



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

SUBJECT: CERTIFICATION OF THE
RESULTS OF THE ELECTION
HELD NOVEMBER 2, 2010

DATE: December 1, 2010

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: 1) the re-election of Madison Nguyen to the Office of Council Member – District 7; 2) the election of Xavier Campos and Donald Rocha to the Offices of Council Member – Districts 5 and 9; and 3) the passage of Measure U (Marijuana Business Tax), Measure V (Limit Powers of Outside Arbitrators) and Measure W (Pension Reform).

BACKGROUND/ANALYSIS

On November 2, 2010, the City held an election for the purpose of conducting a run-off election for the Council District Seats 5, 7 and 9. In addition, the Council placed three measures on the citywide ballot for voter consideration. The following summarizes the voter turnout, Citywide:

Citywide Voter Registration:	392,573
Citywide Voter Turnout:	250,581
Percentage of Voter Turnout:	63.8%

Run-off Candidate Elections:

A primary election was conducted in June and the City certified the election results on August 3, 2010. Mayor Reed and Council Members Constant and Liccardo were re-elected. The Statement of Votes determined the need for a Run-off Election in Council Districts 5, 7 and 9. The run-off election was conducted and Council Member Nguyen was re-elected in District 7. Xavier Campos and Donald Rocha have been elected to the Offices of Council Member – Districts 5 and 9. The voter turnout in the District races averaged 62%.

Ballot Measures:

On August 3, 2010, the City Council placed three measures on the November ballot. All three required a majority vote and each passed. The ballot measures and number of votes received are summarized as follows:

Measure U: Marijuana Business Tax

In order to provide funding for essential City services such as police, fire, emergency response, street maintenance, pothole repair, parks, libraries and youth and senior programs, shall an ordinance be adopted to impose a tax at a rate of up to 10% of gross receipts on marijuana businesses in San José, subject to existing independent financial audits, with all revenue controlled by the City?

Yes votes:	184,305	78.33%
No votes:	50,992	21.67%

Measure V: 10% Limit Powers of Outside Arbitrators

To provide fiscal stability, control costs and maintain City services to residents, shall the Charter be amended to permit binding arbitration only if outside arbitrators are (1) required to base awards to employees primarily on the City's ability to pay; and (2) prohibited from: creating any unfunded liability for the City, increasing police and firefighter compensation more than the rate of increase in General Fund revenues, or granting retroactive benefits?

Yes votes:	148,368	66.41%
No votes:	75,038	33.59%

Measure W: Pension Reform

To provide fiscal stability, control costs and maintain City services to residents, shall the Charter be amended to allow the Council, by ordinance and subject to the requirements of applicable law, to exclude any officer or employee hired on or after the ordinance's effective date from any retirement plan or benefit of any plan then in existence and to require that any new or different plan shall be actuarially sound?

Yes votes:	162,367	72.14%
No votes:	62,710	27.86%

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.

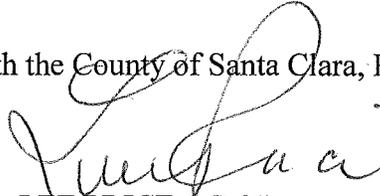
HONORABLE MAYOR AND CITY COUNCIL
November 29, 2010
Subject: Election Results for December 1, 2010
Page #2

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, Districts 5, 7 and 9 received all appropriate ballot materials for the election.

COORDINATION

The Election was consolidated and coordinated with the County of Santa Clara, Registrar of Voters.



LEE PRICE, MMC
City Clerk

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

Attachment: Resolution and Attachments