

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

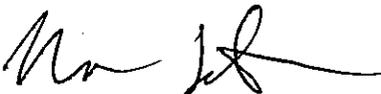
**SUBJECT:** Ordinance – Special Election  
District 4

**DATE:** November 13, 2006

On November 14, 2006, the City Council will consider the approval of an uncodified Ordinance which provides authorization to the City Clerk to take actions with regard to the holding of a Special Election to fill a vacancy in the Office of Councilmember, District 4. A draft Ordinance is attached for your review.

City Charter Section 1602 provides for election procedures to be conducted in accordance with provisions of state law unless otherwise provided for by City ordinance. The attached Ordinance authorizes implementation of election procedures such as the establishment of a specific nomination period for candidates and other procedures and actions which are also set out in the Resolution calling for the Special Election in Council District 4.

RICHARD DOYLE  
City Attorney

By   
Norman Sato  
Chief Deputy City Attorney

cc: Les White  
Lee Price

For questions please contact Norm Sato, Chief Deputy City Attorney at 535-1925

# DRAFT

## ORDINANCE NO \_\_\_\_\_

### AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN JOSE PROVIDING AUTHORIZATION TO CONDUCT AND TAKE ACTIONS WITH REGARD TO THE HOLDING OF AN ELECTION TO FILL A VACANCY IN THE OFFICE OF COUNCILMEMBER, DISTRICT 4.

**WHEREAS**, there will be a vacancy in the Office of Councilmember, District 4 of the City of San Jose; and

**WHEREAS**, City Charter Section 1602 provides for election procedures to be conducted in accordance with provisions of state law unless otherwise provided for by City ordinance; and

**WHEREAS**, in order to ensure a timely special election is conducted in Council District 4, it is necessary and appropriate for the City of San Jose to authorize election procedures; and

**WHEREAS**, the City Council desires that such election procedures be authorized for implementation and action pursuant to a Resolution of the City Council; and

**WHEREAS**, the City Council will adopt a Resolution setting forth the dates for a Special Municipal Election in District 4 pursuant to Charter Section 1600.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of San Jose:

#### SECTION 1.

The City Council of the City of San Jose hereby authorizes the implementation of election procedures and actions pursuant to adoption of Resolution No. \_\_\_\_\_ of the Council of the City of San Jose in order to conduct a Special Election or a Run-off Municipal

Election which is held for the purpose of filling the vacancy in the Office of Councilmember, Council District 4.

SECTION 2.

The City Clerk is hereby authorized to take all actions necessary in order to facilitate the Special Election or Run-off Municipal Election in the time-frame specified herein or in Resolution No. \_\_\_\_\_. 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 pursuant to Resolution No. \_\_\_\_\_ and shall supersede any provision of the California Elections Code with which it contradicts.

SECTION 3.

The City Clerk is hereby authorized to establish a nomination period to begin on Monday, November 20, 2006 at 8:00 a.m. and ending on Friday, December 1, 2006 at 5:00 p.m.

SECTION 4.

Any election procedure or action which is approved or implemented pursuant to or in furtherance of this Ordinance shall be deemed effective as of November 14, 2006.

RD:NS  
11/10/06

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

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RON GONZALES  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk