

**RESOLUTION NO. 16-26**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA (1) CALLING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 7, 2017 FOR THE ELECTION OF TWO CITY COUNCILMEMBERS; (2) REQUESTING CONSOLIDATION OF SUCH ELECTION WITH THE COUNTY OF LOS ANGELES WITH ANY AND ALL ELECTIONS HELD ON SUCH DATE; (3) REQUESTING THE COUNTY OF LOS ANGELES TO PROVIDE SPECIFIC ELECTION ADMINISTRATION SERVICES FOR SUCH ELECTION; (4) ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE FOR SUCH ELECTION REGARDING CANDIDATE STATEMENTS; AND (5) PROVIDING FOR THE CONDUCT OF A SPECIAL ELECTION IN THE EVENT OF A TIE VOTE FOR SUCH ELECTION OF TWO CITY COUNCILMEMBERS**

**WHEREAS**, under the provision of the laws relating to general law cities in the State of California, a General Municipal Election of the City of Cudahy (the "City") shall be conducted on Tuesday, March 7, 2017, for the election of the following municipal officers: City Councilmember – two (2) offices for four year terms; and

**WHEREAS**, it is desirable that the City's March 7, 2017 General Municipal Election be consolidated with any and all elections to be administered by Los Angeles County (the "County") on the same date and that the City have the same precincts, polling stations, and election officers within the City for such election; and

**WHEREAS**, the City Council wishes for the Office of the Registrar-Recorder/County Clerk for the County (the "County Clerk") to canvass the returns of the City's March 7, 2017 General Municipal Election; and

**WHEREAS**, the City seeks the provision of election services from the County relating to the conduct of the City's March 7, 2017 General Municipal Election; and

**WHEREAS**, the City Council approves the printing of the General Municipal Election information for the election to be held on Tuesday, March 7, 2017, in the foreign languages requiring translation pursuant to the Voting Rights Act of 1965; and

**WHEREAS**, Elections Code Section 13307 provides that the City may adopt regulations pertaining to the recovery of certain costs associated with the printing, handling, translation, and mailing of candidate statements as filed with the elections officer; and

**WHEREAS**, the City shall compensate the County for all necessary expenses incurred by the County in performing election services for the City; and

**WHEREAS**, 15651(b) of the Elections Code authorizes the City Council, by majority vote, to adopt provisions to require the conduct of a Special Runoff Election to resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, the City Council hereby calls and orders a General Municipal Election on Tuesday, March 7, 2017, to be held in the City of Cudahy for the purpose of electing two City Councilmembers for the full term of four years.

**SECTION 2.** Pursuant to the requirements of Elections Code section 10403, it is respectfully requested that the Board of Supervisors of the County consent and agree to the consolidation of the City's its General Municipal Election on Tuesday, March 7, 2017 with the County-administered election of the same date.

**SECTION 3.** In connection with the County Registrar's administration of the City's March 7, 2017 General Municipal Election, the City further requests that the County Registrar be authorized and directed to: (a) review and verify absentee voter applications and signatures; (b) conduct registered voter verifications (including signature verifications) associated with the processing of any proposed General Municipal Election ballot measure; (c) provide the City of Cudahy with the appropriate election precinct data, to the extent required; (d) make available to the City of Cudahy such election facilities, ballot casting equipment and assistance as may be necessary to conduct the election in compliance with state law and the Board of Supervisor's approval; (e) canvass the election returns; (f) print and supply ballots for the election; (g) mail the City of Cudahy's sample ballots, including ballot measure question, arguments, rebuttals and impartial analysis; and (h) administer the City of Cudahy's General Municipal Election in all respects as if it were part and parcel of any other County Registrar administered election, implementing all such legally required or customarily employed measures and practices as may be necessary to conduct the election in a timely and legally compliant manner.

**SECTION 4.** The City of Cudahy shall reimburse the County Registrar for any costs associated with the administration of the City March 7, 2017 General Municipal Election.

**SECTION 5.** The City hereby consents to have its General Municipal Election on Tuesday, March 7, 2017 consolidated any and all elections conducted on such date within the County.

**SECTION 6.** That the ballots to be used at the election shall be in form and content as required by law or as directed by the County Clerk to facilitate the consolidation of the City's March 7, 2017 General Municipal Election with the County-administered election of the same date.

**SECTION 7.** That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 8.** That the polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to Election Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

**SECTION 9.** The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

**SECTION 10.** Pursuant to Section 13307 of the Elections Code, each candidate for elective office to be voted for at the City's March 7, 2017 General Municipal Election may prepare a candidate statement on a form acceptable to the County Clerk and made available through the City Clerk.

**SECTION 11.** Pursuant to Section 13307(a)(1) of the Elections Code candidate statements **may** include the following:

- (A) The name, age, and occupation of the candidate; and
- (B) A brief description of no more than 200 words of the candidate's education and qualifications as expressed by the candidate himself or herself.

**SECTION 12.** Pursuant to Elections Code § 13307(a)(1), candidate statements **shall not** include the following:

- (A) The party affiliation of the candidate; or
- (B) References to membership or activity in partisan political organizations.

**SECTION 13.** All prospective candidates should be aware of the holding in *Dean v. Superior Court* (1998) 62 Cal.App.4th 638, which holds that a statement prepared by a candidate for inclusion in the voters' pamphlet **may not** include comments or statements concerning the qualifications (or alleged lack of qualifications) of one's opponents. Candidates, in an abundance of caution, should avoid making any reference to opponents in their candidate statements. Candidates should seek the advice of private legal counsel if unsure as to whether their candidate statement does or does not comply with applicable law before filing.

**SECTION 14.** The candidate statement shall be filed in typewritten form at the Office of the City Clerk at the time the candidate's nomination papers are filed. The candidate statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

**SECTION 15.** Subject to any logistical constraints imposed by the County Clerk by virtue of consolidation, the City Clerk shall have translated (from the English to relevant foreign languages authorized under the Voting Rights Act of 1965) and printed in the voters pamphlet only the candidate statement of those candidates who request such translation and printing at the time of filing of the candidate statement.

**SECTION 16.** No candidate for any elected office of the City shall be permitted to include additional materials in the voters' pamphlet and sample ballot package.

**SECTION 17.** Each candidate for any of the offices to be elected at the General Municipal Election to be conducted on March 7, 2017, who files a candidate statement shall, as a condition of having his or her candidate statement included in the voters' pamphlet, concurrently deposit with the City Clerk an amount, as reasonably estimated by the City Clerk, to pay in advance his or her estimated *pro rata* share of the actual costs of printing and handling such candidate statements incurred by the City of Cudahy and/or the County Clerk as a result of providing such service at the time of filing such statement with the City Clerk. In the event that the amount paid as a deposit by a candidate includes overpayment of actual costs incurred by the City of Cudahy and/or the County Clerk, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within thirty (30) days following the date of the election.

**SECTION 18.** The City Clerk shall provide each candidate or candidate's representative a copy of this Resolution at the time nominating petitions are issued.

**SECTION 19.** pursuant to SECTION 15651(b) of the Elections Code of the State of California, if any two or more persons receive an equal and the highest number of votes for an office to be voted for within the City, there shall be held within the city a Special Runoff Election to resolve the tie vote. A Special Runoff Election shall be called and held on a Tuesday not less than 40 nor more than 125 days after the administrative or judicial certification of the election which resulted in a tie vote.

**SECTION 20.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 21.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 22.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**SECTION 23.** That the City Clerk shall forward without delay, a copy of said resolution to the Los Angeles County Board of Supervisors, the Los Angeles County Registrar-Recorder/County Clerk, and to the City Clerk of the City of Los Angeles.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Cudahy at its regular meeting on this 26<sup>th</sup> day of September, 2016.



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Baru Sanchez  
Mayor

ATTEST:



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Richard Iglesias  
Deputy City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )  
CITY OF CUDAHY             )        SS:

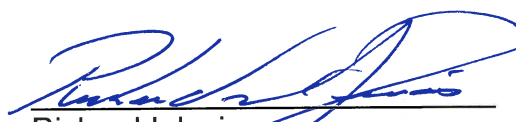
I, Richard Iglesias, Deputy City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No.16-26 was passed and adopted by the City Council of the City of Cudahy at a regular meeting held on the 26th day of September, 2016, and that said Resolution was adopted by the following vote, to-wit:

AYES: Garcia, Markovich, Hernandez, Sanchez

NOES: None

ABSENT: None

ABSTAIN: Guerrero

  
Richard Iglesias  
Deputy City Clerk