RD:BKJ
7/24/08

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING AND GIVING NOTICE OF, ON ITS OWN MOTION, THE SUBMISSION TO THE ELECTORS OF THE CITY OF SAN JOSE, AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2008, A BALLOT MEASURE PROPOSAL TO ADD A NEW PROVISION TO THE CITY CHARTER TO ALLOW LONG-TERM AGREEMENTS IN CERTAIN CITY PARKS

WHEREAS, Charter Section 1600 authorizes the City Council to set the date for a Special Municipal Election; and

WHEREAS, the City Council desires to submit to the electors of the City of San Jose at a Special Municipal Election a ballot measure proposal to add a new Section 1700.1 to the City Charter to allow Long-Term Agreements in Certain City Parks.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

SECTION 1. A Special Municipal Election is hereby called and ordered to be held in the City of San Jose on November 4, 2008, for the purpose of voting on a ballot measure proposal to add a new Section 1700.1 to the City Charter to allow Long-Term Agreements in Certain City Parks. The actual language of the proposed Charter amendment is attached to this Resolution as Exhibit A.

SECTION 2. The proposed ballot measure will be placed on the ballot for the November 4, 2008 election in the following form:

LONG-TERM AGREEMENTS IN CERTAIN CITY PARKS

"To improve parks and enhance recreational opportunities through agreements that support long term financial investments, shall the City Charter be amended to allow the City Council to approve park use agreements with non-City entities for up to 30 years in parks larger than five acres, requiring that the agreements enhance the recreational purposes of the park?"

YES	
NO	

SECTION 3. The City Council hereby requests the Board of Supervisors of the County of Santa Clara, California to permit the Registrar of Voters of Santa Clara County to render to the City of San Jose such services as the City Clerk of the City of San Jose

may request relating to the conduct of the above-described Special Municipal Election with respect to the following matters:

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

SECTION 4. The City Council hereby requests that the Registrar of Voters of the County of Santa Clara consolidate the Special Municipal Election called and ordered to be held on November 4, 2008 with any other election that may be held on that date.

SECTION 5. The City Council hereby authorizes the Board of Supervisors of Santa Clara County, California to canvass the returns of the Special Municipal Election.

SECTION 6. The City Council hereby directs the City Clerk to reimburse the County of Santa Clara in full for any of the above-mentioned services which may be performed by the Registrar of Voters, upon presentation of a bill to the City, with funds already appropriated to the City Clerk for election purposes.

SECTION 7. The City Council hereby directs the City Clerk to take all actions necessary in order to facilitate the Special Municipal Election in the time frame specified herein and comply with provisions of the Elections Code of the State of California, City Charter, Ordinances, Resolutions and Policies with regard to the conduct of the Special Municipal Election.

SECTION 8. Pursuant to Section 12111 of the California Elections Code and Section 6061 of the California Government Code, the City Council hereby directs the City Clerk to (a) cause a synopsis of the proposed measure and the actual text of proposed new Charter Section 1700.1 to be published in the San Jose Mercury News, a newspaper of regular circulation within the City of San José; (b) consolidate the Notice of Measure to be Voted with the Notice of Election into a single notice; (c) cause copies of the proposed measure, [along with the actual text of proposed new Charter Section 1700.1,] to be printed in convenient pamphlet form and in type of not less than 10-point; (d) cause copies of that pamphlet to be mailed to each of the qualified electors of the City of San José; and (e) do all other things required by law to submit the specified measure [and the actual text of proposed new Charter Section 1700.1] to the electors of the City of San José at the Special Municipal Election; [including causing the actual text of the proposed new Charter Section 1700.1 to be made available in the Office of the City Clerk at no cost and posted on the City Clerk's website.].

SECTION 9. Pursuant to Sections 9282 and 9285 of the California Elections Code, the City Council hereby approves the submittal of direct arguments for and against the ballot measure, if any, but determines that rebuttal arguments will not be allowed.

SECTION 10. The City Council hereby directs the City Clerk to transmit a copy of any measure qualifying for placement on the ballot to the City Attorney for preparation of an impartial analysis.

ADOPTED this _____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

_____
CHUCK REED
Mayor

ATTEST:

_____
LEE PRICE, MMC
City Clerk

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EXHIBIT A
PROPOSED NEW CHARTER SECTION 1700.1

SECTION 1700.1 Council Authority to Enter into Long Term Agreements

The City Council may enter into long term leases, concessions, permits or other agreements ("Agreements") with individuals or non-City entities, to allow use of public parks for terms of up to 30 years at a time, without voter approval, if the Council determines that Agreement would benefit the community and that the following conditions have been met: (i) the Agreement would enhance the designated recreational purposes for the public park, (ii) the public park subject to the Agreement is more than 5 acres in size and has at least 1 Community Serving Amenity, as defined below (iii) the Agreement complies with an adopted City Council policy for Long Term Agreements in Parks, which defines community outreach standards, requirements for affordable access to the public park, periodic performance reviews, and early termination rights among other things; and (iv) any funds received by the City from the Agreement shall be used for recreational purposes. A "Community Serving Amenity" is defined as one of the following: Pool, Community Center or Reservable Sports Field or similar recreational improvements in a park and that is described in the City's approved master strategic plan for parks and community facilities. Nothing herein is intended to limit City Council's authority to enter into other long term agreements on parks which have been approved by the voters.