

RESOLUTION NO. 74698

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE RECITING THAT A REGULAR MUNICIPAL ELECTION WAS HELD IN THE CITY OF SAN JOSE ON TUESDAY, NOVEMBER 4, 2008; STATING THE OFFICES TO BE FILLED AT THE ELECTION; FINDING AND DECLARING THAT THE REGISTRAR OF VOTERS OF THE COUNTY OF SANTA CLARA HAS CANVASSED THE RETURNS OF THE ELECTION AND CONFIRMING THE RESULTS OF THE CANVASS; STATING THE WHOLE NUMBER OF VOTES CAST, THE NAMES OF THE PERSONS VOTED FOR, THE OFFICES THE PERSONS WERE VOTED FOR, THE NUMBER OF VOTES GIVEN AT EACH PRECINCT TO EACH PERSON; AND FINDING AND DECLARING WHO RECEIVED THE HIGHEST NUMBER OF VOTES OF THE VOTES CAST

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The Council of the City of San Jose hereby finds, determines, declares and recites that a Regular Municipal Election was held in the City of San Jose on Tuesday, November 4, 2008, for the purpose of electing one person each from Council Districts 2 and 8 to the Council for full four-year terms.

SECTION 2. The Registrar of Voters of Santa Clara County has duly canvassed the votes cast in the City of San Jose at the Municipal Election on November 4, 2008, by the electors of the City for the offices set forth, and has prepared a statement of all votes cast, and has certified the results of the votes cast at said election for each office, which said certification is now on file in the office of the City Clerk of the City of San Jose.

SECTION 3. The Council of the City of San Jose hereby finds, determines and declares that said canvass is confirmed, and that the following are the results of said canvass and of said election:

- (a) That the total number of ballots cast in the City of San Jose in said election is set forth in Exhibit "A", the Certificate of Election Results, attached hereto and incorporated herein by this reference; and
- (b) That the candidates who received the highest number of votes are:
 - District 2: Ash Kalra
 - District 8: Rose Herrera

ADOPTED this 16th day of December, 2008, by the following vote:

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

NOES: NONE.

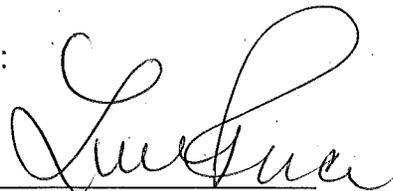
ABSENT: CONSTANT.

DISQUALIFIED: NONE.

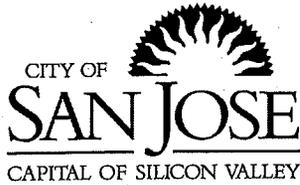


CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk



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

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

Measure M: 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 ¼ of an acre on a portion of the Lincoln Glen Park parking lot?

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

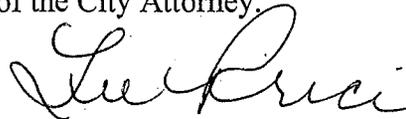
The Certificate of Election Results and relevant excerpt from the Official Final Results are attached to the Draft Resolution as Exhibit A. The complete Statement of Votes and Official Final Results are on file in the Office of the City Clerk.

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

54	San Jose City Council, District 2 Member, City Council, CITY OF SAN JOSE, Dist 2
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GRD, Totals - Page 53

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Member, City Council, CITY OF SAN JOSE, Dist 2 Vote for One JACQUELYN "JACKIE" ADAMS ASH KALRA	
Santa Clara County	40854	34714	85.0%		13095	15639
US Representative, District 15	1982	1779	89.8%		547	921
US Representative, District 16	38872	32935	84.7%		12548	14718
State Senate, District 11	28499	24522	86.1%		8932	11332
State Senate, District 13	8398	6710	79.9%		3093	2550
State Senate, District 15	3957	3482	88.0%		1070	1757
Assembly District 23	16018	13042	81.4%		5682	5225
Assembly District 24	24097	20998	87.1%		7235	10050
Assembly District 27	739	674	91.2%		198	364
State Board Of Equal, District 1	40854	34714	85.0%		13095	15639
Supervisory District 1	40098	34198	85.3%		12839	15449
Supervisory District 2	758	516	68.1%		256	190
City of San Jose	40854	34714	85.0%		13095	15639

58	San Jose City Council, District 8 Member, City Council, CITY OF SAN JOSE, Dist 8
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GRD. Totals - Page 54

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Member, City Council, CITY OF SAN JOSE, Dist 8	Vote for One PAT WAITE ROSE HERRERA
Santa Clara County	48441	38287	82.4%		18125	17383
US Representative, District 18	48441	38287	82.4%		18125	17383
State Senate, District 13	35991	29030	80.7%		11854	13391
State Senate, District 15	10450	9257	88.6%		4271	3992
Assembly District 23	27720	23084	83.3%		9891	10368
Assembly District 28	18721	15203	81.2%		8234	7017
State Board Of Equal. District 1	46441	38287	82.4%		18125	17383
Supervisory District 1	10687	9421	88.2%		4343	4057
Supervisory District 2	5555	4234	78.2%		1881	1982
Supervisory District 3	30199	24632	81.6%		10101	11344
City of San Jose	46441	38287	82.4%		18125	17383

89	City of San Jose Measure J, City of San Jose
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GRD. Totals - Page 84

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure J, City of San Jose YES	NO
Santa Clara County	389819	328718	84.3%		217976	62598
US Representative, District 14	5416	4782	88.3%		3020	944
US Representative, District 15	135519	116001	85.6%		76435	21923
US Representative, District 16	248884	207935	83.6%		138521	39731
State Senate, District 10	37208	30394	81.7%		20524	5413
State Senate, District 11	148792	128609	87.8%		84039	25610
State Senate, District 13	163581	132164	80.8%		88587	24306
State Senate, District 15	42258	37551	88.9%		24826	7269
Assembly District 20	1817	1473	81.1%		967	258
Assembly District 21	31359	28013	89.3%		18284	5450
Assembly District 22	38070	30483	84.5%		20032	5652
Assembly District 23	139398	111965	80.3%		75378	20714
Assembly District 24	191703	140899	87.1%		92554	27667
Assembly District 27	751	882	90.8%		421	150
Assembly District 28	18721	15203	81.2%		10340	2707
State Board Of Equal, District 1	389819	328718	84.3%		217976	62598
Supervisory District 1	101871	88833	87.2%		58535	17778
Supervisory District 2	107486	86827	80.8%		58142	16023
Supervisory District 3	82278	67044	81.5%		45339	11999
Supervisory District 4	88313	77682	88.0%		50506	15223
Supervisory District 5	9871	8332	84.4%		5454	1575
City of San Jose	389819	328718	84.3%		217976	62598

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, Jesse Durazo, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

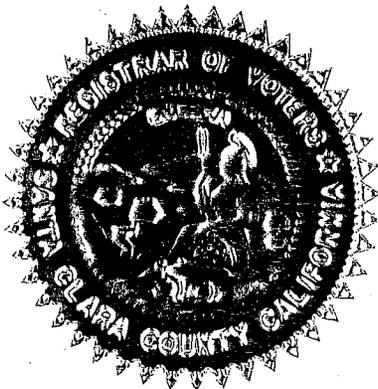
1. A **Presidential General Election** was held in the County of Santa Clara, in the **City of San Jose**, on November 4, 2008 for the purpose of submitting the following measure to the voters:

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?

2. The official canvass of the returns of the election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file at my office, shows the whole number of votes cast for **Measure K** in each of the precincts and the total shown is true and correct.

WITNESS my hand and Official Seal this 2nd day of December, 2008.



Jesse Durazo
Jesse Durazo, Registrar of Voters

90	City of San Jose Measure K, City of San Jose
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GRD. Totals - Page 85

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure K, City of San Jose YES	NO
Santa Clara County	389819	328718	84.3%		220146	56592
US Representative, District 14	5416	4782	88.3%		3081	858
US Representative, District 15	135519	116001	85.8%		77118	19937
US Representative, District 18	248884	207935	83.6%		139967	35797
State Senate, District 10	37208	30394	81.7%		20600	4979
State Senate, District 11	148792	128609	87.8%		85143	23028
State Senate, District 13	163561	132164	80.8%		88955	22277
State Senate, District 15	42258	37551	88.9%		25448	8308
Assembly District 20	1817	1473	81.1%		994	218
Assembly District 21	31359	28013	89.3%		18671	4791
Assembly District 22	36070	30483	84.5%		20231	5159
Assembly District 23	139398	111965	80.3%		75819	18908
Assembly District 24	181703	140899	87.1%		93354	25131
Assembly District 27	751	682	90.8%		458	114
Assembly District 28	18721	15203	81.2%		10619	2273
State Board Of Equal. District 1	389819	328718	84.3%		220146	56592
Supervisory District 1	101871	88833	87.2%		58698	15720
Supervisory District 2	107486	86827	80.8%		58184	14654
Supervisory District 3	82278	67044	81.5%		45879	10692
Supervisory District 4	88313	77882	88.0%		50784	13972
Supervisory District 5	9871	8332	84.4%		5621	1354
City of San Jose	389819	328718	84.3%		220146	56592

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)
) ss.
 COUNTY OF SANTA CLARA)

I, Jesse Durazo, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. A **Presidential General Election** was held in the County of Santa Clara, in the **City of San Jose**, on November 4, 2008 for the purpose of submitting the following measure to the voters:

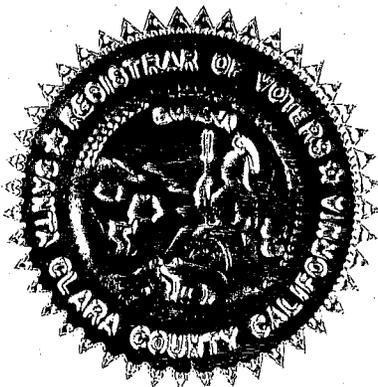
L FIRE STATION CONSTRUCTION – LINCOLN GLEN PARK

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 ¾ of an acre on a portion of the Lincoln Glen Park parking lot?

2. The official canvass of the returns of the election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file at my office, shows the whole number of votes cast for **Measure L** in each of the precincts and the total shown is true and correct.

WITNESS my hand and Official Seal this 2nd day of December, 2008.



Jesse Durazo
 Jesse Durazo, Registrar of Voters

91	City of San Jose Measure L, City of San Jose
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GRD. Totals - Page 88

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure L, City of San Jose YES	NO
Santa Clara County	389819	328718	84.3%		177607	97634
US Representative, District 14	5418	4782	88.3%		2374	1466
US Representative, District 15	135519	116001	85.6%		81459	34527
US Representative, District 16	248884	207935	83.6%		113774	81641
State Senate, District 10	37208	30394	81.7%		15340	9695
State Senate, District 11	146792	128609	87.6%		70979	37248
State Senate, District 13	163561	132164	80.8%		71572	39130
State Senate, District 15	42258	37551	88.9%		19716	11563
Assembly District 20	1817	1473	81.1%		892	491
Assembly District 21	31359	28013	89.3%		14876	8353
Assembly District 22	38070	30483	84.5%		15811	9204
Assembly District 23	139398	111985	80.3%		80858	33087
Assembly District 24	161703	140899	87.1%		77861	41178
Assembly District 27	751	882	90.8%		349	211
Assembly District 28	18721	15203	81.2%		7580	5110
State Board Of Equal, District 1	389819	328718	84.3%		177607	97634
Supervisory District 1	101871	88833	87.2%		47858	26857
Supervisory District 2	107486	88827	80.8%		48896	24587
Supervisory District 3	82278	87044	81.5%		33928	21669
Supervisory District 4	88313	77882	88.0%		42726	22007
Supervisory District 5	9871	8332	84.4%		4199	2534
City of San Jose	389819	328718	84.3%		177607	97634

CERTIFICATE OF ELECTION RESULTS

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STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, Jesse Durazo, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. A **Presidential General Election** was held in the County of Santa Clara, in the **City of San Jose**, on November 4, 2008 for the purpose of submitting the following measure to the voters:

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?

2. The official canvass of the returns of the election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file at my office, shows the whole number of votes cast for **Measure M** in each of the precincts and the total shown is true and correct.

WITNESS my hand and Official Seal this 2nd day of December, 2008.



Jesse Durazo
Jesse Durazo, Registrar of Voters

92	City of San Jose Measure M, City of San Jose
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GRD. Totals - Page 87

	REGISTRATION	BALLOTS CAST	TURNOUT (%)		Measure M, City of San Jose YES	NO
Santa Clara County	389819	328718	84.3%		198999	75093
US Representative, District 14	5416	4782	88.3%		2757	1101
US Representative, District 15	135519	116001	85.6%		88908	26858
US Representative, District 16	248884	207935	83.6%		127334	47134
State Senate, District 10	37208	30394	81.7%		17820	7240
State Senate, District 11	148792	128609	87.8%		77561	29771
State Senate, District 13	183561	132184	80.8%		80885	29471
State Senate, District 15	42258	37551	88.9%		22733	8611
Assembly District 20	1817	1473	81.1%		822	370
Assembly District 21	31359	28013	89.3%		16812	6407
Assembly District 22	36070	30483	84.5%		17911	7105
Assembly District 23	139398	111965	80.3%		68558	25304
Assembly District 24	161703	140899	87.1%		85363	32234
Assembly District 27	751	682	90.8%		384	175
Assembly District 28	18721	15203	81.2%		9149	3498
State Board Of Equal. District 1	389819	328718	84.3%		198999	75093
Supervisory District 1	101871	88833	87.2%		54044	20597
Supervisory District 2	107488	88827	80.8%		53783	19052
Supervisory District 3	82278	67044	81.5%		39845	15750
Supervisory District 4	88313	77882	88.0%		46511	17661
Supervisory District 5	9871	8332	84.4%		4816	2033
City of San Jose	389819	328718	84.3%		198999	75093