



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT: CERTIFICATION OF THE  
RESULTS OF THE ELECTION  
HELD NOVEMBER 4, 2008**

**DATE:** December 4, 2008

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## **RECOMMENDATION**

Adoption of a resolution declaring the results of the November 4, 2008 Municipal Election pursuant to Elections Code Section 15400.

## **OUTCOME**

The resolution will certify the results of the election and confirm the election of Ash Kalra and Rose Herrera to the Offices of Council Member – Districts 2 and 8, as well as the passage of Measures J, K, L and M.

## **BACKGROUND/ANALYSIS**

On November 4, 2008, the City held an election for the purpose of conducting a run-off election for the Council District Seats #2 and #8. In addition, the Council placed four measures on the citywide ballot for voter consideration. The following summarizes the voter turnout, Citywide:

Citywide Voter Registration:	389,819
Citywide Voter Turnout:	328,718
Percentage of Voter Turnout:	84.3%

### **Run-off Candidate Election:**

A primary election was conducted in June and the City certified the election results on August 12, 2008. Council Members Chu, Oliverio and Pyle were re-elected. The Statement of Votes determined the need for a Run-off Election in both Council Districts 2 and 8. The run-off election was conducted and Ash Kalra and Rose Herrera have been elected to the Offices of Council Member – Districts #2 and 8. The voter turnout in the District races averaged 83%.

Ballot Measures:

On June 19, 2008 and August 5, 2008, the City Council placed four measures on the November ballot. All four measures required a majority vote and each passed. The ballot measures and number of votes received are summarized as follows:

**Measure J: Reduction by 10% and Replacement of 911 System Access Fee**

Shall an ordinance be adopted to eliminate the 911 fee of \$1.75 per telephone line and replace it with a 10% reduced tax of \$1.57 with a corresponding reduction for commercial-type trunk lines, to support essential City services such as police, fire, emergency response, parks and libraries; to continue exemptions for low-income senior citizens or low-income disabled households; subject to existing audits?

Yes votes:	217,976	77.69%
No votes:	62,598	22.31%

**Measure K: 10% Rate Reduction and Update of Telecommunications Users Tax**

Shall an ordinance be adopted to reduce the telecommunications users tax rate from 5% to 4.5%; to update the ordinance and apply the tax equally regardless of technology used; in order to support essential city services such as police, fire, emergency response, street maintenance, parks and libraries; while maintaining current exemptions; subject to existing audits?

Yes votes:	220,146	79.55%
No votes:	56,592	20.45%

**Measure L: Fire Station Construction – Lincoln Glen Park**

To improve fire suppression, emergency medical services and increase essential emergency facilities available for disaster response within the Willow Glen area, shall the City be authorized to construct a single-company fire station on up to  $\frac{3}{4}$  of an acre on a portion of the Lincoln Glen Park parking lot?

Yes votes:	177,607	64.53%
No votes:	97,634	35.74%

**Measure M: 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 25 years in parks larger than five acres, requiring that the agreements enhance the recreational purposes of the park?

Yes votes:	198,999	72.60%
No votes:	75,093	27.40%

HONORABLE MAYOR AND CITY COUNCIL

August 4, 2006

**Subject:** Election Results for November 4, 2008

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### **ANALYSIS**

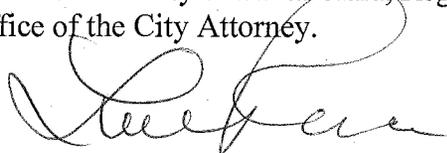
The Certificate of Election Results and relevant excerpt from the Official Final Results are attached to the Draft Resolution as Exhibit A. The complete Statement of Votes and Official Final Results are on file in the Office of the City Clerk.

### **PUBLIC OUTREACH/INTEREST**

All Municipal Elections are consolidated with the County of Santa Clara and held in accordance with established procedures governing the conduct of elections. All registered voters in the City of San José, District 2 and District 8 received all appropriate ballot materials for the election.

### **COORDINATION**

The Election was consolidated and coordinated with the County of Santa Clara, Registrar of Voters. The Council Memo was coordinated with the Office of the City Attorney.



LEE PRICE, MMC  
City Clerk

For questions please contact the City Clerk at (408) 535-1252

Attachment: Resolution and Attachments