

**RESOLUTION NO. 74546**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ REPEALING THE DETERMINATION IN RESOLUTION NUMBERS 74459, 74527, 74528 AND 74530 THAT REBUTTAL ARGUMENTS WILL NOT BE ALLOWED AND ADOPTING INSTEAD THE PROVISIONS OF ELECTIONS CODE SECTION 9285 TO ALLOW REBUTTAL ARGUMENTS AND AUTHORIZING MEMBERS OF THE CITY COUNCIL TO AUTHOR AND SUBMIT BALLOT ARGUMENTS IN FAVOR OF MEASURES**

**WHEREAS**, on June 19 and August 5, 2008, the City Council called and ordered to be held a Special Municipal Election to be held in the City of San José on November 4, 2008, for the purpose of voting on four (4) ballot measure proposals, assigned as Measures J, K, L and M by the Registrar of Voters of the County of Santa Clara; and

**WHEREAS**, Resolution Numbers 74459, 74527, 74528 and 74530 include the determination that rebuttal arguments will not be allowed; and

**WHEREAS**, the City Council wishes to allow rebuttal arguments if arguments are filed that relate to Measure J, K, L or M; and

**WHEREAS**, the City Council also desires to authorize any member or members of the Council to author and submit a ballot measure argument in favor of Measure J, K, L or M pursuant to Elections Code Section 9287.

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

**SECTION 1.** The determination in Resolution Numbers 74459, 74527, 74528 and 74530 that rebuttal arguments will not be allowed is hereby repealed.

**SECTION 2.** The City Council hereby adopts the provisions of Elections Code Section 9285 and directs the City Clerk to accept rebuttal arguments if arguments are filed that relate to Measure J, K, L or M.

**SECTION 3.** The City Council hereby authorizes any member or members of the City Council to author and submit a ballot measure argument in favor of Measure J, K, L or M pursuant to Elections Code Section 9287.

ADOPTED this 12th day of August, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,  
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;  
REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk