

**RESOLUTION NO. 73246**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD IN COUNCIL DISTRICT 6; ESTABLISHING THE DATES FOR AND THE PROCEDURES TO CONDUCT AND TAKE ACTIONS WITH REGARD TO THE ELECTION; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA TO CANVASS THE RETURNS OF SAID 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 FOR FILING NOTICES OF INTENT TO CIRCULATE PETITIONS; AND DELEGATING TO THE CITY CLERK THE AUTHORITY TO TAKE OTHER ACTIONS WITH REGARD TO THE ELECTION.**

**WHEREAS**, there will be a vacancy in the Office of Councilmember for Council District 6 which the City Council desires to fill by election in accordance with the City Charter; and

**WHEREAS**, Charter Section 1600 authorizes the City Council to set the dates for a Special Municipal Election by Resolution of the City Council.

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

SECTION 1. A Special Municipal Election is hereby called and ordered to be held in the City of San Jose on November 7, 2006 to elect one person from Council District 6 to the Council of the City of San Jose to fill the vacancy in the Office of Councilmember for the balance of the term expiring December 31, 2008.

SECTION 2. Should no person be declared elected to the office of Councilmember, District 6 because of a failure to receive a majority of the votes cast for such Office, a Runoff Municipal Election to fill the vacancy will be conducted on March 6, 2007.

SECTION 3. The Office of Councilmember for District 6 shall be placed on the ballot for the Special Municipal Election in the following form:

MEMBER, CITY COUNCIL, DISTRICT 6                      VOTE FOR ONE

SECTION 4.

A. The Board of Supervisors of Santa Clara County, California is hereby authorized to canvass the returns of said Special Municipal Election and, if such is held, the Run-off Municipal Election.

B. 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 Jose such services as the City Clerk of the City of San Jose 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 Nomination period for the Special Municipal Election shall begin on Monday, July 17<sup>th</sup> at 8:00 a.m. and close at Noon on Friday, August 11<sup>th</sup>. The City Clerk is authorized to designate a person or persons to issue nomination papers upon request on dates as determined by the City Clerk.

SECTION 6. The City Clerk is authorized to publish Notification of the Special Municipal Election and Municipal Run-off Election at such times and upon such dates as the City Clerk, in her discretion, shall find appropriate.

SECTION 7. The City Council hereby determines that there shall be a limit of 200 words for each candidate statement.

SECTION 8. 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 9. 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 20<sup>th</sup> day of June, 2006, by the following vote:

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

NOES: NONE

ABSENT: CHIRCO

DISQUALIFIED: NONE

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RON GONZALES  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk