

RESOLUTION NO. 7527

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, RESOLVING A TIE VOTE BY LOT USING THE COIN TOSS METHOD FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT THE MARCH 5, 2013 MUNICIPAL ELECTION.

WHEREAS, Section 15651 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions by which a tie vote shall be resolved. Election to resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office.

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

SECTION 1. That pursuant to Section 15651 of the Elections Code of the State of California, if two or more persons receive an equal and the highest number of votes for an office to be voted for within the City, the City Council shall summons only those candidates who received the tie votes, at a time and place to be designated by the City Clerk. The City Clerk shall at that time and place determine the tie by lot using the "Coin Toss Method" in accordance with the procedures set forth in Section 3, below.

SECTION 2. That the provisions of Section 1 shall apply only to election to be held on March 5, 2013 and shall then be repealed.

SECTION 3. That the procedure used for the determination of the winner using the coin toss shall be attached to this Resolution as Exhibit A and that such be signed by the candidates who are tied.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

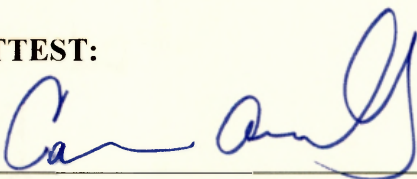
PASSED, APPROVED and ADOPTED, this 9th day of October, 2012.

CITY OF SOUTH GATE:



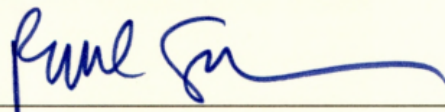
W.H. (Bill) De Witt, Mayor

ATTEST:



Carmen Avalos, City Clerk
(Seal)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

EXHIBIT A

PROCEDURE FOR COIN TOSS FOR DETERMINATION OF THE WINNER

It is proposed that a toss of a coin be used to determine the winner of the tie election in the manner which follows:

Selection of Coin

- 1) A U.S. minted dollar coin shall be used in the toss.
- 2) The coin shall be obtained by the Elections Official from the City Finance Department or from a local bank.
- 3) Both candidates shall be allowed to examine the selected coin.

Candidates' Witnesses

- 1) Each candidate shall select one person, of his/her choice, to act as a witness.
- 2) The witness shall verify the results of the drawing of cards and the coin toss, but shall not touch either the cards or the coin.

Selection of Person to Call Coin

- 1) Each candidate shall write his/her name on five separate 3"x 5" index cards.
- 2) The ten index-cards shall then be folded once and placed in a solid colored container.
- 3) One card shall be drawn from the container by the Elections Official and shown to the (Head of the Legislative Body*), the two candidates, and the two witnesses.
- 4) The Election Official (or Head of the Legislative Body*) shall announce who shall call the toss.

Method of Tossing Coin

- 1) The coin shall be tossed by the Election Official (or Head of the Legislative Body*), to a height of at least six feet, flipping end over end. If the proper height or form is not attained, the Elections Official shall call a fault before the coin hits the ground, and the coin shall be tossed again.
- 2) The call must be made by the selected candidate after the coin leaves the hand, but before it begins its decent to the floor. If the call is not made before it begins its decent, the Elections Official shall call a fault before the coin hits the ground and the coin shall be tossed again.
- 3) The coin shall be allowed to fall directly to the floor and come to rest without interference of any kind, including but not limited to, contact with the following: any person, any person's apparel, chairs, tables, walls, wires, or draperies.

If the coin comes in contact with any object except the floor, the Elections Official shall call a fault before the coin comes to a rest, and the coin shall be tossed again.

- 4) No person shall touch the coin until the Legislative Body declares the result.

Verification of Result

- 1) The Election Official (or Head of the Legislative Body*) and the two witnesses shall view the coin first and agree on the result, without touching the coin.
- 2) Once the results have been so verified, the two candidates may view the coin, without touching it.
- 3) Following this, the remaining members of the Legislative Body shall view the coin, without touching it.
- 4) Following this, all other interested parties may view the coin, without touching it.

Declaration of Result

- 1) Once all interested parties have viewed the coin, The Election Official (or Head of the Legislative Body*) will announce the winner of the toss and entertain a motion to declare the winner of the toss the winner of the election.
- 2) Once the Legislative Body has acted to declare the winner, the coin shall be picked up.
- 3) The declaration shall be put in the appropriate written form (Resolution declaring the Results of the Election, Form 17A), signed by the (Head of the Legislative Body*) and transmitted to Elections Official of the Legislative Body.

*Head of Legislative Body can be defined as:
Mayor of a City or Town Council
President of a Board of Directors or Board of Trustees

Acknowledged and Understood by:

Candidate Date

Candidate Date

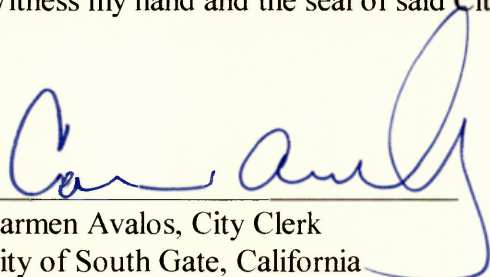
RESOLUTION CERTIFICATION PAGE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 7527 was adopted by the City Council at their Regular Meeting held on October 18, 2012, by the following vote:

Ayes: Council Members: De Witt, Hurtado, Gonzalez, Morales and Davila
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Witness my hand and the seal of said City on October 18, 2012.



Carmen Avalos, City Clerk
City of South Gate, California