



ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

73 September 24, 2024

Edward Yen
EDWARD YEN
EXECUTIVE OFFICER

11333 Valley Boulevard
El Monte, CA 91731
(626) 580 - 2020
gcontreras@elmonteca.gov
elmonteca.gov

August 8, 2024

Mr. Edward Yen, Executive Officer
Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles, CA 90012

RE: City of El Monte Request to Place a Ballot Measure on the November 5, 2024 Election

Dear Mr. Edward Yen:

On July 3, 2024, the City Clerk's Office transmitted to your office and to the Board of Supervisors Resolution No. 10557: Calling for and Giving Notice of a General Municipal Election to be held on November 5, 2024; Requesting that the Board of Supervisors Grant the City's Request for Consolidation with the General Municipal Election administered by the Registrar-Recorder/County Clerk; Requesting the County Clerk to provide specific election administration services; and adopting regulation for candidates. On July 25, 2024, the City submitted this Resolution to the Board of Supervisors and the Los Angeles County Registrar-Recorder/County Clerk, however, the Resolution was missing the vote on page 6 of the Resolution. We are therefore resubmitting the Resolution for consideration by the Board of Supervisors and the Los Angeles County Registrar-Recorder/County Clerk

At a Regular Meeting held July 16, 2024, the City Council of the City of El Monte approved Resolution No. 10561:

1. A Resolution of the City Council of the City of El Monte: (i) Calling and Giving Notice of the Submission to El Monte Voters of a Ballot Measure to Increase the City's Current Half-Percent (1/2%) Transactions and Use Tax to Three-Quarters of a Percent (3/4%) and to Eliminate the Sunset Date for the Same; (ii) Acknowledging City Council Approval of an Ordinance Effectuating the Foregoing Amendments; (iii) Ordering that the Ballot Measure Submitted as Part of the City's November 5, 2024 General Municipal Election; (iv) Requesting that the Los Angeles County Board of Supervisors Include the Ballot Measure as Part of City's Prior Election Consolidation Request; (v) Requesting that the Registrar-Recorder/County Clerk Provide Specific Election Administration Services, Inclusive of the Ballot Measure; and (vi) Setting Priorities for Filing Written Arguments and Rebuttals Regarding the Ballot Measure and Directing Preparation an Impartial Analysis; and
2. First reading of El Monte City Council Ordinance No. 3038 Increasing to Three-Quarters of a Percent (3/4%) the City's Existing General Purpose Half-Percent (1/2%) Transactions and Use Tax.

Mr. Edward Yen
August 8, 2024
Page 2

True and correct certified copies of Resolution No. 10561 and pending Ordinance No. 3038 are attached for your reference. The required second reading of Ordinance No. 3038 will only occur if the measure is approved by El Monte voters.

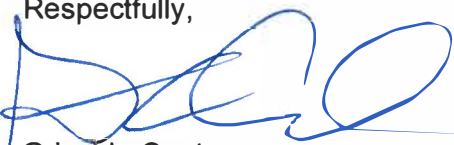
REQUEST OF THE CITY OF EL MONTE

It is the request of the City Council of the City of El Monte:

1. That the Los Angeles County Board of Supervisors ("Board of Supervisors") consent to the consolidation of El Monte General Municipal Election to consider the above referenced ballot measure with the County-Administered election to be held on November 5, 2024, and that the County Registrar-Recorder/County Clerk administer the City's Election as part of the upcoming, County-administered of November 5, 2024.
2. That the County Clerk give the City's above-referenced ballot measure the letter designation "EM" such that the measure may be identified as "**Measure EM**"

Should you have any questions or need any additional information, please do not hesitate to contact this office at (626) 580-2016 during normal business hours, Monday through Thursday, between the hours of 7:00 am to 5:30 pm.

Respectfully,



Griselda Contreras
Chief Deputy City Clerk/Records Manager

cc: Mr. Dean C. Logan
Registrar-Recorder/County Clerk
Election Coordination Unit
12400 Imperial Highway, 2nd Floor, Room 2013A
Norwalk, CA 90650

Encl.: Resolution No. 10561
Pending Ordinance No. 3038



July 3, 2024

11333 Valley Boulevard
El Monte, CA 91731
(626) 580-2016
gcontreras@elmonteca.gov
elmonteca.gov

Mr. Edward Yen, Executive Officer
Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles, CA 90012

Dear Mr. Edward Yen:

Pursuant to the County of Los Angeles General Election Municipal Information Booklet for the November 5, 2024 Election, enclosed is a certified copy of the City of El Monte's Resolution No. 10557:

"A Resolution of the City Council of the City of El Monte, California (1) Calling for and Giving Notice of a General Municipal Election to Be Held on Tuesday, November 5, 2024; (2) Requesting that the Board of Supervisors of the County of Los Angeles Grant the City's Request for Consolidation of Said General Municipal Election with the November 5, 2024 Statewide General Election Administered by the Registrar-Recorder/County Clerk of the County of Los Angeles ("County Clerk"); (3) Requesting that the County Clerk Provide Specific Election Administration Services in Connection with the City's General Municipal Election; and (4) Adopting Regulations for Candidates for Elective Office Regarding Candidate Statements"

which was approved and adopted at a regular meeting of the El Monte City Council held on July 2, 2024.

Should you have any questions or need any additional information, please do not hesitate to contact this office at (626) 580-2016 during normal business hours, Monday through Thursday, between the hours of 7:00 am to 5:30 pm.

Respectfully,

Griselda Contreras
Chief Deputy City Clerk/Records Manager

RESOLUTION NO. 10557

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA (1) CALLING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024; (2) REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES GRANT THE CITY'S REQUEST FOR CONSOLIDATION OF SAID GENERAL MUNICIPAL ELECTION WITH THE NOVEMBER 5, 2024 STATEWIDE GENERAL ELECTION ADMINISTERED BY THE REGISTRAR-RECORDER/COUNTY CLERK OF THE COUNTY OF LOS ANGELES ("COUNTY CLERK"); (3) REQUESTING THAT THE COUNTY CLERK PROVIDE SPECIFIC ELECTION ADMINISTRATION SERVICES IN CONNECTION WITH THE CITY'S GENERAL MUNICIPAL ELECTION; AND (4) ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE REGARDING CANDIDATE STATEMENTS

WHEREAS, to address declining voter turnout in federal, state, and municipal elections, the California Legislature adopted Senate Bill 415 ("SB 415"), which was signed into law by Governor Jerry Brown on September 1, 2015. SB 415 restricts cities from holding an election on any date other than a statewide election date beginning in 2018; and

WHEREAS, to comply with SB 415, the City Council of the City of El Monte ("City Council") adopted Ordinance No. 2885 on July 5, 2016, to set the date of its regular General Municipal Elections to coincide with the statewide election date of the Tuesday following the first Monday in November of even-numbered years beginning in 2018. The Los Angeles County Board of Supervisors (the "Board of Supervisors") approved the City's request to change election dates on September 6, 2016; and

WHEREAS, on April 5, 2022, the City Council approved Ordinance No. 3010 ("Ordinance No. 3010") which, beginning with the November 2022 General Municipal Election cycle, changed the composition of the City Council and the manner in which certain City Council members are elected to office; and

WHEREAS, prior to the enactment of Ordinance No. 3010, the City Council was composed of five (5) members total made up of four (4) regular City Council members elected at-large who serve staggered four-year terms of office; plus one (1) Mayor elected at-large who serves a two-year term of office; and

WHEREAS, under Ordinance No. 3010, the City Council will be composed of seven (7) members total made up of six (6) regular City Council members elected by districts who will serve staggered four-year terms of office and one (1) Mayor who continues to be elected at-large, serving a two-year term of office (A map of the City Council districts is attached and incorporated hereto as **Exhibit "A"**); and

WHEREAS, the regular City Council seats for Districts 2, 3, 5 and 6 were the first seats to be up for election with the November 2022 election cycle while the regular City Council seats for Districts 1 and 4 are to be up for election with the upcoming November 2024 election cycle in order to achieve staggering of regular City Council seats; and

WHEREAS, to achieve balanced staggering of the regular City Council seats the term of office for the District 5 City Council seat was for an abbreviated two-year term of office for the November 2022 election cycle and is now up for election again, along with districts 1 and 4 for the November 2024 election; and

WHEREAS, the election for the District 5 seat shall now be for a full four-year term of office like the City Council seats for the other Districts; and

WHEREAS, under the provision of the laws relating to general law cities in the

State of California, the City's next General Municipal Election will be held on Tuesday, November 5, 2024 (said election hereinafter referred to as the "2024 City Election"), for the election of a Mayor and the election of Councilmembers for Districts 1, 4 and 5; and

WHEREAS, it is desirable that the City's 2024 City Election be consolidated with the Statewide General Election administered by the Registrar-Recorder/County Clerk for the County of Los Angeles ("County Clerk") 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 desires that the County Clerk canvass the returns of the 2024 City Election; and

WHEREAS, the City seeks the provision of election services from the County Clerk relating to the conduct of the 2024 City Election; and

WHEREAS, the City Council further requests the printing of the information for the 2024 City Election, 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 Clerk for all necessary expenses incurred by the County Clerk in performing election services for the City; and

WHEREAS, Section 15651(a) of the Elections Code provides that the City Council may resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office by lot.

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

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. 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 November 5, 2024, General Municipal Election for the City of El Monte, as referenced in the recitals above, to be held in the City of El Monte for the purpose of electing the following municipal officers:

- A. *One (1) Mayor elected at-large from the entire City who will serve a two-year term of office; and*
- B. *One (1) regular City Council member elected by-districts for **City Council District 1** who will serve a four-year term of office; and*
- C. *One (1) regular City Council member elected by-districts for **City Council District 4**; and*
- D. *One (1) regular City Council member elected by-districts for **City Council District 5** who will serve a four-year term of office.*

SECTION 3. Pursuant to the requirements of Elections Code Section 10403, it is respectfully requested that the Board of Supervisors consent and agree to the consolidation of the 2024 City Election with the County Clerk-administered Statewide General Election to be held November 5, 2024.

SECTION 4. In connection with the County Clerk's administration of the 2024 City Election, the City further requests that the County be authorized and directed to: (a) review and verify absentee voter applications and signatures; (b) conduct registered

voter verifications (including signature verifications); (c) provide the City with the appropriate election precinct data, to the extent required; (d) provide election facilities, ballot casting equipment, and assistance as may be necessary to conduct the election in compliance with state law and the Board of Supervisors' approval; (e) canvass the election returns; (f) print and supply ballots for the election and voting equipment; (g) mail the City's sample ballots; and (h) administer the 2024 City Election in all respects as if it were part and parcel of any other County Clerk-administered election of the same date, 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 5. The City shall reimburse the County Clerk for any costs associated with the administration of the 2024 City Election.

SECTION 6. The City hereby consents to have the 2024 City Election consolidated with the County Clerk-administrated Statewide General Election of November 5, 2024, and that the 2024 City Election be administered by the County Clerk as if it were part and parcel of County Clerk-administered Statewide General Election of the same date.

SECTION 7. 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 2024 City Election with the County-administered election of the same date.

SECTION 8. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, district data, printed material and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the 2024 City Election.

SECTION 9. The polls for the 2024 City 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, unless otherwise directed by the County Clerk, in accordance with state law.

SECTION 10. The City Council authorizes the City Clerk to cooperate and coordinate with the County Clerk in the administration of 2024 City Election and further authorizes the City Clerk to see that all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill by the County Clerk.

SECTION 11. Pursuant to Section 13307 of the Elections Code, each candidate for elective office to be voted for at the 2024 City Election may prepare a candidate statement on a form acceptable to the County Clerk and made available through the City Clerk.

SECTION 12. Pursuant to Section 13307(a)(1) of the Elections Code candidate statements for the 2024 City Election may include the following:

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

SECTION 13. Pursuant to Elections Code Section 13307(a)(1), candidate statements for the 2024 City Election shall not include the following:

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

SECTION 14. Pursuant to Section 13307(c) of the California Elections Code, the City Council authorizes the preparation of candidate statements for nonpartisan elective office for the purpose of electronic distribution. Candidates will prepare statements for

electronic distribution pursuant to Section 13307(a) of the Elections Code. A statement prepared pursuant to this subdivision shall be posted on the internet website of the County Elections Official. Pursuant to Section 13307.7(a) of the Elections Code, candidates shall provide payment of the requisite fee to cover the duties and procedures set forth in Sections 13307(b) and (d) of the Elections Code.

SECTION 15. 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 16. 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 until 5:00 p.m. of the next working day after the close of the nomination period, August 9, 2024.

SECTION 17. 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 18. 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 19. Each candidate for any of the offices to be elected at the 2024 City Election, 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 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 El Monte 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 20. The City Clerk shall provide each candidate or candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 21. Pursuant to Section 15651(a) of the Elections Code the City Council shall resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office by lot.

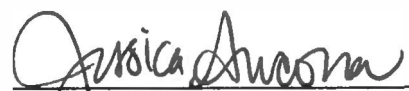
SECTION 22. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 23. 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 24. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.


SECTION 25. That the City Clerk shall forward without delay, a copy of this Resolution to Board of Supervisors and the County Clerk.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of El Monte at the adjourned regular meeting of this 2nd day of July 2024.



Jessica Ancona, Mayor
City of El Monte

ATTEST:



Gabriel Ramirez, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Gabriel Ramirez, City Clerk of the City of El Monte, do hereby certify that the above and foregoing Resolution No. 10557 was passed, approved, and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at an adjourned regular meeting of said City held on this 2nd day of July 2024, and that said Resolution was adopted by the following votes to wit:

AYES: Mayor Ancona, Mayor Pro Tem Dr. Ruedas, Councilmembers Cortez, Herrera, Martinez Muela, Puente and Rojo

NOES: None

ABSTAIN: None

ABSENT: None



Gabriel Ramirez, City Clerk
City of El Monte

RESOLUTION NO. 10561

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE (I) CALLING AND GIVING NOTICE OF THE SUBMISSION TO EL MONTE VOTERS OF A BALLOT MEASURE TO INCREASE THE CITY'S CURRENT HALF-PERCENT (1/2%) TRANSACTIONS AND USE TAX TO THREE-QUARTERS OF A PERCENT (3/4%) AND TO ELIMINATE THE SUNSET DATE FOR THE SAME; (II) ACKNOWLEDGING CITY COUNCIL APPROVAL OF AN ORDINANCE EFFECTUATING THE FOREGOING AMENDMENTS; (III) ORDERING THAT THE BALLOT MEASURE SUBMITTED AS PART OF THE CITY'S NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION; (IV) REQUESTING THAT THE LOS ANGELES COUNTY BOARD OF SUPERVISORS INCLUDE THE BALLOT MEASURE AS PART OF CITY'S PRIOR ELECTION CONSOLIDATION REQUEST; (V) REQUESTING THAT THE REGISTRAR-RECORDER/COUNTY CLERK PROVIDE SPECIFIC ELECTION ADMINISTRATION SERVICES, INCLUSIVE OF THE BALLOT MEASURE; AND (VI) SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND REBUTTALS REGARDING THE BALLOT MEASURE AND DIRECTING PREPARATION AN IMPARTIAL ANALYSIS

WHEREAS, pursuant to Revenue and Taxation Code Section 7285.9 et seq., the City of El Monte ("City") has the authority to collect a local transaction and use tax and to increase that transactions and use tax; and

WHEREAS, pursuant to Elections Code Section 9222, the El Monte City Council ("City Council") has the authority to submit measures to be considered by El Monte voters at a municipal election; and

WHEREAS, pursuant to Chapter 3.14 (Temporary Transactions and Use Tax) of Title 3 (Revenue and Finance) of the El Monte Municipal Code, the City currently levies a voter-approved half-cent (\$0.005) or half-percent (1/2%) transactions and use tax, the proceeds of which are deposited into the general fund to be used for any general municipal purpose, including but not limited to providing services, such as police and fire service; and street, sidewalk, parks and recreation program, infrastructure maintenance etc.; and

WHEREAS, the City's half-percent (1/2%) transactions and use tax sunsets (ends) on March 31, 2029 unless extended by El Monte voters; and

WHEREAS, the City Council now desires to submit to the voters an ordinance extending the life of the City's existing transactions and use tax indefinitely until ended by the voters and increasing the tax rate, currently set at a half-percent (1/2%), by an additional one-quarter of a percent (1/4%) such that the new tax rate will be a full one percent (3/4%); and

WHEREAS, pursuant to Government Code Sections 53723 and 53724(b), Revenue and Taxation Code Section 7285.9, and Section 2(b) of Article XIII C of the California Constitution, any proposed increase or extension of the City's general purpose transactions and use tax must be approved by ordinance approved by two-thirds of all the members of the City Council (i.e., by at least 5 "yes" votes), subject also to approval by El Monte voters by a simple majority of votes cast (50% plus 1) at a City election that is consolidated with a regularly-scheduled General Municipal Election for members of the City Council; and

WHEREAS, concurrent with the approval of this Resolution, the City Council by 2/3 vote of its membership has approved, subject also to El Monte voter approval, Ordinance No. 3038 to increase the City's existing transactions and use tax to three-quarters of a percent (3/4%) and to extend its life indefinitely until repealed by El Monte voters (hereinafter "the Ordinance")(A true and correct copy of the Ordinance is attached to this Resolution as Exhibit "A"); and

WHEREAS, the City Council requests that the Los Angeles County Registrar-Recorder/County Clerk (hereinafter, "the County") provide full election services to the City in order to conduct an election to be held November 5, 2024 for the ballot measure seeking voter approval of the Ordinance as part of the City's regular General Municipal Election consolidated with the County-administered General Election of the same date; and

WHEREAS, the City Council also desires to establish deadlines and rules for the submission of written arguments and rebuttals for and against the Ordinance in accordance with applicable Elections Code procedures; and

WHEREAS, the election contest for the ballot measure contemplated under this Resolution shall be in addition to the election contests referenced by the City Council in prior Resolution No. 10557 approved July 2, 2024 which called the November 5, 2024 General Municipal Election for the election of various members to the City Council and for said election to be consolidated with the County-administered General Election of the same date; and

WHEREAS, the City shall compensate the County for all necessary expenses incurred by the County in performing election services for the City, including any such additional costs arising out of the placement of the above-described ballot measure on the City's November 5, 2024, General Municipal Election ballot.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part thereof.

SECTION 2. Submission of Ballot Measure. Having satisfied the approval requirements of Government Code Sections 53723 and 53724(b), Revenue and Taxation Code Section 7285.9 and Article XIII C, Section 2(b) of the California Constitution, the City Council, pursuant to Elections Code Section 9222 hereby orders that a ballot measure seeking voter approval of the Ordinance be submitted to the qualified voters of the City at the General Municipal Election to be held on Tuesday, November 5, 2024, which is to be consolidated with the County-administered General Election of the same date. The Ordinance shall be in the form attached hereto as **Exhibit "A"** to this Resolution. The transactions and use that is the subject of the ballot is and remains a general tax within the meaning of Proposition 218 whose proceeds may be used for any general municipal purpose. Accordingly, the vote requirement for passage of the proposed ballot measure is a majority of the votes cast (50% plus 1) at the November 5, 2024 General Municipal Code.

SECTION 3. Ballot Measure. The City Council does hereby order that the ballot measure seeking voter approval of the Ordinance shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth herein. On the ballot to be submitted to the qualified voters at the City's November 5, 2024 General Municipal Election, which is to be consolidated with the County-administered General Election of the same date, there shall be printed substantially the following ballot question in compliance with Election Code Sections 9051, 13119(b) and 13247:

Keep El Monte Sales Tax Revenues Local Measure To preserve funding for various City services and goals like fire protection; graffiti removal; street and sidewalk repair; park maintenance and enhancements; youth and senior programs; building "rainy day" reserves and any other general governmental purpose, shall the City's 1/2% transactions and use tax be increased to 3/4% and extended indefinitely until ended by voters to raise an additional \$3,500,000 annually?	YES
	NO

The City Council further requests that the City be granted the letter designation “EM” such that the Measure may be identified on the ballot as “Measure EM”. If the letter designation “EM” is unavailable, it is requested that the following alternative letter designations be given in order of preference: “GG” and “E”.

SECTION 4. Election Procedures.

- A. The ballots to be used at the election shall be in form and content as required by law.
- B. Pursuant to the requirements of Elections Code Sections 10002 and 10403, the City respectfully requests that the County’s governing Board of Supervisors consent and agree to the following:
 - 1. That the City-initiated ballot measure seeking approval of the Ordinance be included as part of the City’s November 5, 2024 General Municipal Election which is to be consolidated with the County-administered General Election of the same date as originally requested by the City Council’s prior approval of Resolution No. 10557 approved July 2, 2024 which called the City’s November 5, 2024 General Municipal Election for the election of various members to the City Council and for said election to be consolidated with the County-administered General Election of the same date; and
 - 2. That the County’s governing Board of Supervisors consent to having the County render full election services to the City as may be requested by the El Monte City Clerk (hereinafter, the “City Clerk”) with the understanding and agreement that the County will be reimbursed in full for all services provided; and
 - 3. That the requested election services include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, the preparation, printing, mailing and furnishing of vote-by-mail ballots, making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of El Monte; and the performance of such other election services as may be requested by the City Clerk.
- C. The City Clerk is authorized, instructed and directed to coordinate with the County of Los Angeles Registrar of Voters to procure and furnish any and all ballots, notices, printed matter and supplies, services, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- D. 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 Elections Code Section 10242, except as provided in Elections Code Section 14401.
- E. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for the holding of municipal elections in the City.
- F. Notice of the time, place, and holding of 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.
- G. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a ballot counting center designated by the County.

- H. The County is authorized to canvass the returns of the City's General Municipal Election.
- I. The City Clerk shall receive the canvass from the County as it pertains to the election on the measure, and shall certify the results to the City Council, as required by law.
- J. The City's General Municipal Election will be held and conducted in accordance with the provisions of law regulating such elections, including without limitation, Elections Code Section 10418.

SECTION 5. Arguments; Rebuttals and Impartial Analysis.

A. Direct Arguments For and Against the Measure.

1. The City Council acknowledge Elections Code Section 9282(b) and 9287 which provide as follows:
 - (a) When a measure is placed on the ballot by a legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or *bona fide* association of citizens, or a combination of voters and associations, may file a 300 word or less written argument in favor of the measure; and
 - (b) If more than one argument in favor of a measure is submitted, the City Clerk shall give preference and priority, in the order named, to the arguments submitted by the following person(s) and entities: (A) the legislative body, or member or members of the legislative body authorized by that body; (B) an individual voter, or *bona fide* association of citizens, or combination of a voter(s) and associations, who are the *bona fide* sponsors or proponents of the measure; (C) a *bona fide* associations of citizens; and (D) individual voters who are eligible to vote on the measure.

Provided such argument is submitted by or before the deadline for submitting ballot arguments, the City Council, by motion, reserves the right to designate and delegate one or more of its members to author an argument in favor of the City's measure and recognition of Elections Code Section 9283 which limits the number of signatories to the argument to five, prescribe a process or criteria for determining who should be selected to sign.

2. Arguments against the proposed ballot measure, if any, shall also be subject to the provisions of Elections Code 9282 and 9287.
3. The deadline date and time for submitting arguments for or against the measure to the City Clerk is **August 16, 2024 by 5:00 p.m.**, after which time no arguments for or against the measure will be accepted. Arguments for or against the measure **may not exceed 300 words** in length. Each argument shall be filed with the City Clerk, signed, and include 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.
4. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.

B. Rebuttal Arguments.

1. Pursuant to Elections Code Sections 9285 and 9287, when the City Clerk selects the arguments for and against the City-initiated measure to be printed and distributed to the voters, the City Clerk will send a copy of the argument in

favor of the measure to the authors of the argument against the measure, and a copy of the argument against to the authors of the argument in favor of the measure.

2. The authors of the respective arguments for and against the measure or persons designated by them may then prepare and submit rebuttal arguments not exceeding 250 words in length. The deadline for submitting rebuttal arguments to the City Clerk is **August 26, 2024 by 5:00 p.m.** after which time no rebuttal arguments will be accepted. 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.

C. City Attorney's Impartial Analysis. Pursuant to Elections Code Section 9280, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney so that the City Attorney may prepare an impartial analysis of the measure, not to exceed 500 words in length. The impartial analysis should explain what the measure will do if approved and enacted and how that impacts/changes existing law. The City Attorney shall transmit its impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the ballot measure as provided by law. The Impartial Analysis shall be filed no later than **August 16, 2024**. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold 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. Delivery of Materials. Any materials that must be submitted to the City Clerk must be delivered in person to the Office of the City Clerk located at 11333 Valley Boulevard, El Monte, California 91731. Except as otherwise provided in this paragraph, materials delivered to the City Clerk must be delivered during regular business hours, which are Monday through Thursday from 7:00 A.M. to 5:30 P.M. For the submission of rebuttal arguments only, the City Clerk's Office will be open on Friday, August 26, 2024 from 7:00 A.M. to 5:00 P.M.

SECTION 7. Placement on the Ballot. The full text of the Ordinance shall not be printed in the voter information guide, and a statement shall be printed in the ballot pursuant to Elections Code Section 9223 advising voters that they may obtain a copy of this ordinance/measure at no cost, upon request made to the City Clerk.

SECTION 8. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Ordinance to the Clerk of the County's governing Board of Supervisors and to the Registrar-Recorder/County Clerk for the County of Los Angeles.

SECTION 9. Public Examination. Pursuant to Elections Code Section 9295, this measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

SECTION 10. CEQA. The City Council hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

SECTION 11. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable.

The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 12. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption. The City Clerk is hereby directed to file a certified copy of this Resolution with the County’s governing Board of Supervisors and the Registrar-Recorder/County Clerk for the County of Los Angeles.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at its special meeting on this 16th day of July 2024.



Jessica Ancona, Mayor
City of El Monte

ATTEST:



Gabriel Ramirez, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Gabriel Ramirez, City Clerk of the City of El Monte, do hereby certify that the above and foregoing Resolution No. 10561 was passed, approved, and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a meeting of said City Council of the City of El Monte held on this 16th day of July 2024, and that said Resolution was adopted by the following votes to wit:

AYES: Mayor Ancona, Mayor Pro Tem Dr. Ruedas, Councilmembers Cortez,
Herrera, Martinez Muela, Puente and Rojo

NOES: None

ABSTAIN: None

ABSENT: None



Gabriel Ramirez, City Clerk
City of El Monte

ORDINANCE NO. 3038

AN ORDINANCE OF THE PEOPLE OF THE CITY OF EL MONTE, CALIFORNIA INCREASING TO THREE-QUARTERS OF A PERCENT (3/4%) THE CITY'S EXISTING GENERAL PURPOSE HALF-PERCENT (1/2%) TRANSACTIONS (SALES) AND USE TAX CODIFIED UNDER TITLE 3, CHAPTER 3.14 OF THE EL MONTE MUNICIPAL CODE AND EXTENDING THE SAME INDEFINATELY UNTIL ENDED BY THE VOTERS

WHEREAS, pursuant to Revenue and Taxation Code Section 7285.9 et seq., the City of El Monte ("City") has the authority to collect a local transaction and use tax and to increase that transactions and use tax; and

WHEREAS, pursuant to Elections Code Section 9222, the El Monte City Council ("City Council") has the authority to submit measures to be considered by El Monte voters at a municipal election; and

WHEREAS, pursuant to Chapter 3.14 (Temporary Transactions and Use Tax) of Title 3 (Revenue and Finance) of the El Monte Municipal Code, the City currently levies a voter-approved half-cent (\$0.005) or half-percent (1/2%) transactions and use tax, the proceeds of which are deposited into the general fund to be used for any general municipal purpose, including but not limited to providing services, such as police and fire service; and street, sidewalk, parks and recreation program, infrastructure maintenance etc.; and

WHEREAS, the City's half-percent (1/2%) transactions and use tax was set to sunset on March 31, 2029 unless extended by El Monte voters; and

WHEREAS, the City Council now desires to submit to the voters an ordinance extending the life of the City's existing transactions and use tax indefinitely until ended by the voters and increasing the tax rate, currently set at a half-percent (1/2%), by an additional one-quarter of a percent (1/4%) such that the new tax rate will be three-quarters (3/4%); and

WHEREAS, pursuant to Government Code Sections 53723 and 53724(b), Revenue and Taxation Code Section 7285.9, and Section 2(b) of Article XIIC of the California Constitution, any proposed increase or extension of the City's general purpose transactions and use tax must be approved by ordinance approved by two-thirds of all the members of the City Council (i.e., by at least 5 "yes" votes), subject also to approval by El Monte voters by a simple majority of votes cast (50% plus 1) at a City election that is consolidated with a regularly-scheduled General Municipal Election for members of the City Council; and

WHEREAS, at its Regular Meeting of July 16, 2024, the City Council, in compliance with Government Code Sections 53723 and 53724(b), Revenue and Taxation Code Section 7285.9, and Section 2(b) of Article XIIC of the California Constitution, approved this Ordinance, subject to voter approval its regularly-scheduled November 5, 2024 General Municipal Election which was consolidated with the statewide general election of the same date administered by the Registrar-Recorder/County Clerk for the County of Los Angeles (hereinafter, "the County"); and

WHEREAS, at the same July 16, 2024 Regular Meeting, the City Council approved City Resolution 10561 which (i) called and gave notice of the submission to El Monte voters of a ballot measure to increase the City's 1/2% transactions and use tax to 3/4% and to extend the tax indefinitely; (ii) acknowledged approval of this Ordinance by the City Council; (iii) ordered that the ballot measure be submitted as part of the City's November 5, 2024 General Municipal Election which was consolidated with the County-administered General Election of the same date; (iv) requested inclusion of the ballot measure with the City's prior consolidate request; (v) requested the County provide administrative services and support for its General Municipal Election, inclusive of the ballot measure; and (vi) setting priorities for the submission of arguments and rebuttals and ordering the preparation of the City Attorney's Impartial Analysis; and

WHEREAS, the ballot measure seeking approval of this Ordinance was given the letter designation Measure “ _____ ” which presented the following question to El Monte voters:

Keep El Monte Sales Tax Revenues Local Measure To preserve funding for various City services and goals like fire protection; graffiti removal; street and sidewalk repair; park maintenance and enhancements; youth and senior programs; building “rainy day” reserves and any other general governmental purpose, shall the City’s 1/2% transactions and use tax be increased to 3/4% and extended indefinitely until ended by voters to raise an additional \$3,500,000 annually?	YES
	NO

WHEREAS, as required by Government Code Sections 53723 and 53724(b), Revenue and Taxation Code Section 7285.9, and Section 2(b) of Article XIII C of the California Constitution, the ballot measure seeking approval of this Ordinance was approved by a majority of votes cast at the City’s General Municipal Election of November 5, 2024 by a margin of _____% “Yes” and _____% “No”.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, ACTING WITH THE CONSENT OF THE VOTERS FOLLOWING A NOVEMBER 7, 2017 SPECIAL MUNICIPAL ELECTION, HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The title of Chapter 3.14 (Temporary Transactions and Use Tax) of Title 3 (Revenue and Finance) of the El Monte Municipal Code is hereby renamed as follows:

Chapter 3.14 TRANSACTIONS AND USE TAX

SECTION 2. Section 3.14.010 (Title) through Section 3.14.130 of Chapter 3.14 (Transactions and Use Tax) of Title 3 (Revenue and Finance) of the El Monte Municipal Code are hereby amended in their entirety to now state the following:

3.14.010 Title.

This chapter shall be known as the "El Monte Transactions and Use Tax Ordinance." The City of El Monte hereinafter shall be referred to as "City." This Chapter shall be applicable in the incorporated territory of the City.

3.14.020 Operative Date and Indefinite Duration of Tax.

- A. *The transactions and use tax codified under this Chapter was first approved by El Monte voters at its General Municipal Election of November 4, 2008 and pursuant to Revenue and Taxation Code Section 7265 became operative on the first day of the calendar quarter commencing 110 days after its adoption, April 1, 2009 (hereinafter, the “operative date”).*
- B. *At the City’s General Municipal Election of November 5, 2024, El Monte voters approved ballot Measure ____, which approved Ordinance No. 3038 which increases the City’s transactions and use tax rate from a half percent (½%) to three-quarters of a percent (¾%) and which also repeals the taxes March 31, 2029 sunset date such that the tax has become indefinite and will only end (expire) when repealed by El Monte voters. Paragraph A of this section notwithstanding, the operative date of the increased three-quarters percent (¾%) transactions and use tax rate shall, pursuant to Revenue and Taxations Code Section 7265, be the first day of the calendar quarter commencing 110 days after the adoption of Ordinance No. 3038.*

3.14.030 Purpose.

This Chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transaction and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.14.040 Contract with State

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.14.050 Transactions and Use Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the incorporated territory of the City at the rate of three-quarters of a percent (3/4%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of the ordinance codified in this chapter.

3.14.060 Place of sale.

For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be

determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

3.14.070 Use of Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of three quarters of a percent (3/4%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.14.080 Adoption of provisions of state law.

Except as otherwise provided in this Chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3.14.090 Limitations on Adoption of State law and collection of use taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

- 1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;*
- 2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.*
- 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:*
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;*
 - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.*
- 4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.*

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

1. *"A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.*

3.14.100 Permit not required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

3.14.110 Exemptions and exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. *Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.*
2. *Sales of property to be used outside the City, which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:*
 - a. *With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and*
 - b. *With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.*
3. *The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.*

4. *A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.*
5. *For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.*

C. *There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:*

1. *The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.*
2. *Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.*
3. *If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.*
4. *If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.*
5. *For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.*
6. *Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.*
7. *"A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented*

vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.14.120 Amendments.

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3.14.130 Enjoining collection forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION 3. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 4. DATE; CONFLICTING MEASURES.

- A. If the ballot measure seeking approval of this Ordinance is approved by El Monte voters, the transactions and use tax rate set forth under Chapter 3.14 of the El Monte Municipal Code will increase to three-quarters of a percent (3/4%) and the March 31, 2029 sunset (expiration) date will be repealed such that the tax at the new increased rate will be for an indefinite duration (term) and will continue until repealed by El Monte voters. The tax rate increase will take effect according to the timing prescribed by Revenue and Taxation Code Section 7265. If the measure seeking approval of this Ordinance is not approved by El Monte voters, this Ordinance shall be rendered inoperative and void, however, the defeat of the measure shall not operate to extinguish or amend the existing transaction and use tax as presently constituted and last approved by El Monte voters at the City's Special Municipal Election held November 7, 2017.
- B. Consistent with Elections Code Section 9221, if the ballot measure seeking approval of this Ordinance receives a higher number of affirmative votes than any other ordinance containing provisions that conflict with this Ordinance, the ballot measure seeking approval of this Ordinance shall be adopted in lieu of the other ballot measure(s).

