

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 2, 2020 FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF COMMERCE TWO (2) REFERENDUM MEASURES REGARDING ORDINANCE NOS. 731 AND 732; SETTING DEADLINES FOR FILING WRITTEN ARGUMENTS FOR AND AGAINST THE REFERENDUM MEASURES, AND REBUTTALS THEREOF; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND RELATED MATTERS TO SAID SPECIAL MUNICIPAL ELECTION

WHEREAS, the City Council of the City of Commerce on July 16, 2019, adopted Ordinance No. 731, and Ordinance No. 732 (also, "Ordinances"); and

WHEREAS, the Ordinances were published as required by law; and

WHEREAS, pursuant to authority provided by Division 9, Chapter 3, Article 2 (commencing at 9235) of the Election Code of the State of California, two Referendum Petitions were filed with the City of Commerce City Clerk, signed by more than ten percent (10%) of the registered voters of the City to repeal Ordinance No. 731 and Ordinance No. 732, or submit them to a vote of the voters; and

WHEREAS, the City of Commerce has received a certificate from the County of Los Angeles Registrar of Voters certifying the results of the Registrar's examination of the numbers of signatures and verification of the signatures affixed to the two Petitions for two referendum measures to City of Commerce Ordinances No. 731 and No. 732; and

WHEREAS, said certification shows that the two Referendum Petitions were signed by not less than 10 percent of the voters of the City according to the report of registration by the County Elections Official to the Secretary of State pursuant to Elections Code §2187; and

WHEREAS, Elections Code §9241 provides that in those circumstances where the above-stated facts exist, as they do here, the City Council must either: (a) entirely repeal the Ordinances; (b) submit the Ordinances to the voters at the next regular municipal election occurring not less than 88 days after the order of the legislative body; or (c) submit the Ordinances to the voters at a special election called for that purpose occurring not less than 88 days after the order of the legislative body; and

WHEREAS, the submittal of an Ordinance to a vote of the electorate is exempt from California Environmental Quality Act (CEQA) review (CEQA Guidelines Section 15378(b)(3)); and

WHEREAS, the City Council has not voted in favor of repeal of the Ordinances; and

WHEREAS, the City Council is authorized and directed by statute to submit the Ordinances to the voters; and

WHEREAS, on January 21, 2020, the City Council opted to call for a Special

Municipal Election, not less than 88 days after the City Council's order, to submit two (2) referendum measures regarding Ordinances No. 731 and No. 732 to the voters of the City of Commerce; and

WHEREAS, the date selected for the Special Municipal Election is June 2, 2020, and on January 21, 2020, City Council also adopted Resolution No. 20-9 requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City of Commerce relating to conducting the Special Municipal Election on Tuesday, June 2, 2020.

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

SECTION 1. That under the provisions of the Elections Code, there is called and ordered to be held in the City of Commerce, California, on Tuesday, June 2, 2020 a special municipal election for the purpose of submitting two (2) referendum measures to consider Ordinance No. 731 and Ordinance No. 732.

SECTION 2. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Commerce, California, on Tuesday, June 2, 2020 a Special Municipal Election for the purpose of submitting the following questions to the voters regarding Ordinance No. 731 and Ordinance No. 732:

City of Commerce Ordinance No. 731: Shall Ordinance No. 731 of the City Council of the City of Commerce Approving and Adopting Development Agreement No. 18-032 between the City of Commerce and Citadel Holdings Group, LLC for the Improvement and Expansion of the Citadel Shopping Outlet Center; Making findings consistent with and pursuant to Government Code Section 65867.5; Making findings of a CEQA Environmental Impact Report be adopted?

Yes_____/ No_____/

City of Commerce Ordinance No. 732: Shall Ordinance No. 732 of the City Council of the City of Commerce Approving and Adopting Development Agreement No. 18-033 between the City of Commerce and Citadel Holdings Group, LLC and Wash-Tel Commerce, LLC for the development of a ten acre parcel at the corner of Washington Boulevard and Telegraph Road for commercial, public facility and industrial purposes; Making findings consistent with and pursuant to Government Code Section 65867.5; and Making findings of a CEQA Environment Impact Report be adopted?

Yes_____/ No_____/

SECTION 3. That the vote requirements for the measures to pass is a majority (50%+1).

SECTION 4. That the ballots be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed and directed to procure and furnish all and all official ballots, notices, printed material and supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls shall be open at seven o'clock a.m. of the day of the

election and shall remain open continuously from the time until 8 p.m. o'clock p.m. of the same day when polls shall be closed, pursuant to Election Code 10242, except as provided in 14401 of the Elections Code of the State of California.

SECTION 7. That pursuant to Elections Code 12310, a stipend for services for the persons names as precinct board members is fixed at the sum of \$100 for each Inspector and \$80 for each Clerk for the election. In addition, the sum of \$25 will be given to each precinct board member to attend a training class and the sum of \$25 to be given to each inspector to pick up precinct supplies.

SECTION 8. 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 9. 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 10. That the City Council hereby authorizes written arguments for and against each of the Referendums, to be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument. Written arguments for and against each of the Referendums shall be filed with the City Clerk's Office, by March 3, 2020, before 5:30 p.m.

SECTION 11. That the City Council directs the City Clerk to transmit a copy of the of the Referendum measures to the City Attorney and directs the City Attorney to prepare an impartial analysis of each of the Referendums, consistent with the requirements of Elections Code Section 9289, including:

a. The City Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure.

b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.

c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the election official's office at (insert phone number) and a copy will be mailed at no cost to you."

d. The impartial analysis shall be filed by March 3, 2020, before 5:30

p.m. with the City Clerk.

SECTION 12. That the City Council hereby authorizes rebuttal arguments to be filed with the City Clerk. That pursuant to Section 9285 of the Elections Code, rebuttal arguments shall be submitted and processed as follows:

a. When the elections official has selected the arguments for and against the measure, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

b. The author or a majority of the authors of an argument measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

c. The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, no later than March 16, 2020, before 5:30 p.m. the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

d. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 13. The City Council hereby establishes March 4, 2020 through through March 13, 2020, as the ten (10) calendar day examination period required by Elections Code Section 9295 for review of the ballot arguments for and against, and the impartial analysis, which voters may examine on the City's website at www.ci.commerce.ca.us, and in the City Clerk's office at 2535 Commerce Way, Commerce, CA 90040, between the hours of 8 a.m. to 6 p.m.

SECTION 14. The City Council hereby establishes March 17, 2020 through March 30, 2020, as the ten (10) calendar day examination period required by Elections Code Section 9295 for review of the rebuttal arguments for and against, and the impartial analysis, which voters may examine on the City's website at www.ci.commerce.ca.us, and in the City Clerk's office at 2535 Commerce Way, Commerce, CA 90040, between the hours of 8 a.m. to 6 p.m.

SECTION 15. A statement shall be printed in the ballot pursuant to Elections Code Sections 9243 and 9223 advising voters that they may obtain a full copy of Ordinance No. 731 and Ordinance No. 732, at no cost, upon request to the City

Clerk.

SECTION 16. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON February 18, 2020

John Soria, Mayor

ATTEST:

Lena Shumway, City Clerk