December 7, 2022 City Council Regular Meeting

Agenda Item No. 2C

ADOPTING A RESOLUTION CERTIFYING THE RESULTS OF THE NOVEMBER 8, 2022 GENERAL AND SPECIAL MUNICIPAL ELECTIONS

City Council Staff Report

DATE: December 7, 2022

AGENDA ITEM NO: Consent Calendar - 2C

TO: The Honorable Mayor and City Council

FROM: Vincent D. Chang, City Clerk

SUBJECT: Adopting a Resolution Certifying the Results of the November 8, 2022 General and Special Municipal Elections.

RECOMMENDATION:

It is recommended that the City Council consider:

(1) Adopting a resolution certifying the results of the November 8, 2022 General and Special Municipal Elections;

(2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City held the General and Special Municipal Elections on November 8, 2022. Three individuals were elected to the City Council from Districts 1 and 5 for a term of four years; from District 3 for a term of two years; a City Clerk and a City Treasurer for a term of four years. Additionally, voters considered a ballot proposition, Measure MP, regarding a general tax. The election was consolidated with the Statewide General Election.

BACKGROUND:

On June 1, 2022, the City Council called for the General and Special Municipal Elections to be held on November 8, 2022 to elect three individuals to the City Council from Districts 1, 3, and 5, a City Clerk and a City Treasurer. Additionally, on July 20, 2022, one proposition was placed on the ballot: Measure MP to approve a general tax. The ballot proposition requires a majority vote for passage.

Following election results, Thomas Wong was elected to the City Council, District 1; Jose Sanchez was elected to the City Council, District 3; Vinh Ngo was elected to the City Council, District 5; Maychelle Yee was elected as City Clerk; and Amy Lee was elected as City Treasurer. Measure MP was adopted by majority of the votes.

Following adoption of this resolution certifying the results of the City of Monterey Park General Municipal Election, the City Clerk will administer the Oath of Office and present a certificate of election to the elected office holders as required by the California Election Code. Immediately after, the council members may assume their elected office.

FISCAL IMPACT:

$211,200 is budgeted from the General Fund in the Fiscal Year 2022-2023 budget for expenditures associated with the November 8, 2022 general and special municipal elections.

Respectfully submitted by:

Vincent D. Chang
City Clerk

Prepared by:

Cindy H. Trang
Deputy City Clerk

Reviewed by:

Inez Alvarez
Assistant City Manager

Reviewed by:

Ron Bow
City Manager

Reviewed by:

Karl H. Berger
City Attorney

Attachments:

1. Draft Resolution
2. Measure MP - Ordinance No. 2225

ATTACHMENT 1
Draft Resolution

RESOLUTION NO.

A RESOLUTION DECLARING THE RESULTS OF THE GENERAL AND SPECIAL MUNICIPAL ELECTIONS HELD NOVEMBER 8, 2022.

The City Council of the city of Monterey Park does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

A. General and Special Municipal Elections were held in the City of Monterey Park on Tuesday, November 8, 2022, as required by law;

B. Notice of these elections were given in the manner provided by law;

C. Pursuant to Elections Code § 10262(b), the City Clerk (as the City's Election Official) certified the results of the General Municipal Election as set forth in attached Exhibit "A," which is incorporated by reference.

D. This Resolution is adopted in accordance with Elections Code § 10263.

SECTION 2: Citywide, the whole number of ballots cast at the precincts, except vote-by-mail ballots and provisional ballots, was 2,087. The number of vote-by-mail ballots and provisional ballots cast in the City was 10,693, making a total of 12,780 ballots cast in the City.

A. For District 1, the whole number of ballots cast at the precincts, except vote-by-mail ballots and provisional ballots, was 394. The number of vote-by-mail ballots and provisional ballots cast in District 1 was 2,205, making a total of 2,599 ballots cast in District 1.

B. For District 3, the whole number of ballots cast at the precincts, except vote-by-mail ballots and provisional ballots, was 503. The number of vote-by-mail ballots and provisional ballots cast in District 3 was 2,193, making a total of 2,696 ballots cast in District 3.

C. For District 5, the whole number of ballots cast at the precincts, except vote-by-mail ballots and provisional ballots, was 448. The number of vote-by-mail ballots and provisional ballots cast in District 5 was 2,242, making a total of 2,690 ballots cast in District 5.

SECTION 3: The names of persons voted for at the election for Members of the City Council are as follows:

District 1
Jason Dhing
Thomas Wong

<u>District 3</u>
Jose Sanchez
Tammy C. Wong

<u>District 5</u>
Joe Ray Avila
Delario M. Robinson
Teresa Real Sebastian
Vinh T. Ngo

<u>City Clerk</u>
Hans Liang
Maychelle Yee

<u>City Treasurer</u>
Amy Lee
Vincent Dionicio Chang

<u>SECTION 4:</u> That the measure voted upon at the election is as follows:

> Measure MP: "Shall an ordinance maintaining Monterey Park's long term financial stability and locally controlled services such as 9-1-1 emergency/safety response; conducting neighborhood/park police patrols; helping prevent thefts/property crimes; protecting local drinking water; preparing for drought; retaining/attracting local businesses/jobs; repairing streets/potholes; addressing homelessness; and allowing other government use by establishing a ¾¢ transactions and use (sales) tax until ended by voters, generating approximately $6,000,000 annually, with audits/public spending disclosure, be adopted?"

<u>SECTION 5:</u> In accordance with Election Code § 10262(b), the City Clerk certified the results to the City Council. The number of votes given at each precinct and the number of votes given in the City to each of the persons named above for the respective offices for which the persons were candidates and the ballot measure are as listed in attached Exhibit "A."

<u>SECTION 6:</u> The City Council declares and determines that Thomas Wong was elected as Member of the City Council, District 1, for the full term of four years; Jose Sanchez was elected as Member of the City Council, District 3, for a partial term of two years; Vinh T. Ngo was elected as Member of the City Council, District 5, for the full term of four years; Maychelle Yee was elected as City Clerk, for the full term of four years; and Amy Lee was elected as City Treasurer, for the full term of four years.

SECTION 7: Measure MP received the majority vote required for adoption. Consequently, Measure MP is adopted.

SECTION 8: The City Clerk is directed to enter in the City's records a statement of the result of the election, showing: (1) the whole number of ballots cast in the City; (2) the names of the persons voted for; (3) the measure voted upon; (4) the number of votes given at each precinct to each person and the number of votes given for and against the measure; and (5) the total number of votes given to each person and the total number of votes given for or against the measure.

SECTION 9: The City Clerk will immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; the City Clerk will also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and will have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected will then be inducted into the respective office to which they have been elected.

SECTION 10: This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 11: The City Clerk will certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

SECTION 12: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 7th day of December, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

Approved as to form:

Karl H. Berger, City Attorney

State of California)
County of Los Angeles) ss.
City of Monterey Park)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. was duly and regularly adopted by the City Council of the City of Monterey Park at a special meeting held on the 7th day of December, 2022, by the following vote:

Ayes: Council Members:
Noes: Council Members:
Absent: Council Members:
Abstain: Council Members:

Dated this 7th day of December, 2022.

Vincent D. Chang, City Clerk
Monterey Park, California

Exhibit "A"

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov

City Council
Peter Chan
Hans Liang
Henry Lo
Yvonne Yiu

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

CERTIFICATION OF ELECTION RESULTS
DECLARATION OF ELECTION OFFICIAL

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §.
CITY OF MONTEREY PARK)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do certify that the attached Certificate of the Canvass of the Election Returns of the Los Angeles Country Registrar-Recorder/County Clerk is a true and correct canvass of the Votes Cast for the Members of the City Council, Districts 1, 3, and 5; the City Clerk; the City Treasurer; and for and against Measure MP, for the City of Monterey Park General and Special Municipal Elections held on November 8, 2022.

IN WITNESS HEREOF, I have hereunto set my hand and affixed the seal of the City of Monterey Park, California, this 7th day of December, 2022.

Vincent D. Chang, City Clerk
City of Monterey Park, California

Los Angeles County
Registrar-Recorder/County Clerk

Certificate of the Canvass of the Election Returns

I, DEAN C. LOGAN, 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) for

Monterey Park City

at the General Election, held on the 8th day of November, 2022.

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 that 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 5th day of December, 2022.

Dean C. Logan

DEAN C. LOGAN
Registrar-Recorder/County Clerk
County of Los Angeles

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
COUNCILMEMBER 1ST DISTRICT

LOCATION		REGISTRATION	BALLOTS CAST	JASON DHING	THOMAS WONG
MONTEREY PARK - 4500011B*			0	0	0
VOTE BY MAIL	SERIAL 6931		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500011C*			0	0	0
VOTE BY MAIL	SERIAL 6932		0	0	0
TOTAL		2	0	0	0
MONTEREY PARK - 4500011D*			0	0	0
VOTE BY MAIL	SERIAL 6933		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500015A*			21	8	12
VOTE BY MAIL	SERIAL 6934		120	34	78
TOTAL		373	141	42	90
MONTEREY PARK - 4500040A*			33	12	15
VOTE BY MAIL	SERIAL 6944		163	27	119
TOTAL		513	196	39	134
MONTEREY PARK - 4500044A			145	61	60
VOTE BY MAIL	SERIAL 0671		1106	380	630
TOTAL		2353	1251	441	690
MONTEREY PARK - 4500047A			180	49	105
VOTE BY MAIL	SERIAL 0672		756	146	516
TOTAL		2878	936	195	621
MONTEREY PARK - 4500047C*			15	2	11
VOTE BY MAIL	SERIAL 6946		60	15	42
TOTAL		206	75	17	53
BALLOT GROUP 562 - 9990562A^			0	0	0
VOTE BY MAIL	SERIAL 8562		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 563 - 9990563A^			0	0	0
VOTE BY MAIL	SERIAL 8563		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 571 - 9990571A^			0	0	0
VOTE BY MAIL	SERIAL 8571		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 589 - 9990589A^			0	0	0
VOTE BY MAIL	SERIAL 8589		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 590 - 9990590A^			0	0	0
VOTE BY MAIL	SERIAL 8590		0	0	0
TOTAL		0	0	0	0

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

LOCATION	REGIST-RATION	BALLOTS CAST	MONTEREY PARK CITY GEN MUN COUNCILMEMBER 1ST DISTRICT JASON DHING	THOMAS WONG
PRECINCT TOTAL		394	132	203
VBM TOTAL		2205	602	1385
GRAND TOTAL	6325	2599	734	1588

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY SPC MUN CNC 3RD TERM ENDS 11/24

LOCATION		REGIST-RATION	BALLOTS CAST	JOSE SANCHEZ	TAMMY C WONG
MONTEREY PARK - 4500004A*			67	34	25
VOTE BY MAIL	SERIAL 6930		256	127	91
TOTAL		974	323	161	116
MONTEREY PARK - 4500026A			226	115	77
VOTE BY MAIL	SERIAL 0668		1056	562	356
TOTAL		3134	1282	677	433
MONTEREY PARK - 4500027B*			17	6	8
VOTE BY MAIL	SERIAL 6940		74	46	20
TOTAL		217	91	52	28
MONTEREY PARK - 4500036A*			2	1	0
VOTE BY MAIL	SERIAL 6943		11	7	4
TOTAL		25	13	8	4
MONTEREY PARK - 4500042A*			106	60	29
VOTE BY MAIL	SERIAL 6945		462	247	142
TOTAL		1445	568	307	171
MONTEREY PARK - 4500090A*			85	61	17
VOTE BY MAIL	SERIAL 6947		334	196	99
TOTAL		1025	419	257	116
BALLOT GROUP 564 - 9990564A^			0	0	0
VOTE BY MAIL	SERIAL 8564		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 572 - 9990572A^			0	0	0
VOTE BY MAIL	SERIAL 8572		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 573 - 9990573A^			0	0	0
VOTE BY MAIL	SERIAL 8573		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 591 - 9990591A^			0	0	0
VOTE BY MAIL	SERIAL 8591		0	0	0
TOTAL		0	0	0	0

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY SPC MUN CNC 3RD TERM ENDS 11/24

LOCATION	REGIST-RATION	BALLOTS CAST	JOSE SANCHEZ	TAMMY C WONG
PRECINCT TOTAL		503	277	156
VBM TOTAL		2193	1185	712
GRAND TOTAL	6820	2696	1462	868

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT

MONTEREY PARK CITY GEN MUN COUNCILMEMBER 5TH DISTRICT

LOCATION		REGISTRATION	BALLOTS CAST	JOE RAY AVILA	DELARIO M ROBINSON	T REAL SEBASTIAN	VINH T NGO
MONTEREY PARK - 4500001E*			4	0	0	2	2
VOTE BY MAIL	SERIAL 6928		39	1	3	7	25
TOTAL		123	43	1	3	9	27
MONTEREY PARK - 4500002A*			74	4	3	21	41
VOTE BY MAIL	SERIAL 6929		382	2	7	70	265
TOTAL		1363	456	6	10	91	306
MONTEREY PARK - 4500021A*			66	5	2	11	42
VOTE BY MAIL	SERIAL 6935		246	11	7	43	166
TOTAL		995	312	16	9	54	208
MONTEREY PARK - 4500022A			173	24	8	75	49
VOTE BY MAIL	SERIAL 0667		931	40	21	299	495
TOTAL		2200	1104	64	29	374	544
MONTEREY PARK - 4500023B*			21	0	2	6	10
VOTE BY MAIL	SERIAL 6936		175	5	23	55	74
TOTAL		419	196	5	25	61	84
MONTEREY PARK - 4500024A*			110	9	2	46	43
VOTE BY MAIL	SERIAL 6937		469	12	26	216	174
TOTAL		1203	579	21	28	262	217
MONTEREY PARK - 4500024B*			0	0	0	0	0
VOTE BY MAIL	SERIAL 6938		0	0	0	0	0
TOTAL		0	0	0	0	0	0
MONTEREY PARK - 4500024C*			0	0	0	0	0
VOTE BY MAIL	SERIAL 6939		0	0	0	0	0
TOTAL		0	0	0	0	0	0
BALLOT GROUP 565 - 9990565A^			0	0	0	0	0
VOTE BY MAIL	SERIAL 8565		0	0	0	0	0
TOTAL		0	0	0	0	0	0
BALLOT GROUP 568 - 9990568A^			0	0	0	0	0
VOTE BY MAIL	SERIAL 8568		0	0	0	0	0
TOTAL		0	0	0	0	0	0
BALLOT GROUP 574 - 9990574A^			0	0	0	0	0
VOTE BY MAIL	SERIAL 8574		0	0	0	0	0
TOTAL		0	0	0	0	0	0
BALLOT GROUP 592 - 9990592A^			0	0	0	0	0
VOTE BY MAIL	SERIAL 8592		0	0	0	0	0
TOTAL		0	0	0	0	0	0
BALLOT GROUP 593 - 9990593A^			0	0	0	0	0
VOTE BY MAIL	SERIAL 8593		0	0	0	0	0
TOTAL		0	0	0	0	0	0

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
COUNCILMEMBER 5TH DISTRICT

LOCATION	REGIST- RATION	BALLOTS CAST	JOE RAY AVILA	DELARIO M ROBINSON	T REAL SEBASTIAN	VINH T NGO
PRECINCT TOTAL		448	42	17	161	187
VBM TOTAL		2242	71	87	690	1199
GRAND TOTAL	6303	2690	113	104	851	1386

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
CITY CLERK

LOCATION		REGIST-RATION	BALLOTS CAST	MAYCHELLE YEE	HANS LIANG
MONTEREY PARK - 4500001E*			4	1	2
VOTE BY MAIL	SERIAL 6928		39	6	19
TOTAL		123	43	7	21
MONTEREY PARK - 4500002A*			74	35	30
VOTE BY MAIL	SERIAL 6929		382	140	164
TOTAL		1363	456	175	194
MONTEREY PARK - 4500004A*			67	29	28
VOTE BY MAIL	SERIAL 6930		256	135	74
TOTAL		974	323	164	102
MONTEREY PARK - 4500009A			164	93	44
VOTE BY MAIL	SERIAL 0664		1293	585	459
TOTAL		3201	1457	678	503
MONTEREY PARK - 4500011B*			0	0	0
VOTE BY MAIL	SERIAL 6931		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500011C*			0	0	0
VOTE BY MAIL	SERIAL 6932		0	0	0
TOTAL		2	0	0	0
MONTEREY PARK - 4500011D*			0	0	0
VOTE BY MAIL	SERIAL 6933		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500015A*			21	7	12
VOTE BY MAIL	SERIAL 6934		120	57	52
TOTAL		373	141	64	64
MONTEREY PARK - 4500016A			136	81	39
VOTE BY MAIL	SERIAL 0665		647	254	271
TOTAL		1808	783	335	310
MONTEREY PARK - 4500017A			135	75	40
VOTE BY MAIL	SERIAL 0666		671	291	268
TOTAL		1809	806	366	308
MONTEREY PARK - 4500021A*			66	33	26
VOTE BY MAIL	SERIAL 6935		246	108	109
TOTAL		995	312	141	135
MONTEREY PARK - 4500022A			173	105	32
VOTE BY MAIL	SERIAL 0667		931	421	346
TOTAL		2200	1104	526	378
MONTEREY PARK - 4500023B*			21	9	9
VOTE BY MAIL	SERIAL 6936		175	75	69
TOTAL		419	196	84	78
MONTEREY PARK - 4500024A*			110	58	33
VOTE BY MAIL	SERIAL 6937		469	258	134
TOTAL		1203	579	316	167

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
CITY CLERK

LOCATION		REGISTRATION	BALLOTS CAST	MAYCHELLE YEE	HANS LIANG
MONTEREY PARK - 4500024B*			0	0	0
VOTE BY MAIL	SERIAL 6938		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500024C*			0	0	0
VOTE BY MAIL	SERIAL 6939		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500026A			226	104	70
VOTE BY MAIL	SERIAL 0668		1056	463	385
TOTAL		3134	1282	567	455
MONTEREY PARK - 4500027B*			17	7	9
VOTE BY MAIL	SERIAL 6940		74	38	33
TOTAL		217	91	45	42
MONTEREY PARK - 4500031A			143	74	47
VOTE BY MAIL	SERIAL 0669		555	253	229
TOTAL		2267	698	327	276
MONTEREY PARK - 4500034A			108	51	39
VOTE BY MAIL	SERIAL 0670		547	202	227
TOTAL		2173	655	253	266
MONTEREY PARK - 4500035A*			36	14	12
VOTE BY MAIL	SERIAL 6941		254	128	100
TOTAL		620	290	142	112
MONTEREY PARK - 4500035C*			20	12	6
VOTE BY MAIL	SERIAL 6942		86	34	35
TOTAL		355	106	46	41
MONTEREY PARK - 4500036A*			2	1	0
VOTE BY MAIL	SERIAL 6943		11	4	6
TOTAL		25	13	5	6
MONTEREY PARK - 4500040A*			33	15	10
VOTE BY MAIL	SERIAL 6944		163	66	69
TOTAL		513	196	81	79
MONTEREY PARK - 4500042A*			106	61	25
VOTE BY MAIL	SERIAL 6945		462	210	168
TOTAL		1445	568	271	193
MONTEREY PARK - 4500044A			145	83	31
VOTE BY MAIL	SERIAL 0671		1106	565	372
TOTAL		2353	1251	648	403
MONTEREY PARK - 4500047A			180	68	76
VOTE BY MAIL	SERIAL 0672		756	276	362
TOTAL		2878	936	344	438
MONTEREY PARK - 4500047C*			15	6	9
VOTE BY MAIL	SERIAL 6946		60	19	35
TOTAL		206	75	25	44

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
CITY CLERK

LOCATION		REGIST-RATION	BALLOTS CAST	MAYCHELLE YEE	HANS LIANG
MONTEREY PARK - 4500090A*			85	38	30
VOTE BY MAIL	SERIAL 6947		334	149	118
TOTAL		1025	419	187	148
BALLOT GROUP 562 - 9990562A^			0	0	0
VOTE BY MAIL	SERIAL 8562		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 563 - 9990563A^			0	0	0
VOTE BY MAIL	SERIAL 8563		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 564 - 9990564A^			0	0	0
VOTE BY MAIL	SERIAL 8564		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 565 - 9990565A^			0	0	0
VOTE BY MAIL	SERIAL 8565		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 566 - 9990566A^			0	0	0
VOTE BY MAIL	SERIAL 8566		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 568 - 9990568A^			0	0	0
VOTE BY MAIL	SERIAL 8568		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 571 - 9990571A^			0	0	0
VOTE BY MAIL	SERIAL 8571		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 572 - 9990572A^			0	0	0
VOTE BY MAIL	SERIAL 8572		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 573 - 9990573A^			0	0	0
VOTE BY MAIL	SERIAL 8573		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 574 - 9990574A^			0	0	0
VOTE BY MAIL	SERIAL 8574		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 589 - 9990589A^			0	0	0
VOTE BY MAIL	SERIAL 8589		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 590 - 9990590A^			0	0	0
VOTE BY MAIL	SERIAL 8590		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 591 - 9990591A^			0	0	0
VOTE BY MAIL	SERIAL 8591		0	0	0
TOTAL		0	0	0	0

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
CITY CLERK

LOCATION		REGISTRATION	BALLOTS CAST	MAYCHELLE YEE	HANS LIANG
BALLOT GROUP 592 - 9990592A^			0	0	0
VOTE BY MAIL	SERIAL 8592		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 593 - 9990593A^			0	0	0
VOTE BY MAIL	SERIAL 8593		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 594 - 9990594A^			0	0	0
VOTE BY MAIL	SERIAL 8594		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 595 - 9990595A^			0	0	0
VOTE BY MAIL	SERIAL 8595		0	0	0
TOTAL		0	0	0	0

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
CITY CLERK

LOCATION	REGIST-RATION	BALLOTS CAST	MAYCHELLE YEE	HANS LIANG
PRECINCT TOTAL		2087	1060	659
VBM TOTAL		10693	4737	4104
GRAND TOTAL	31681	12780	5797	4763

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
CITY TREASURER

LOCATION		REGIST-RATION	BALLOTS CAST	VINCENT D CHANG	AMY LEE
MONTEREY PARK - 4500001E*			4	2	1
VOTE BY MAIL	SERIAL 6928		39	20	6
TOTAL		123	43	22	7
MONTEREY PARK - 4500002A*			74	24	41
VOTE BY MAIL	SERIAL 6929		382	165	133
TOTAL		1363	456	189	174
MONTEREY PARK - 4500004A*			67	32	26
VOTE BY MAIL	SERIAL 6930		256	100	110
TOTAL		974	323	132	136
MONTEREY PARK - 4500009A			164	40	97
VOTE BY MAIL	SERIAL 0664		1293	438	604
TOTAL		3201	1457	478	701
MONTEREY PARK - 4500011B*			0	0	0
VOTE BY MAIL	SERIAL 6931		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500011C*			0	0	0
VOTE BY MAIL	SERIAL 6932		0	0	0
TOTAL		2	0	0	0
MONTEREY PARK - 4500011D*			0	0	0
VOTE BY MAIL	SERIAL 6933		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500015A*			21	9	10
VOTE BY MAIL	SERIAL 6934		120	50	52
TOTAL		373	141	59	62
MONTEREY PARK - 4500016A			136	45	76
VOTE BY MAIL	SERIAL 0665		647	272	239
TOTAL		1808	783	317	315
MONTEREY PARK - 4500017A			135	57	59
VOTE BY MAIL	SERIAL 0666		671	268	299
TOTAL		1809	806	325	358
MONTEREY PARK - 4500021A*			66	29	29
VOTE BY MAIL	SERIAL 6935		246	118	97
TOTAL		995	312	147	126
MONTEREY PARK - 4500022A			173	40	100
VOTE BY MAIL	SERIAL 0667		931	367	392
TOTAL		2200	1104	407	492
MONTEREY PARK - 4500023B*			21	8	11
VOTE BY MAIL	SERIAL 6936		175	75	71
TOTAL		419	196	83	82
MONTEREY PARK - 4500024A*			110	29	65
VOTE BY MAIL	SERIAL 6937		469	128	254
TOTAL		1203	579	157	319

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
CITY TREASURER

LOCATION		REGISTRATION	BALLOTS CAST	VINCENT D CHANG	AMY LEE
MONTEREY PARK - 4500024B*			0	0	0
VOTE BY MAIL	SERIAL 6938		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500024C*			0	0	0
VOTE BY MAIL	SERIAL 6939		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500026A			226	75	105
VOTE BY MAIL	SERIAL 0668		1056	440	421
TOTAL		3134	1282	515	526
MONTEREY PARK - 4500027B*			17	6	8
VOTE BY MAIL	SERIAL 6940		74	30	40
TOTAL		217	91	36	48
MONTEREY PARK - 4500031A			143	46	75
VOTE BY MAIL	SERIAL 0669		555	243	234
TOTAL		2267	698	289	309
MONTEREY PARK - 4500034A			108	43	47
VOTE BY MAIL	SERIAL 0670		547	216	207
TOTAL		2173	655	259	254
MONTEREY PARK - 4500035A*			36	15	13
VOTE BY MAIL	SERIAL 6941		254	103	127
TOTAL		620	290	118	140
MONTEREY PARK - 4500035C*			20	9	9
VOTE BY MAIL	SERIAL 6942		86	41	27
TOTAL		355	106	50	36
MONTEREY PARK - 4500036A*			2	0	1
VOTE BY MAIL	SERIAL 6943		11	4	6
TOTAL		25	13	4	7
MONTEREY PARK - 4500040A*			33	4	22
VOTE BY MAIL	SERIAL 6944		163	71	66
TOTAL		513	196	75	88
MONTEREY PARK - 4500042A*			106	34	56
VOTE BY MAIL	SERIAL 6945		462	197	178
TOTAL		1445	568	231	234
MONTEREY PARK - 4500044A			145	29	88
VOTE BY MAIL	SERIAL 0671		1106	386	543
TOTAL		2353	1251	415	631
MONTEREY PARK - 4500047A			180	71	72
VOTE BY MAIL	SERIAL 0672		756	353	262
TOTAL		2878	936	424	334
MONTEREY PARK - 4500047C*			15	11	4
VOTE BY MAIL	SERIAL 6946		60	29	24
TOTAL		206	75	40	28

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
CITY TREASURER

LOCATION		REGIST-RATION	BALLOTS CAST	VINCENT D CHANG	AMY LEE
MONTEREY PARK - 4500090A*			85	37	33
VOTE BY MAIL	SERIAL 6947		334	143	131
TOTAL		1025	419	180	164
BALLOT GROUP 562 - 9990562A^			0	0	0
VOTE BY MAIL	SERIAL 8562		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 563 - 9990563A^			0	0	0
VOTE BY MAIL	SERIAL 8563		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 564 - 9990564A^			0	0	0
VOTE BY MAIL	SERIAL 8564		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 565 - 9990565A^			0	0	0
VOTE BY MAIL	SERIAL 8565		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 566 - 9990566A^			0	0	0
VOTE BY MAIL	SERIAL 8566		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 568 - 9990568A^			0	0	0
VOTE BY MAIL	SERIAL 8568		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 571 - 9990571A^			0	0	0
VOTE BY MAIL	SERIAL 8571		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 572 - 9990572A^			0	0	0
VOTE BY MAIL	SERIAL 8572		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 573 - 9990573A^			0	0	0
VOTE BY MAIL	SERIAL 8573		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 574 - 9990574A^			0	0	0
VOTE BY MAIL	SERIAL 8574		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 589 - 9990589A^			0	0	0
VOTE BY MAIL	SERIAL 8589		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 590 - 9990590A^			0	0	0
VOTE BY MAIL	SERIAL 8590		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 591 - 9990591A^			0	0	0
VOTE BY MAIL	SERIAL 8591		0	0	0
TOTAL		0	0	0	0

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
CITY TREASURER

LOCATION		REGIST-RATION	BALLOTS CAST	VINCENT D CHANG	AMY LEE
BALLOT GROUP 592 - 9990592A^			0	0	0
VOTE BY MAIL	SERIAL 8592		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 593 - 9990593A^			0	0	0
VOTE BY MAIL	SERIAL 8593		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 594 - 9990594A^			0	0	0
VOTE BY MAIL	SERIAL 8594		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 595 - 9990595A^			0	0	0
VOTE BY MAIL	SERIAL 8595		0	0	0
TOTAL		0	0	0	0

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
CITY TREASURER

LOCATION	REGIST-RATION	BALLOTS CAST	VINCENT D CHANG	AMY LEE
PRECINCT TOTAL		2087	695	1048
VBM TOTAL		10693	4257	4523
GRAND TOTAL	31681	12780	4952	5571

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
MEASURE MP

LOCATION		REGISTRATION	BALLOTS CAST	YES	NO
MONTEREY PARK - 4500001E*			4	2	2
VOTE BY MAIL	SERIAL 6928		39	24	7
TOTAL		123	43	26	9
MONTEREY PARK - 4500002A*			74	35	35
VOTE BY MAIL	SERIAL 6929		382	201	109
TOTAL		1363	456	236	144
MONTEREY PARK - 4500004A*			67	37	28
VOTE BY MAIL	SERIAL 6930		256	132	99
TOTAL		974	323	169	127
MONTEREY PARK - 4500009A			164	57	98
VOTE BY MAIL	SERIAL 0664		1293	685	478
TOTAL		3201	1457	742	576
MONTEREY PARK - 4500011B*			0	0	0
VOTE BY MAIL	SERIAL 6931		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500011C*			0	0	0
VOTE BY MAIL	SERIAL 6932		0	0	0
TOTAL		2	0	0	0
MONTEREY PARK - 4500011D*			0	0	0
VOTE BY MAIL	SERIAL 6933		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500015A*			21	9	11
VOTE BY MAIL	SERIAL 6934		120	62	40
TOTAL		373	141	71	51
MONTEREY PARK - 4500016A			136	58	71
VOTE BY MAIL	SERIAL 0665		647	331	255
TOTAL		1808	783	389	326
MONTEREY PARK - 4500017A			135	63	64
VOTE BY MAIL	SERIAL 0666		671	364	266
TOTAL		1809	806	427	330
MONTEREY PARK - 4500021A*			66	41	22
VOTE BY MAIL	SERIAL 6935		246	144	82
TOTAL		995	312	185	104
MONTEREY PARK - 4500022A			173	55	100
VOTE BY MAIL	SERIAL 0667		931	500	329
TOTAL		2200	1104	555	429
MONTEREY PARK - 4500023B*			21	13	8
VOTE BY MAIL	SERIAL 6936		175	93	61
TOTAL		419	196	106	69
MONTEREY PARK - 4500024A*			110	50	52
VOTE BY MAIL	SERIAL 6937		469	233	176
TOTAL		1203	579	283	228

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
MEASURE MP

LOCATION		REGISTRATION	BALLOTS CAST	YES	NO
MONTEREY PARK - 4500024B*			0	0	0
VOTE BY MAIL	SERIAL 6938		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500024C*			0	0	0
VOTE BY MAIL	SERIAL 6939		0	0	0
TOTAL		0	0	0	0
MONTEREY PARK - 4500026A			226	104	99
VOTE BY MAIL	SERIAL 0668		1056	568	393
TOTAL		3134	1282	672	492
MONTEREY PARK - 4500027B*			17	11	5
VOTE BY MAIL	SERIAL 6940		74	36	30
TOTAL		217	91	47	35
MONTEREY PARK - 4500031A			143	70	67
VOTE BY MAIL	SERIAL 0669		555	334	180
TOTAL		2267	698	404	247
MONTEREY PARK - 4500034A			108	52	44
VOTE BY MAIL	SERIAL 0670		547	298	193
TOTAL		2173	655	350	237
MONTEREY PARK - 4500035A*			36	10	22
VOTE BY MAIL	SERIAL 6941		254	133	110
TOTAL		620	290	143	132
MONTEREY PARK - 4500035C*			20	13	7
VOTE BY MAIL	SERIAL 6942		86	47	28
TOTAL		355	106	60	35
MONTEREY PARK - 4500036A*			2	0	1
VOTE BY MAIL	SERIAL 6943		11	6	3
TOTAL		25	13	6	4
MONTEREY PARK - 4500040A*			33	15	14
VOTE BY MAIL	SERIAL 6944		163	77	68
TOTAL		513	196	92	82
MONTEREY PARK - 4500042A*			106	51	45
VOTE BY MAIL	SERIAL 6945		462	258	151
TOTAL		1445	568	309	196
MONTEREY PARK - 4500044A			145	50	84
VOTE BY MAIL	SERIAL 0671		1106	576	413
TOTAL		2353	1251	626	497
MONTEREY PARK - 4500047A			180	89	67
VOTE BY MAIL	SERIAL 0672		756	439	225
TOTAL		2878	936	528	292
MONTEREY PARK - 4500047C*			15	12	3
VOTE BY MAIL	SERIAL 6946		60	27	28
TOTAL		206	75	39	31

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
MEASURE MP

LOCATION		REGISTRATION	BALLOTS CAST	YES	NO
MONTEREY PARK - 4500090A*			85	45	34
VOTE BY MAIL	SERIAL 6947		334	180	111
TOTAL		1025	419	225	145
BALLOT GROUP 562 - 9990562A^			0	0	0
VOTE BY MAIL	SERIAL 8562		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 563 - 9990563A^			0	0	0
VOTE BY MAIL	SERIAL 8563		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 564 - 9990564A^			0	0	0
VOTE BY MAIL	SERIAL 8564		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 565 - 9990565A^			0	0	0
VOTE BY MAIL	SERIAL 8565		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 566 - 9990566A^			0	0	0
VOTE BY MAIL	SERIAL 8566		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 568 - 9990568A^			0	0	0
VOTE BY MAIL	SERIAL 8568		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 571 - 9990571A^			0	0	0
VOTE BY MAIL	SERIAL 8571		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 572 - 9990572A^			0	0	0
VOTE BY MAIL	SERIAL 8572		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 573 - 9990573A^			0	0	0
VOTE BY MAIL	SERIAL 8573		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 574 - 9990574A^			0	0	0
VOTE BY MAIL	SERIAL 8574		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 589 - 9990589A^			0	0	0
VOTE BY MAIL	SERIAL 8589		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 590 - 9990590A^			0	0	0
VOTE BY MAIL	SERIAL 8590		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 591 - 9990591A^			0	0	0
VOTE BY MAIL	SERIAL 8591		0	0	0
TOTAL		0	0	0	0

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
MEASURE MP

LOCATION		REGISTRATION	BALLOTS CAST	YES	NO
BALLOT GROUP 592 - 9990592A^			0	0	0
VOTE BY MAIL	SERIAL 8592		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 593 - 9990593A^			0	0	0
VOTE BY MAIL	SERIAL 8593		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 594 - 9990594A^			0	0	0
VOTE BY MAIL	SERIAL 8594		0	0	0
TOTAL		0	0	0	0
BALLOT GROUP 595 - 9990595A^			0	0	0
VOTE BY MAIL	SERIAL 8595		0	0	0
TOTAL		0	0	0	0

FINAL OFFICIAL
STATEMENT OF VOTES CAST
BY PRECINCT

MONTEREY PARK CITY GEN MUN
MEASURE MP

LOCATION	REGIST-RATION	BALLOTS CAST	YES	NO
PRECINCT TOTAL		2087	942	983
VBM TOTAL		10693	5748	3835
GRAND TOTAL	31681	12780	6690	4818

ATTACHMENT 1
Measure MP - Ordinance No. 2225

ORDINANCE NO. 2225

AN ORDINANCE MAINTAINING MONTEREY PARK'S LONG TERM FINANCIAL STABILITY AND LOCALLY CONTROLLED SERVICES SUCH AS 9-1-1 EMERGENCY/SAFETY RESPONSE; CONDUCTING NEIGHBORHOOD/PARK POLICE PATROLS; HELPING PREVENT THEFTS/PROPERTY CRIMES; PROTECTING LOCAL DRINKING WATER; PREPARING FOR DROUGHT; RETAINING/ATTRACTING LOCAL BUSINESSES/JOBS; REPAIRING STREETS/POTHOLES; ADDRESSING HOMELESSNESS; AND ALLOWING FOR OTHER GOVERNMENT USE BY ESTABLISHING A ¾¢ TRANSACTIONS AND USE (SALES) TAX UNTIL ENDED BY VOTERS, GENERATING APPROXIMATELY $6,000,000 ANNUALLY, WITH AUDITS/PUBLIC SPENDING DISCLOSURE.

THE PEOPLE OF THE CITY OF MONTEREY PARK DO ORDAIN AS FOLLOWS:

SECTION 1: A new Chapter 3.30 is added to Title 3 of the Monterey Park Municipal Code ("MPMC") to read as follows:

"**Chapter 3.30. Transactions and Use Tax**

3.30.010. **TITLE.** This Chapter is entitled the "Monterey Park Transactions and Use Tax." The term "City," as used within this Chapter, is the City of Monterey Park. This Chapter is applicable in the incorporated territory of the City.

3.30.020. **OPERATIVE DATE.** "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this Chapter, the date of such adoption being as set forth below.

3.30.030. **PURPOSE.** This Chapter is adopted to achieve the following, among other purposes, and directs that its provisions be interpreted to accomplish those purposes:

A. To impose a retail transaction 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 of the Revenue and Taxation Code which authorizes the City to adopt this Chapter which becomes operative if a majority of the electors voting on the ballot measure approving the Chapter vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt retail transactions and use tax regulations 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 retail transactions and use tax regulations that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization 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 State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transaction 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.

3.30.040. **EXPENDITURES**.

A. The Monterey Park Transactions and Use Tax is imposed to provide funds for the City to pay for general municipal services.

B. The City Council may provide for collection of the general tax in the same manner and subject to the same penalties as, or with, other charges and taxes fixed and collected by the City, or by the County of Los Angeles on behalf of the City. If the general tax is collected by the County on behalf of the City, the County may deduct its reasonable costs incurred in such service.

C. The City's cost of enforcing and administering this chapter, including refunds, can be paid from the general tax revenue.

3.30.050. **CONTRACT WITH STATE**. Before the operative date, the City must contract with the State Board of Equalization to perform all functions incident to the administration and operation of this Chapter; provided, that if the City has not contracted with the State Board of Equalization before the operative date, it must nevertheless so contract and in such a case the operative date is the first day of the first calendar quarter following the execution of such a contract.

3.30.060. **TRANSACTIONS TAX RATE**. For the privilege of selling tangible personal property at retail, a transaction tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 0.75% 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 this chapter.

3.30.070. **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 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 is determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.30.080. **USE TAX RATE**. A use tax is 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 0.75% of the sales price of the property. The sales price includes delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.30.090**. ADOPTION OF PROVISIONS OF STATE LAW**. Except as otherwise provided in this ordinance 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 adopted and made a part of this Chapter as though fully set forth.

3.30.100. **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 will be substituted. However, the substitution is not made when:

1. The word “State” is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, 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 State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.

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” is 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 of the Revenue and Taxation Code.

3.30.110. **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 is not required by this Chapter.

3.30.120. **EXEMPTIONS AND EXCLUSIONS**

A. There is 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 is 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 before 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 before 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 is 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 Chapter, 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 before 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 before 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 is 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 subsection (7), a retailer engaged in business in the City is not 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,

without limitation, 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" also includes 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 is 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.

3.30.130. **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, automatically become a part of this Chapter, provided however, that no such amendment operates so as to affect the rate of tax imposed by this ordinance.

3.30.140. **ENJOINING COLLECTION FORBIDDEN.** No injunction or writ of mandate or other legal or equitable process may 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 ordinance, 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.

3.30.150. **SUSPENSION OR REDUCTION.** Nothing in this Chapter requires the City Council to collect a tax; the city council may suspend or reduce tax rates imposed by this chapter by resolution after a public hearing.

3.30.160. **CITY COUNCIL AUTHORITY TO AMEND.** Except for amendments that would increase the tax rate, impose the tax on transactions and uses not previously subject to the tax, or be inconsistent with the purposes of this chapter, the City Council may exercise all applicable powers set forth in the Government Code including, without limitation, amending this chapter by ordinance upon three affirmative votes by its members. It may, in addition, adopt by ordinance or resolution such additional regulations that may be necessary to implement the purposes of this chapter.

3.30.170 **TERMINATION OF TAX**. This Chapter will continue in effect unless repealed by voters at a duly called regular or special election."

SECTION 2: *Environmental Analysis*. This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, *et seq*., "CEQA") and CEQA regulations (14 California Code of Regulations §§15000, *et seq*.) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a "project" that requires environmental review (*see specifically* 14 Cal. Code Regs. § 15378(b)(4-5)).

SECTION 3: *Continuity.* Repeal of any provision of the Monterey Park Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4: *Severability*. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications, and, to this end, the provisions of this Ordinance are severable.

SECTION 5: *Validity of Previous Code Sections*. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the MPMC or other regulation by this Ordinance will be rendered void and cause such MPMC provision or other regulation to remain in full force and effect for all purposes

SECTION 6: *Voter Approval.* This Ordinance will enact and impose a general tax. Accordingly, it will be submitted to a general election on November 8, 2022, for voter approval. If **A MAJORITY** of voters vote in favor of this Ordinance, it will become valid and binding on the date that the City Council certifies the election results. Should the provisions of Government Code §§ 53720, *et seq*. or California Constitution Article XIIIC be repealed or amended or interpreted by the courts so that voter approval is not required for enacting this Ordinance, then this Ordinance will take effect as provided for all other City ordinances and may be amended in the same manner as all other City ordinances.

SECTION 7: *City Council Authority*. Pursuant to Elections Code § 9217, the People authorize and direct the City Council to promptly take appropriate actions needed to implement this Proposition including, without limitation, adopting all regulations needed to effectuate this Proposition by ordinance.

SECTION 8: *Reconciliation with Competing Proposition.* In the event another ballot measure (a "Competing Proposition") appears on the same ballot as this Proposition that seeks to adopt, impose, or amend any limitations or restrictions, or other regulations or requirements, including, without limitation, those with respect to the actions authorized by this Proposition, that differ in any respect to or supplement, those contained in this Proposition, the People declare their intention that, if both the Competing Proposition and this Proposition receive a majority of votes cast, the Competing Proposition and this Proposition be fully adopted except to the extent that specific provisions contained in each measure are deemed to be in direct conflict with each other on a "provision by provision" basis pursuant to *Yoshisato v. Superior Court* (1992) 2 Cal. 4th 978. With respect to any such directly conflicting provisions, the specific provisions of the Proposition receiving the greater number of votes will prevail.

SECTION 8: *Miscellaneous.*

A. This Ordinance must be interpreted to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Ordinance. The People declare that this Ordinance, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Ordinance is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Ordinance that can be given effect without the invalid application.

B. If any portion of this Ordinance is held by a court of competent jurisdiction to be invalid, we the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Ordinance by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Ordinance, and then adopting or reenacting such portion as necessary or desirable to permit the planning and development of the Project.

C. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the intent of the People that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9: The Mayor will sign this Ordinance and the City Clerk will attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City's general election on November 8, 2022, approve the ordinance asking whether the voters approve this Ordinance.

SECTION 10: Pursuant to Revenue and Taxation Code § 7265, this Ordinance will become operative on the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance.

SECTION 11: **Electronic Signatures**. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

PASSED AND ADOPTED this 7th day of December, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney