

RESOLUTION NO. 73339

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE RECITING THAT A GENERAL MUNICIPAL ELECTION WAS HELD IN THE CITY OF SAN JOSE ON TUESDAY, JUNE 6, 2006 WHICH WAS CONSOLIDATED WITH THE STATE PRIMARY ELECTION ON THAT DATE; FINDING AND DECLARING THAT THE FOLLOWING WERE ELECTED TO THE OFFICE OF MEMBER, CITY COUNCIL – PETE CONSTANT, DISTRICT 1, NORA CAMPOS, DISTRICT 5, MADISON P. NGUYEN, DISTRICT 7 AND JUDY CHIRCO, DISTRICT 9 FOR TERMS BEGINNING ON JANUARY 1, 2007 AND ENDING ON DECEMBER 31, 2010 AND REQUESTING THE BOARD OF SUPERVISORS TO CONSOLIDATE THE MUNICIPAL RUN-OFF ELECTION WITH THE STATE GENERAL ELECTION AND TO PERMIT THE COUNTY REGISTRAR OF VOTERS TO RENDER CERTAIN SERVICES TO THE CITY OF SAN JOSE RELATING TO THE CONDUCT OF SAID ELECTION; ESTABLISHING FEES FOR CANDIDATE STATEMENTS AND DELEGATING TO THE CITY CLERK THE AUTHORITY TO TAKE OTHER ACTIONS WITH REGARD TO THE ELECTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The Council of the City of San José hereby finds, determines, declares and recites that a General Municipal Election was held in the City of San José on Tuesday, June 6, 2006 for the purpose of electing one person each from Council Districts 1, 3, 5, 7 and 9 to the Council of the City of San José, each for a four-year term commencing January 1, 2007, and ending on December 31, 2010.

SECTION 2. The Registrar of Voters of Santa Clara County has duly canvassed the votes cast in the City of San José at the General Municipal Election consolidated with the State Primary Election held on June 6, 2006, by the electors of the City for the offices set forth, and has prepared a statement of all votes cast, and has certified the result of the votes cast at said election for each office, which said certification is now on file in the office of the City Clerk of the City of San José.

SECTION 3. The Council of the City of San José hereby finds, determines and declares that said canvass is confirmed, and that the following are the results of said canvass and of said election:

- (a) That the total number of ballots cast in the City of San José in said election is set forth in Exhibit "A", the Certificate of Election Results, attached hereto and incorporated herein by this reference; and
- (b) That the following candidates were elected to the following designated office, each for a four-year term commencing January 1, 2007 and ending December 31, 2010:

Pete Constant	Member, City Council, District 1
Nora Campos	Member, City Council, District 5
Madison P. Nguyen	Member, City Council, District 7
Judy Chirco	Member, City Council, District 9

- (c) That Measure K (Fire Station Construction – Silver Creek Park) passed.

SECTION 4.

A. In accordance with the provisions of Section 10403 of the Elections Code of the State of California, the Council of the City of San José does hereby request the Board of Supervisors of the County of Santa Clara, California to consolidate the Municipal Run-off Election with the State General Election which is to be held in Santa Clara County on November 7, 2006.

B. The election precincts, polling places, voting booths, voting systems and election officers for the Municipal Run-off Election shall be the same as provided for the State General Election in the City of San José.

C. The Board of Supervisors of Santa Clara County, California is hereby authorized to canvass the returns of the Municipal Run-off Election in accordance with the Section 10411 of the Elections Code of the State of California.

D. The City Council hereby requests the Board of Supervisors of the County of Santa Clara, California to permit the Registrar of Voters of said County to render to the City of San José such services as the City Clerk of the City of San José may request, relating to the conduct of the above-mentioned election with respect to the following matters:

Coordination of election precincts, polling places,
voting booths, voting systems and election officers;
Checking of Nomination Petitions;
Printing and mailing of voter pamphlets;
Preparation of tabulation of result of votes cast.

C. The City Clerk is hereby directed to reimburse the County of Santa Clara in full for any of the above-mentioned services which may be performed by the County Registrar of Voters, upon presentation of a bill to the City, with monies heretofore appropriated to the City Clerk for election purposes.

SECTION 5. The City Clerk is authorized to publish Notification of the Municipal Run-off Election at such times and upon such dates as the City Clerk, in her discretion, shall find appropriate.

SECTION 6. The City Council hereby determines that there shall be a limit of 200 words for each candidate statement.

SECTION 7. The City Clerk shall take all actions necessary in order to facilitate the election in the time frame specified herein. Any such actions, issued in a public written notice posted on the Brown Act Board located in front of City Hall shall be deemed to be an action in furtherance of this provision and shall supersede the state Elections Code.

SECTION 8. The City Clerk shall comply with provisions of the City Charter, Ordinances, Resolutions and Policies with regard to the conduct of the Election and is hereby authorized to take action in order to conduct the Elections in accordance with the City Charter, Ordinances , Resolutions and Policies.

ADOPTED this 8th day of August, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk