

RESOLUTION NO. 09-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF BEVERLY HILLS ON MARCH 3, 2009, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

WHEREAS, a General Municipal Election was held and conducted in the City of Beverly Hills, California, on Tuesday, March 3, 2009, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that candidates were nominated to fill the vacancy or vacancies 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 laws of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to Resolution No. 92-R-8522, adopted by the City Council on March 3, 1992, the City Clerk canvassed the returns of the election and has certified the results to the City Council, the results are received, attached and made a part hereof as Exhibit A;

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

**SECTION 1.** That the whole number of ballots cast in the precincts except vote-by-mail voter ballots and provisional ballots were 2,828.

That the whole number of absent voter and provisional ballots cast in the City was 3,805, making a total of 6,633 ballots cast in the City.

**SECTION 2.** That the names of persons voted for at the election for Member of the City Council are as follows:

JOHN A. MIRISCH  
VIRGINIA A. MAAS  
RICHARD A. STONE  
LINDA J. BRISKMAN  
WILLIAM (WILLIE) WARREN BRIEN  
BARRY BRUCKER  
FRAN COHEN  
NILI NATHAN  
BRENT C. LILLEY  
MICHAEL HAKIM  
ABRAHAM C. ROSS

That the name of person voted for at the election for City Treasurer is as follows:

ELIOT FINKEL

**SECTION 3.** That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the office of member of the City Council for which the persons were candidates were as listed in Exhibit A attached.

**SECTION 4.** The City Council does declare and determine that: BARRY BRUCKER was elected as Member of the City Council for the full term of four years, WILLIAM (WILLIE) WARREN BRIEN was elected as Member of the City Council for the full term of four years, JOHN A. MIRISCH was elected as Member of the City Council for the full term of four years;

and ELIOT FINKEL was elected as City Treasurer for the full term of four years.

**SECTION 5.** That there was submitted to the qualified voters of said City the following measure, to wit:

**MEASURE P:**

Shall the ordinance updating the city's business tax regulations to more closely conform with the regulations of surrounding cities and increasing Beverly Hills' general tax revenue for its services and operations by converting the flat tax on oil companies per barrel of oil extracted from the City and the flat tax on certain businesses based on the number of employees, to taxes based on the gross receipts or gross payroll of these businesses, be adopted?

**Section 6.** That the votes cast in the precincts established for said election upon said measure and for and against said measure, the vote-by-mail votes cast for and against said measure, and the total votes cast at said election for and against said measure and upon said measure are as shown on the attached Exhibit "A" constituting the certification of the Canvass of Votes by the City Clerk of the City of Beverly Hills, dated March 13, 2009.

**SECTION 7.** That the votes of more than a majority of all the voters voting at said election upon said measure were cast in opposition of the adoption of Measure P, and pursuant to Elections Code Section 9241, said Ordinance is hereby declared to be not in effect.

**SECTION 8.** The City Clerk shall enter in the records of the City Council of the City, a statement of the results of the election, showing: (1) the whole number of ballots cast in the City; (2) the names of the persons voted for; (3) for what office each person was voted for; (4) the

number of votes given at each precinct to each person; and  
(5) the total number of votes given to each person.

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

**SECTION 10.** That the City Clerk of this City shall certify to the passage and adoption of this Resolution and enter it into the Book of Resolutions of this City, which entry shall constitute the City Clerk's statement of the results of the election.

Adopted:

\_\_\_\_\_  
FRANK FENTON  
Mayor of the City of  
Beverly Hills, California

ATTEST:

\_\_\_\_\_  
BYRON POPE  
City Clerk (SEAL)

Approved as to form:

  
LAURENCE S. WIENER  
City Attorney

Approved as to content:

\_\_\_\_\_  
RODERICK J. WOOD, CCM  
City Manager

  
BYRON POPE  
City Clerk





March 13, 2009

I, Byron Pope, City Clerk of the City of Beverly Hills certify the following:

A manual tally of one precinct was conducted, and showed the precinct ballots (Election Night 3/3/2009) and the additional Vote-by-Mail / Provisional Count (Friday, 3/6/2009) to be the same; however a different count in some races in the Vote-by-Mail ballots tabulated on election night (3/3/2009).

I therefore ordered all vote-by-mail ballots re-inspected and re-tabulated on Friday 3/6/2009, which resulted in the revised count shown in my certification.

After the re-inspection and re-tabulation, the following discrepancies remained:

Precinct 10, Vote-By-Mail (VBM) Count :

<u>Category</u>	<u>Machine Count</u>	<u>Manual Tally</u>
<b><i>City Council Candidates</i></b>		
Mirisch	53	57
Maas	30	31
Briskman	41	43
Brien	58	61
Brucker	78	81
Cohen	37	41
<b><i>City Treasurer Candidate</i></b>		
Finkel	66	74
<b><i>LACC Trustee Board Seat No. 2</i></b>		
Finley	13	14
Sims	15	17
Park	10	11
Reddock	28	30
<b><i>LACC Trustee Board Seat No. 4</i></b>		
Candaele	40	43
<b><i>LACC Trustee Board Seat No. 7</i></b>		
Santiago	33	34

***\*The machine count and the manual tally for all other candidates not listed in the above chart matched.***

The discrepancies were resolved by using the Manual Tally counts according to California Elections Code section 15360(e).

Byron Pope, CMC  
City Clerk  
City of Beverly Hills