

**RESOLUTION NO. 74848**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ RECITING THAT A RECALL ELECTION IN DISTRICT 7 WAS HELD IN THE CITY OF SAN JOSÉ ON TUESDAY, MARCH 3, 2009; 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 AND THE NUMBER OF VOTES GIVEN AT EACH PRECINCT ON THE RECALL MEASURE; AND STATING THE RESULTS OF THE RECALL ELECTION**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:**

**SECTION 1.** The Council of the City of San José hereby recites that a Recall Election was held in District 7 of the City of San José on Tuesday, March 3, 2009, to determine whether Councilmember Madison Nguyen of City Council District 7 would be recalled from the Office of Councilmember.

**SECTION 2.** The Registrar of Voters of Santa Clara County has duly canvassed the votes cast in District 7 of the City of San José at the Recall Election on March 3, 2009, and has prepared a statement of all votes cast and certified the results of the votes cast. The certification from the Registrar of Voters of Santa Clara County is now on file in the office of the City Clerk of the City of San José.

**SECTION 3.** The Council of the City of San José hereby finds and declares that the

canvass of the votes cast in District 7 of the City of San José at the Recall Election on March 3, 2009 is confirmed and the following are the results of the Recall Election:

- (a) The total number of ballots cast in District 7 of the City of San José in the Recall Election is set forth in Exhibit "A", the Certificate of Election Results, attached hereto and incorporated herein by this reference; and
- (b) The Recall failed by majority vote.

ADOPTED this 7<sup>th</sup> day of April, 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk