RESOLUTION NO. 2013-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERNON, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 9, 2013, 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, 2013, 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 Interim 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 above recitals are true and correct.
SECTION 2: 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 3: The whole number of vote-by-mail voter ballots legally cast in the City for the General Municipal Election held on April 9, 2013, was 41, with no provisional ballots cast.

SECTION 4: The following be declared to be the results of said General Municipal Election for the office of member of the City Council:

William J. Davis  34 votes
Write-in           1 vote

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

SECTION 6: The Interim City Clerk shall immediately make and deliver to the person so elected a Certificate of Election signed by the Interim City Clerk and authenticated.

SECTION 7: The Interim 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 Interim City Clerk. The person so elected shall then be inducted into the respective office to which she has been elected.

SECTION 8: The measures voted upon at the April 9, 2013, General Municipal Election were as follows:

/ / /
**MEASURE K:**

| Shall an ordinance be adopted to increase the rates of the City’s existing business license taxes and to modify the method for calculating such taxes? |
|---|---|
| YES | NO |

**MEASURE L:**

| Shall an ordinance be adopted to authorize, for a period of ten years, the levy of an annual special parcel tax on non-residential parcels at the rate of $0.03 per square foot (adjusted annually for inflation) to fund (i) City fire protection services and projects, (ii) City health services and projects, and (iii) City police services and projects? |
|---|---|
| YES | NO |
MEASURE M:

Shall an ordinance be adopted to authorize, for a period of ten years, the levy of a 1% utility users' tax on electricity, gas, telecommunications, video and water utility services, with exemptions for residential services provided to persons with disabilities and low income households?

| YES | NO |

SECTION 9: The number of votes given in the one voting precinct in the City for and against the measures are as listed in Exhibit A attached hereto.

SECTION 10: 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 K and Measure M, and two thirds of the voters voting on Measure L did vote in favor of all measures, and the measures were carried, and shall be deemed approved and adopted.

SECTION 11: The Interim City Clerk, or Deputy 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 whole number of votes cast in the City;
(2) The measures voted upon;
(3) The total number of votes given in the City for and against the measures.
SECTION 12: The Interim City Clerk, or Deputy City Clerk of the City of Vernon shall certify to the passage, approval and adoption of this resolution, and the Interim City Clerk, or Deputy City Clerk, of the City of Vernon shall cause this resolution and the Interim City Clerk’s, or Deputy 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, 2013.

Name: W. Michael McCormick
Title: Mayor / Mayor Pro-Tem

ATTEST:

[Signature]
Dana Reed
Interim City Clerk / Deputy City Clerk

APPROVED AS TO FORM:

[Signature]
Nicholas George Rodriguez,
City Attorney
STATE OF CALIFORNIA    )
COUNTY OF LOS ANGELES   ) ss

I, Dana Reed, Interim City Clerk / Deputy City Clerk of the City of Vernon, do hereby certify that the foregoing Resolution, being Resolution No. 2013-43, 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, 2013, and thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

Executed this 00 day of April, 2013, at Vernon, California.

Dana Reed
Interim City Clerk / Deputy City Clerk

(SEAL)
EXHIBIT A
CITY OF VERNON – GENERAL MUNICIPAL ELECTION HELD APRIL 9, 2013
CITY CLERK'S CERTIFICATION OF CANVASS

I, Dana Reed, Interim 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, 2013, and find that the number of votes cast were as follows:

<table>
<thead>
<tr>
<th></th>
<th>Councilmember</th>
<th>Measure K</th>
<th>Measure L</th>
<th>Measure M</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>William J. Davis</td>
<td>Write-in</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>April 9, 2013 Canvassing Date</td>
<td>34</td>
<td>1</td>
<td>37</td>
<td>5</td>
</tr>
<tr>
<td>Total Votes Casted</td>
<td>35</td>
<td>42</td>
<td>42</td>
<td>41</td>
</tr>
</tbody>
</table>

Dana Reed, Interim City Clerk

Dated: April ____, 2013
DATE: April 22, 2013

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

FROM: Deborah Juarez, Records Management Assistant

RE: Resolution No. 2013-43 — A Resolution of the City Council of the City of Vernon, California, Reciting the Fact of the General Municipal Election Held on April 9, 2013, Declaring the Results and Such Other Matters as Provided by Law

Transmitted herewith is a copy of Resolution No. 2013-43 referenced above, which was approved by City Council on April 16, 2013.

Thank you.

Attachment

cc: Ana Barcia
    Dana Reed
    Resolution No. 2013-43
DATE: April 16, 2013

TO: Honorable Mayor and City Council

FROM: Dana Reed, Interim City Clerk

RE: A Resolution of the City Council of the City of Vernon, California, Reciting the Fact of the General Municipal Election held on April 9, 2013, Declaring the Result and Such Other Matters as Provided by Law

Recommendation

It is recommended that the City Council:

1. Accept the Certificate of Canvass.
2. Adopt a Resolution declaring the results of the General Municipal Election held April 9, 2013, declaring that William J. Davis is elected to the office of member of the City Council and that Measures K, L, and M are approved; and
3. Authorize the Interim City Clerk to deliver the Certificate of Election and administer the oath of office to William J. Davis, and
4. Elect a Mayor and a Mayor Pro-Tem.

Background

On April 9, 2013, a General Municipal Election was held for the purpose of electing one 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 K:**
  Shall an ordinance be adopted to increase the rates of the City's existing business license taxes and to modify the method for calculating such taxes?
  - YES
  - NO
Measure L:

Shall an ordinance be adopted to authorize, for a period of ten years, the levy of an annual special parcel tax on non-residential parcels at the rate of $0.03 per square foot (adjusted annually for inflation) to fund (i) City fire protection services and projects, (ii) City health services and projects, and (iii) City police services and projects?

| YES | NO |

Measure M:

Shall an ordinance be adopted to authorize, for a period of ten years, the levy of a 1% utility users’ tax on electricity, gas, telecommunications, video and water utility services, with exemptions for residential services provided to persons with disabilities and low income households?

| YES | NO |

As of the closing of the nomination period on January 14, 2013, at 5:30 p.m., William J. Davis was the only official candidate. As of March 26, 2013, there were no requests for a write-in candidate.

On March 18, 2013, seventy-three (73) vote-by-mail ballots were mailed. Subsequently, two provisional ballots were issued, one for a new registered voter, and one as a duplicate to replace a lost ballot.

Forty-two (42) ballots were received, verified for signature verification, and canvassed on April 9, 2013. The results of said canvassing are summarized in the City Clerk’s Certification of Canvass, and are to be incorporated as part of the proposed Resolution.

**Fiscal Impact**

There is no negative fiscal impact. An increase to the City’s General Fund revenue will result from the approval of the tax measures.
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 16th day of April, 2013

[Signature]
Signature of Officer Administering Oath

Interim City Clerk
Title of Officer Administering Oath

Signature of Person Taking Oath
United States of America

Certificate of Election

State of California )
County of Los Angeles ) SS.

I, Dana Reed, Interim City Clerk, of the City of Vernon, State of California, certify, that a General Municipal Election was held in the City on the 5th day of April, 2013, and at a regular meeting of the City Council held on the 16th day of April, 2013,

WILLIAM J. DAVIS

was officially declared elected to the office of

MEMBER OF THE CITY COUNCIL

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

I affix my hand and official seal this 16th day of April, 2013.

Dana Reed, Interim City Clerk
I, Dana Reed, Interim 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, 2013, and find that the number of votes cast were as follows:

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Dana Reed, Interim City Clerk

Dated: April 16, 2013