

RESOLUTION NO. CC-0212-094

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE CALIFORNIA,
RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION
HELD ON NOVEMBER 5, 2002, DECLARING THE RESULT
AND SUCH OTHER MATTERS AS PROVIDED BY LAW**

WHEREAS, a Special Municipal Election was held and conducted in the City of Lawndale, California, on Tuesday, November 5, 2002, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to Resolution No. CC-0208-061 adopted August 5, 2002, the County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

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

SECTION 1. That the whole number of ballots cast in the precincts except absent voter ballots and provisional ballots was 3,163.

That the whole number of absent voter ballots cast in the City was 696, making a total of 3,859 ballots cast in the City.

SECTION 2. That the measure voted upon at the election is as follows:

"Shall Ordinance No. 920-02 be adopted, to do the following: repeal in its entirety Chapter 2.74 of the Lawndale Municipal Code, which prohibits the redevelopment agency from using its power of eminent domain to acquire property which is zoned for residential purposes or developed with residential structures of 4 units or less? And (2) Shall the City Council be directed to amend the General Plan to permit the use of eminent domain to eliminate blight only in commercial and industrial, but not residential zones, within the redevelopment project area?"

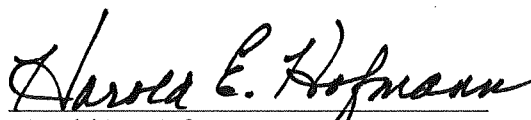
SECTION 3. That the number of votes given at each precinct and the number of votes given in the City for and against the measure were as listed in Exhibit "A", attached.

SECTION 4. The City Council does declare and determine that as a result of the election, a majority of the voters voting on the measure relating to eminent domain did not vote in favor of it, and that the measure was not carried, and shall not be deemed adopted and ratified.

SECTION 5. The City's Elections Official shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) the whole number of (ballots) cast in the City; (2) the measure voted upon; (3) the number of votes given at each precinct for and against the measure; and (4) the total number of votes given for and against the measure.

SECTION 6. 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 the 16th day of December, 2002.

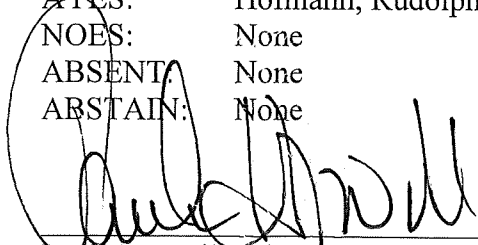

Harold E. Hofmann, Mayor

ATTEST:


State of California)
County of Los Angeles) SS
City of Lawndale)

I, Paula Hartwill, City Clerk of the City of Lawndale, do hereby certify that the foregoing Resolution No. CC-0212-094 was duly approved and adopted by the City Council of the City of Lawndale at a regular meeting of said Council held on the 16th day of December, 2002, by the following roll call vote:

AYES: Hofmann, Rudolph, McKee, Roth, Ramsey
NOES: None
ABSENT: None
ABSTAIN: None


Paula Hartwill, City Clerk

APPROVED AS TO FORM


William W. Wynder, City Attorney

**Los Angeles County
Registrar-Recorder/County Clerk**

Certificate of the canvass of the election returns

I, CONNY B. McCORMACK, Registrar-Recorder/County Clerk of the County of Los Angeles, of the State of California, DO HEREBY CERTIFY that pursuant to the provisions of Section 15300 et seq. of the California Elections Code, I did canvass the returns of the votes cast for each elective office and/or measure(s) in the

LAWNDALE CITY

At the General Election, held on the 5th day of November, 2002.

I, FURTHER CERTIFY that the Statement of Votes Cast, to which this certificate is attached, shows the total number of ballots cast in said jurisdiction, and the whole number of votes cast for each candidate and/or measure(s) in said jurisdiction in each of the respective precincts therein, and the totals of the respective columns and the totals as shown for each candidate and/or measure(s) are full, true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 2nd day of December, 2002.



Conny B. McCormack
CONNY B. McCORMACK
Registrar-Recorder/County Clerk
County of Los Angeles

LAWDALE CITY SPECIAL MUNI MEASURE N

YES

NO

FINAL OFFICIAL STATEMENT OF VOTES CAST

CITY/PREC	REGISTRATION	BALLOTS CAST	YES	NO
LAWDALE 3650001A	839	283	112	150
LAWDALE 3650002A	1016	328	115	195
LAWDALE 3650004A	920	276	115	129
LAWDALE 3650005A	885	265	109	126
LAWDALE 3650006A	920	331	114	194
LAWDALE 3650007A	934	287	106	162
LAWDALE 3650009A	911	304	82	198
LAWDALE 3650012A	928	282	79	179
LAWDALE 3650014A	916	264	89	150
LAWDALE 3650015A	932	250	104	133
LAWDALE 3650018A	955	293	106	168
PRECINCT TOTAL VOTE	10156	3163	1131	1794
ABSENTEE TOTAL VOTE	0	696	288	354
GRAND TOTAL VOTE	10156	3859	1419	2148



CITY OF LAWNDALE

14717 BURIN AVENUE, LAWNDALE, CALIFORNIA 90260
PHONE (310) 970-2100, FAX (310) 644-4556

DATE: December 16, 2002
TO: Honorable Mayor and City Council
FROM: Paula Hartwill, City Clerk *PH*
PREPARED BY: Pamela L. Giamario, Assistant City Clerk *mg*
SUBJECT: November 2002 Special Municipal Election - Certification of Results

BACKGROUND

On August 5, 2002, the City Council called for a special municipal election to be held in consolidation with the statewide general election on November 5, 2002, for the purpose of putting to the electorate a ballot measure pertaining to the use of eminent domain.

STAFF REVIEW

On November 5, 2002, 3,859 of the 10,156 registered voters (a turnout of 38%) voted on Lawndale's Measure N. The measure was worded as follows: "Shall Ordinance No. 920-02 be adopted, to do the following: repeal in its entirety Chapter 2.74 of the Lawndale Municipal Code, which prohibits the redevelopment agency from using its power of eminent domain to acquire property which is zoned for residential purposes or developed with residential structures of 4 units or less? And (2) Shall the City Council be directed to amend the General Plan to permit the use of eminent domain to eliminate blight only in commercial and industrial, but not residential zones, within the redevelopment project area?"

Following the election, and pursuant to Resolution No. CC-0208-061, the returns of the election were canvassed by the county elections official. On Monday, December 2, 2002, Registrar-Recorder/County Clerk Conny B. McCormack certified the results of the election, which confirmed that Measure N was not approved by a vote of 2,148 against and 1,419 for, and was, therefore, not adopted and ratified.

Once the canvass of the election is complete and an official statement of results is forwarded to the City, the City Council must formally declare the results of the election. Resolution No. CC-0212-094 has been prepared for this purpose (see attachment 1) and is ready for adoption.

In addition, Ordinance No. 920-02 will be placed in the City Council's legislative record as not having been adopted by the people of the city (see attachment 2).

COMMISSION REVIEW

None required

LEGAL REVIEW

The City Attorney has reviewed Resolution No. CC-0212-094 and approves it as to form.

FUNDING

None required

RECOMMENDATION

The City Clerk recommends that the City Council certify the results of the November 5, 2002 Special Municipal Election by adopting Resolution No. CC-0212-094.

Attachments: Resolution No. CC-0212-094
 Ordinance No. 920-02

**Los Angeles County
Registrar-Recorder/County Clerk**

Certificate of the canvass of the election returns

I, CONNY B. McCORMACK, Registrar-Recorder/County Clerk of the County of Los Angeles, of the State of California, DO HEREBY CERTIFY that pursuant to the provisions of Section 15300 et seq. of the California Elections Code, I did canvass the returns of the votes cast for each elective office and/or measure(s) in the

LAWNDALE CITY

At the General Election, held on the 5th day of November, 2002.

I, FURTHER CERTIFY that the Statement of Votes Cast, to which this certificate is attached, shows the total number of ballots cast in said jurisdiction, and the whole number of votes cast for each candidate and/or measure(s) in said jurisdiction in each of the respective precincts therein, and the totals of the respective columns and the totals as shown for each candidate and/or measure(s) are full, true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 2nd day of December, 2002.



Conny B. McCormack

CONNIE B. McCORMACK
Registrar-Recorder/County Clerk
County of Los Angeles

LAWDALE CITY SPECIAL MUNI MEASURE N

YES

NO

FINAL OFFICIAL STATEMENT OF VOTES CAST

CITY/PREC	REGISTRATION	BALLOTS CAST	YES	NO
LAWDALE 3650001A	839	283	112	150
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ABSENTEE TOTAL VOTE	0	696	288	354
GRAND TOTAL VOTE	10156	3859	1419	2148

LAWDALE CITY SPECIAL MUNI MEASURE N

YES

NO

FINAL OFFICIAL STATEMENT OF VOTES CAST

CITY/PREC	REGISTRATION	BALLOTS CAST	YES	NO
COUNTYWIDE	10156	3163	1131	1794
COUNTYWIDE	0	696	288	354
ABSENTEE VOTE				
TOTAL	10156	3859	1419	2148
35TH US CONGRESSIONAL	10156	3163	1131	1794
35TH US CONGRESSIONAL	0	696	288	354
ABSENTEE VOTE				
TOTAL	10156	3859	1419	2148
25TH STATE SENATE	10156	3163	1131	1794
51ST STATE ASSEMBLY	10156	3163	1131	1794
51ST STATE ASSEMBLY	0	696	288	354
ABSENTEE VOTE				
TOTAL	10156	3859	1419	2148
2ND SUPERVISORIAL	10156	3163	1131	1794
2ND SUPERVISORIAL	0	696	288	354
ABSENTEE VOTE				
TOTAL	10156	3859	1419	2148

Not Adopted
ORDINANCE NO. 920-02

**AN ORDINANCE OF THE PEOPLE
OF THE CITY OF LAWNSDALE, CALIFORNIA,
REPEALING CHAPTER 2.74 FROM THE LAWNSDALE MUNICIPAL CODE
PERTAINING TO THE POWERS OF THE
LAWNSDALE REDEVELOPMENT AGENCY**

WHEREAS, on or about April 12, 1994, the voters of the City of Lawnsdale enacted Chapter 2.74 into the Lawnsdale Municipal Code; and

WHEREAS, Chapter 2.74 purports to restrict the authority of the Lawnsdale Redevelopment Agency to use its power of eminent domain to acquire property which is zoned for residential purposes or which is developed with residential structures of four units or less; and

WHEREAS, since enactment of Chapter 2.74, the Lawnsdale Redevelopment Agency has adopted the Redevelopment Plan for the Lawnsdale Economic Revitalization Project and has formed the Lawnsdale Economic Revitalization Project Area; and

WHEREAS, the voters of the City of Lawnsdale approved the expenditure of not to exceed \$15 million for the revitalization of the Hawthorne Boulevard; and

WHEREAS, on or about June 7, 1999, the City Council adopted the Hawthorne Boulevard Specific Plan, which plan is intended to facilitate the redevelopment and revitalization of the central business corridor within the City of Lawnsdale; and

WHEREAS, this Hawthorne Boulevard business corridor is located entirely within the Redevelopment Agency's project area; and

WHEREAS, the Redevelopment Agency does not currently possess the power to assemble sites through the use of the constitutional process commonly referred to as eminent domain; and

WHEREAS, recently the Redevelopment Agency directed its staff to undertake the process of assembling sites so as to take advantage of commercial and other business revitalization opportunities within the Hawthorne Boulevard business corridor; and

WHEREAS, staff have reported to the Redevelopment Agency that without the powers of eminent domain, staff have been required to offer premium prices to commercially and industrially zone properties within the Hawthorne Boulevard business corridor; and

WHEREAS, staff have further reported that, without the power of eminent domain, the site assemblage powers of the Lawnsdale Redevelopment Agency are greatly limited; and

WHEREAS, the Redevelopment Agency Board of Directors has charged its staff with preparing appropriate amendments to the existing Redevelopment Plan to confer limited powers

of eminent domain upon the Redevelopment Agency only with respect to properties within the project area that are zoned for commercial or industrial land uses; and

WHEREAS, there is a legal question whether the voters of the City of Lawndale can, through enactment of a chapter to the Municipal Code, restrict the use of eminent domain powers on the part of the Lawndale Redevelopment Agency; and

WHEREAS, Lawndale Municipal Code regulates and limits the powers and authorities of the City of Lawndale; and

WHEREAS, the Lawndale Redevelopment Agency is a political subdivision of the State of California, whose powers, duties, and prerogatives are controlled by the California Community Redevelopment Law; and

WHEREAS, to eliminate any legal dispute regarding the authority of the Lawndale Redevelopment Agency, repeal of Chapter 2.74 is both prudent and appropriate.

THE PEOPLE OF THE CITY OF LAWDALE, CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.74 of the Lawndale Municipal Code is hereby repealed in its entirety.

SECTION 2. The City Clerk shall certify to the passage of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at the City Hall, the Civic Center building and the United States Post Office, Lawndale Branch.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2002.

Not Adopted

Harold E. Hofmann, Mayor

ATTEST:

State of California)
County of Los Angeles) SS
City of Lawndale)

I, Paula Hartwill, City Clerk of the City of Lawndale, California, do hereby certify that the foregoing Ordinance No. 920-02 was not approved and not adopted by the people of the City of Lawndale at a special municipal election held on the 5th day of November 5, 2002.

Paula Hartwill, City Clerk

APPROVED AS TO FORM:

William W. Wynder, City Attorney