



SPECIAL ITEM

Agenda Item # A

AGENDA REPORT SUMMARY

Meeting Date: December 11, 2018

Subject: Resolution No. 2018-47: Declaration of election results and canvass of returns

Prepared by: Jon Maginot, Deputy City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Resolution No. 2018-47 (Exhibit A to be distributed following certification by County Registrar)

Initiated by:

California State Elections Code

Previous Council Consideration:

Non

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- There are no policy questions for Council consideration. This action is required by State Law

Summary:

- Council must adopt a Resolution declaring the results of the November 6, 2018 Election

Staff Recommendation:

Adopt Resolution No. 2018-47 declaring the results of the November 6, 2018 General Municipal Election and declaring the results to be final



Subject: Resolution No. 2018-47: Declaration of election results and canvass of returns

Purpose

To adopt a Resolution declaring the results of the November 6, 2018 General Municipal Election.

Background

The California State Elections Code Section 15400 *et seq.* requires the City to declare elected the person (or persons) having the highest number of votes for office as well as the results of all City ballot measures. An election was held on November 6, 2018 to fill two seats on the City Council and to determine two ballot measures.

Discussion/Analysis

The Santa Clara County Registrar of Voters completed the canvass of returns and has counted the ballots cast.

Council Election

A total of 25,472* votes were cast (voters were allowed to vote up to 2 times). The following details the results of the election:

CANDIDATE	NUMBER OF VOTES	% OF VOTES CAST
Neysa Fligor	8,358	32.81%
Anita Enander	5,153	20.23%
Jean Mordo	5,022	19.72%
Nancy Bremeau	4,678	18.38%
Teresa Morris	2,258	8.86%

Measure C

Measure C was placed on the ballot by Citizens' Initiative. It asked voters the following question:

“Shall an amendment to the City of Los Altos General Plan be adopted requiring voter approval of the sale, lease or certain changes in use of certain land designated as “Parks”, “Other Open Space” or “Public and Institutional” in the City’s General Plan?”

A total of 16,100 votes were cast. The following details the results of the election:

	NUMBER OF VOTES	% OF VOTES CAST
Yes	7,559	46.95%
No	8,541	53.05%



Subject: Resolution No. 2018-47: Declaration of election results and canvass of returns

Measure D

Measure D asked voters the following question:

“Shall an ordinance be adopted increasing the maximum Transient Occupancy (Hotel) Tax rate from 11% to 14% of rent paid by a hotel guest for transient occupancy of any hotel/lodging generating approximately \$700,000 annually for unrestricted general revenue purposes, until ended by voters?”

A total of 15,506 votes were cast. The following details the results of the election:

	NUMBER OF VOTES	% OF VOTES CAST
Yes	9,138	58.93%
No	6,368	41.07%

The total number of voters voting in the election was 16,845 or 82.90% of 20,320 registered voters.

*All numbers are as of December 3, 2018.

Options

- 1) Adopt Resolution No. 2018-47 accepting the Certificate of Election Results from the Santa Clara County Registrar of Voters for the November 6, 2018 General Municipal Election and declaring the results to be final

Advantages: The City is required by State Law to take this action. There are no other options

Disadvantages: None identified

Recommendation

The staff recommends Option 1.

RESOLUTION NO. 2018-47

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
RECITING THAT A REGULAR MUNICIPAL ELECTION WAS HELD IN THE
CITY OF LOS ALTOS ON TUESDAY, NOVEMBER 6, 2018, CONFIRMING
THE RESULTS OF THE CANVASS AND DECLARING THE RESULT**

WHEREAS, a General Municipal Election was held and conducted in the City of Los Altos, California on Tuesday, November 6, 2018, as required by law, for the purpose of filling two seats on the City Council, and submitting two local measures to Los Altos voters; and

WHEREAS, notice of the election was given in time, form and manner as provided by law, voting precincts were properly established, election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and their return made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the Santa Clara County Registrar of Voters canvassed the returns of the election and has certified the results to the City Council, which are attached as Exhibit A.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby declares as follows:

1. That the canvass is confirmed, and that the following are the results of the canvass of the election:
 - A. That the whole number of votes/ballots cast in the precincts except vote by mail voter ballots and provisional ballots was 3,066 as set forth in the Registrar of Voters' Certificate of Election attached as Exhibit A
 - B. That the whole number of vote by mail voter ballots cast in the City was 13,786, making a total of 16,852 votes/ballots cast in the City, as set forth in the Registrar of Voters' Certificate of Election attached as Exhibit A
 - C. That the names of the persons voted for at the election for Member of the City Council are as follows:

Nancy Breneau
Anita Enander
Neysa Fligor
Jean Mordo
Teresa Morris

- D. That the measure(s) voted upon at the election are as follows:

Measure C: "Shall an amendment to the City of Los Altos General Plan be adopted requiring voter approval of the sale, lease or certain changes in use of

certain land designated as “Parks”, “Other Open Space” or “Public and Institutional” in the City’s General Plan?”

Measure D: “Shall an ordinance be adopted increasing the maximum Transient Occupancy (Hotel) Tax rate from 11% to 14% of rent paid by a hotel guest for transient occupancy of any hotel/lodging generating approximately \$700,000 annually for unrestricted general revenue purposes, until ended by voters?”

- E. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective office for which the persons were candidates (and for or against the measure(s)) are attached as Exhibit A

The City Council does declare and determine that the following results are true and correct, and that the following persons were elected to their respective offices and that the following measures were either passed or failed:

- a. That Neysa Fligor and Anita Enander were the candidates for City Council who received the highest number of votes and have therefore been elected to full terms of four years each
- b. That the results of Measure C are as follows and, therefore, as a result of the election, a majority of the voters voting on Measure C did not vote in favor of it, and that the measure was not carried, and shall not be deemed adopted and ratified:

	NUMBER OF VOTES	% OF VOTES CAST
Yes	7,562	46.96%
No	8,542	53.04%

- c. That the results of Measure D are as follows and, therefore, as a result of the election, a majority of the voters voting on Measure D did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified:

	NUMBER OF VOTES	% OF VOTES CAST
Yes	9,141	58.94%
No	6,369	41.06%

- 2. The City Clerk shall enter on the records of the City Council of the City, a statement of the results of the election, showing: (1) The whole number of voters/ballots cast in the City; (2) The names of the persons voted for; (3) The measure(s) voted upon; (4) For what office each person was voted for; (5) The number of votes given at each precinct to each person, and for and against each measure(s); and (6) The total number of votes given to each person, and for and against each measure

- 3. The City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City

Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected

4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ____ day of ____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK