

RESOLUTION NO. 74459

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING AND GIVING NOTICE OF, ON ITS OWN MOTION, A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2008, TO SUBMIT TO THE ELECTORS OF THE CITY OF SAN JOSE A MEASURE ABOUT FIRE STATION CONSTRUCTION – LINCOLN GLEN PARK.

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 authorize construction of a fire station in a portion of Lincoln Glen Park

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 authorize construction of a fire station in a portion of Lincoln Glen Park.

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

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	
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 12114 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, if any, 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 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 above to the electors of the City of San José at the Special Municipal Election.

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 19th day of June, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CONSTANT, LICCARDO, NGUYEN,
PYLE, WILLIAMS, REED.

NOES: CHU, CORTESE, OLIVERIO.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk