

**RESOLUTION NO. 2019-27**

**A RESOLUTION CERTIFYING THE BALLOT TABULATION RESULTS OF THE CITY OF LOS ALTOS STORM DRAINAGE FEE, STATING THAT THE STORM DRAINAGE FEE ORDINANCE IS NOT ADOPTED, AND TAKES NO FURTHER ACTION ON THE STORM DRAINAGE FEE MATTER**

**WHEREAS**, the City Council on October 9, 2018 adopted Resolution No. 2018-39 initiating proceedings in accordance with Article XIID of the Constitution; and

**WHEREAS**, the City Council on October 9, 2018 adopted Resolution No. 2018-40 establishing procedures for conducting a ballot proceeding in accordance with Article XIID of the Constitution; and

**WHEREAS**, the City conducted a public hearing on April 23, 2019 and heard testimony from residents and property owners regarding the proposed Storm Drainage fee, and a majority protest was not formed; and

**WHEREAS**, the City Council introduced Ordinance 2019-457 on April 23, 2019, after a duly noticed public hearing; and

**WHEREAS**, pursuant to the provisions of California Constitution Article XIID, the Council has provided a ballot to each record owner of parcels of real property located within the boundaries of the City subject to the fee, and the returned ballots have been received and tabulated; and

**WHEREAS**, specifically, on May 3, 2019, 11,135 ballots were mailed to the owners of all parcels that are subject to the proposed fee, and the deadline for receiving ballots was June 18, 2019 at 5:00 p.m. at the office of the City Clerk; and

**WHEREAS**, the City Clerk oversaw the tabulation of the ballots, which were tabulated at Los Altos Youth Center, a location accessible to the public;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Los Altos that the canvass of the Storm Drainage fee ballots submitted by property owners is complete and certified by the City Clerk, and the votes cast are as follows:

|  |        |
|--|--------|
| Total Number of Valid Ballots Processed:     | 4,609  |
| Total Number of "Yes" Votes Processed:       | 2,039  |
| Total Percentage of "Yes" Votes Processed:   | 44.24% |
| Total Number of "No" Votes Processed:        | 2,570  |
| Total Percentage of "No" Votes Processed:    | 55.76% |
| Total Number of "Invalid" Ballots Processed: | 51     |

**FURTHER RESOLVED** that 4,660 fee ballots were returned and received prior to the close of the balloting period on June 18, 2019 at 5:00 pm which represents a 41.85% ballot return rate on the 11,135 ballots mailed. Of the fee ballots returned, 51 ballots were declared invalid, in that they were either not marked with a “Yes” or “No”, were marked with both a “Yes” and a “No,” were not signed, or the property ownership and barcode information was illegible.

**FURTHER RESOLVED** that the City Council certifies the tabulation of the ballots as conducted by the City Clerk.

**FURTHER RESOLVED** that, as determined by ballots cast, 44.24% of the votes cast by property owners were in support of the measure. Since a majority protest, as defined by Article XIII D of the California Constitution, does exist, this Council does not thereby acquire jurisdiction to order the levy of the City of Los Altos Storm Drainage Fee.

**FURTHER RESOLVED** that the City of Los Altos Storm Drainage Fee Ordinance is not hereby adopted.

**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 25<sup>th</sup> day of June, 2019 by the following vote:

AYES: BRUINS, ENANDER, FLIGOR, LEE ENG, PEPPER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

  
Lynette Lee Eng, MAYOR

Attest:

  
Jon Maginot, CMC, CITY CLERK