SECTION 1. CEQA. This Ordinance and the contemplated levy of the transactions and use tax referenced herein is not a "project" within the meaning of the California Environmental Quality Act codified as 21000 et seq. of the California Public Resources Code ("CEQA") because it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor does it involve any commitment to any

SECTION 2. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be published pursuant to California Government Code Section 36933 following approval by El Monte voters at the City's General Municipal Election of November 5, 2024.

Jessica Ancona, Mayor
City of El Monte

Gabriel Ramirez, City Clerk

City of El Monte)
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

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RECEIVED

By Anjanette Allen at 10:27 am, Jul 08, 2024



11333 Valley Boulevard
El Monte, CA 91731



(626) 580 - 2020



gcontreras@elmonteca.gov



elmonteca.gov

July 3, 2024

Mr. Dean C. Logan
Registrar-Recorder/County Clerk
Election Coordination Unit
12400 Imperial Highway, 2nd Floor, Room 2013A
Norwalk, CA 90650
Email: ecu@rrcc.lacounty.gov

RE: City of El Monte Election Resolution for the November 5, 2024 General Election

Dear Mr. Dean C. Logan:

Pursuant to the County of Los Angeles General Election Municipal Information Booklet for the November 5, 2024 Election, enclosed is a certified copy of the City of El Monte's Resolution No. 10557:

"A Resolution of the City Council of the City of El Monte, California (1) Calling for and Giving Notice of a General Municipal Election to Be Held on Tuesday, November 5, 2024; (2) Requesting that the Board of Supervisors of the County of Los Angeles Grant the City's Request for Consolidation of Said General Municipal Election with the November 5, 2024 Statewide General Election Administered by the Registrar-Recorder/County Clerk of the County of Los Angeles ("County Clerk"); (3) Requesting that the County Clerk Provide Specific Election Administration Services in Connection with the City's General Municipal Election; and (4) Adopting Regulations for Candidates for Elective Office Regarding Candidate Statements"

which was approved and adopted at a regular meeting of the El Monte City Council held on July 2, 2024.

Should you have any questions or need any additional information, please do not hesitate to contact this office at (626) 580-2016 during normal business hours, Monday through Thursday, between the hours of 7:00 am to 5:30 pm.

Respectfully,

A blue ink handwritten signature, appearing to read "Griselda Contreras".


Griselda Contreras
Chief Deputy City Clerk/Records Manager

"The Friendly City of El Monte"



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF EL MONTE)

I, GRISELDA CONTRERAS, Chief Deputy City Clerk/Records Manager for the City of El Monte, do hereby certify this to be a true and correct copy of Resolution No. 10557 "A Resolution of the City Council of the City of El Monte, California (1) Calling for and Giving Notice of a General Municipal Election to Be Held on Tuesday, November 5, 2024; (2) Requesting that the Board of Supervisors of the County of Los Angeles Grant the City's Request for Consolidation of Said General Municipal Election with the November 5, 2024 Statewide General Election Administered by the Registrar-Recorder/County Clerk of the County of Los Angeles ("County Clerk"); (3) Requesting that the County Clerk Provide Specific Election Administration Services in Connection with the City's General Municipal Election; and (4) Adopting Regulations for Candidates for Elective Office Regarding Candidate Statements" approved and adopted at a Regular Meeting of the City Council held on Tuesday, July 2, 2024, as per Item 14.1 as listed on the El Monte City Council Agenda.



Griselda Contreras
Chief Deputy City Clerk/Records Manager
City of El Monte California

RESOLUTION NO. 10557

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA (1) CALLING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024; (2) REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES GRANT THE CITY'S REQUEST FOR CONSOLIDATION OF SAID GENERAL MUNICIPAL ELECTION WITH THE NOVEMBER 5, 2024 STATEWIDE GENERAL ELECTION ADMINISTERED BY THE REGISTRAR-RECORDER/COUNTY CLERK OF THE COUNTY OF LOS ANGELES ("COUNTY CLERK"); (3) REQUESTING THAT THE COUNTY CLERK PROVIDE SPECIFIC ELECTION ADMINISTRATION SERVICES IN CONNECTION WITH THE CITY'S GENERAL MUNICIPAL ELECTION; AND (4) ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE REGARDING CANDIDATE STATEMENTS

WHEREAS, to address declining voter turnout in federal, state, and municipal elections, the California Legislature adopted Senate Bill 415 ("SB 415"), which was signed into law by Governor Jerry Brown on September 1, 2015. SB 415 restricts cities from holding an election on any date other than a statewide election date beginning in 2018; and

WHEREAS, to comply with SB 415, the City Council of the City of El Monte ("City Council") adopted Ordinance No. 2885 on July 5, 2016, to set the date of its regular General Municipal Elections to coincide with the statewide election date of the Tuesday following the first Monday in November of even-numbered years beginning in 2018. The Los Angeles County Board of Supervisors (the "Board of Supervisors") approved the City's request to change election dates on September 6, 2016; and

WHEREAS, on April 5, 2022, the City Council approved Ordinance No. 3010 ("Ordinance No. 3010") which, beginning with the November 2022 General Municipal Election cycle, changed the composition of the City Council and the manner in which certain City Council members are elected to office; and

WHEREAS, prior to the enactment of Ordinance No. 3010, the City Council was composed of five (5) members total made up of four (4) regular City Council members elected at-large who serve staggered four-year terms of office; plus one (1) Mayor elected at-large who serves a two-year term of office; and

WHEREAS, under Ordinance No. 3010, the City Council will be composed of seven (7) members total made up of six (6) regular City Council members elected by districts who will serve staggered four-year terms of office and one (1) Mayor who continues to be elected at-large, serving a two-year term of office (A map of the City Council districts is attached and incorporated hereto as **Exhibit "A"**); and

WHEREAS, the regular City Council seats for Districts 2, 3, 5 and 6 were the first seats to be up for election with the November 2022 election cycle while the regular City Council seats for Districts 1 and 4 are to be up for election with the upcoming November 2024 election cycle in order to achieve staggering of regular City Council seats; and

WHEREAS, to achieve balanced staggering of the regular City Council seats the term of office for the District 5 City Council seat was for an abbreviated two-year term of office for the November 2022 election cycle and is now up for election again, along with districts 1 and 4 for the November 2024 election; and

WHEREAS, the election for the District 5 seat shall now be for a full four-year term of office like the City Council seats for the other Districts; and

WHEREAS, under the provision of the laws relating to general law cities in the

State of California, the City's next General Municipal Election will be held on Tuesday, November 5, 2024 (said election hereinafter referred to as the "2024 City Election"), for the election of a Mayor and the election of Councilmembers for Districts 1, 4 and 5; and

WHEREAS, it is desirable that the City's 2024 City Election be consolidated with the Statewide General Election administered by the Registrar-Recorder/County Clerk for the County of Los Angeles ("County Clerk") 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 desires that the County Clerk canvass the returns of the 2024 City Election; and

WHEREAS, the City seeks the provision of election services from the County Clerk relating to the conduct of the 2024 City Election; and

WHEREAS, the City Council further requests the printing of the information for the 2024 City Election, 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 Clerk for all necessary expenses incurred by the County Clerk in performing election services for the City; and

WHEREAS, Section 15651(a) of the Elections Code provides that the City Council may resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office by lot.

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

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. 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 November 5, 2024, General Municipal Election for the City of El Monte, as referenced in the recitals above, to be held in the City of El Monte for the purpose of electing the following municipal officers:

- A. *One (1) Mayor elected at-large from the entire City who will serve a two-year term of office; and*
- B. *One (1) regular City Council member elected by-districts for **City Council District 1** who will serve a four-year term of office; and*
- C. *One (1) regular City Council member elected by-districts for **City Council District 4**; and*
- D. *One (1) regular City Council member elected by-districts for **City Council District 5** who will serve a four-year term of office.*

SECTION 3. Pursuant to the requirements of Elections Code Section 10403, it is respectfully requested that the Board of Supervisors consent and agree to the consolidation of the 2024 City Election with the County Clerk-administered Statewide General Election to be held November 5, 2024.

SECTION 4. In connection with the County Clerk's administration of the 2024 City Election, the City further requests that the County be authorized and directed to: (a) review and verify absentee voter applications and signatures; (b) conduct registered

voter verifications (including signature verifications); (c) provide the City with the appropriate election precinct data, to the extent required; (d) provide election facilities, ballot casting equipment, and assistance as may be necessary to conduct the election in compliance with state law and the Board of Supervisors' approval; (e) canvass the election returns; (f) print and supply ballots for the election and voting equipment; (g) mail the City's sample ballots; and (h) administer the 2024 City Election in all respects as if it were part and parcel of any other County Clerk-administered election of the same date, 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 5. The City shall reimburse the County Clerk for any costs associated with the administration of the 2024 City Election.

SECTION 6. The City hereby consents to have the 2024 City Election consolidated with the County Clerk-administrated Statewide General Election of November 5, 2024, and that the 2024 City Election be administered by the County Clerk as if it were part and parcel of County Clerk-administered Statewide General Election of the same date.

SECTION 7. 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 2024 City Election with the County-administered election of the same date.

SECTION 8. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, district data, printed material and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the 2024 City Election.

SECTION 9. The polls for the 2024 City 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, unless otherwise directed by the County Clerk, in accordance with state law.

SECTION 10. The City Council authorizes the City Clerk to cooperate and coordinate with the County Clerk in the administration of 2024 City Election and further authorizes the City Clerk to see that all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill by the County Clerk.

SECTION 11. Pursuant to Section 13307 of the Elections Code, each candidate for elective office to be voted for at the 2024 City Election may prepare a candidate statement on a form acceptable to the County Clerk and made available through the City Clerk.

SECTION 12. Pursuant to Section 13307(a)(1) of the Elections Code candidate statements for the 2024 City Election may include the following:

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

SECTION 13. Pursuant to Elections Code Section 13307(a)(1), candidate statements for the 2024 City Election shall not include the following:

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

SECTION 14. Pursuant to Section 13307(c) of the California Elections Code, the City Council authorizes the preparation of candidate statements for nonpartisan elective office for the purpose of electronic distribution. Candidates will prepare statements for

electronic distribution pursuant to Section 13307(a) of the Elections Code. A statement prepared pursuant to this subdivision shall be posted on the internet website of the County Elections Official. Pursuant to Section 13307.7(a) of the Elections Code, candidates shall provide payment of the requisite fee to cover the duties and procedures set forth in Sections 13307(b) and (d) of the Elections Code.

SECTION 15. 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 16. 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 until 5:00 p.m. of the next working day after the close of the nomination period, August 9, 2024.

SECTION 17. 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 18. 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 19. Each candidate for any of the offices to be elected at the 2024 City Election, 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 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 El Monte 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 20. The City Clerk shall provide each candidate or candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 21. Pursuant to Section 15651(a) of the Elections Code the City Council shall resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office by lot.

SECTION 22. 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 23. 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 24. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 25. That the City Clerk shall forward without delay, a copy of this Resolution to Board of Supervisors and the County Clerk.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of El Monte at the adjourned regular meeting of this 2nd day of July 2024.



Jessica Ancona, Mayor
City of El Monte

ATTEST:



Gabriel Ramirez, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Gabriel Ramirez, City Clerk of the City of El Monte, do hereby certify that the above and foregoing Resolution No. 10557 was passed, approved, and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at an adjourned regular meeting of said City held on this 2nd day of July 2024, and that said Resolution was adopted by the following votes to wit:

AYES: Mayor Ancona, Mayor Pro Tem Dr. Ruedas, Councilmembers Cortez, Herrera, Martinez Muela, Puente and Rojo

NOES: None

ABSTAIN: None

ABSENT: None



Gabriel Ramirez, City Clerk
City of El Monte