined that the signatures on the vote-by-mail envelopes and the affidavits of registration did not compare, hence, were not canvassed.

There were six provisional ballots issued and sent to the Registrar for verification. Three of the voters casting provisional ballots were determined by the Registrar to have registered after the closing of the deadline to vote in the April 10, 2012, election, and, therefore, were not eligible to vote.

Of the 51 ballots that were to be canvassed, five of the vote-by-mail ballots and one provisional ballot were challenged. The Canvassing Board accepted the challenge of all six ballots on the basis of non-residency. Those ballots were not counted.

A total of 45 ballots were canvassed: 43 vote-by-mail and 2 provisional ballots. Michael Ybarra received 26 votes. Daniel Newmire received 19 votes. Ybarra was determined to be the winner. See the attached City Clerk’s Certification of Canvassing for the breakdown of votes for the April 12, 2012 election.

Recommendation:

I recommend that the Council adopt a resolution declaring the election results naming Michael Ybarra to the Vernon City Council. Thereafter, I will administer the oath of office and swear in Mr. Ybarra.

I further recommend that the City Council vote on a Mayor and if necessary a Mayor Pro-Tem.

WGY/ab

Enclosure
CITY OF VERNON – GENERAL MUNICIPAL ELECTION HELD APRIL 10, 2012
CITY CLERK’S CERTIFICATION OF CANVASS

I, Willard G. Yamaguchi, 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, 2012, and find that the number of votes cast for the office of City Council were as follows:

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Willard G. Yamaguchi, City Clerk
City of Vernon, California

Dated: April 12, 2012
United States of America

Certificate of Election

State of California  )
County of Los Angeles ) SS.

I, Willard G. Yamaguchi, City Clerk of the City of Vernon, State of California, certify, that a General Municipal Election was held in the City on the 10th day of April, 2012, and at a regular meeting of the City Council held on the 17th of April, 2012,

MICHAEL A. YBARRA

was officially declared elected to the office of

MEMBER OF THE CITY COUNCIL

as shown by the Minutes of the City Council now on record in my office.

I affix my hand and official seal this 17th day of April, 2012.

Willard G. Yamaguchi, City Clerk
OATH OR AFFIRMATION OF ALLEGIANCE FOR PUBLIC OFFICERS AND EMPLOYEES

State of California
County of Los Angeles
City of Vernon

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

I, MICHAEL A. YBARRA, 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, 2012

[Signature of Officer Administering Oath]

City Clerk
Title of Officer Administering Oath

[Signature of Person Taking Oath]