



# *Memorandum*

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** TONI J. TABER, CMC

**SUBJECT: DECLARATION AND  
RECORDING A STATEMENT  
OF THE RESULTS OF THE  
MARCH 10, 2020 COMMUNITY  
FACILITIES DISTRICT NO. 8 ELECTION**

**DATE:** March 23, 2020

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## **RECOMMENDATION**

Adoption of a resolution declaring and recording a statement of the results of the Special Municipal Election for Community Facilities District No. 8, held by all mail ballot on March 10, 2020 at 8:00 p.m. .

## **OUTCOME**

The resolution will declare the results of the Special Municipal Election as certified by the City Clerk.

## **BACKGROUND**

On October 29, 2019, the City Council adopted Resolution No. 79284 (Alteration 1A) and Resolution No. 79285 (Alteration 1B), both entitled "A Resolution of Consideration of the Council of the City of San Jose to Alter Community Facilities District No. 8 (Communications Hill)," stating its intent to alter the list of authorized services and work financed by and to amend the rate and method of apportionment for Community Facilities District No. 8 (Communications Hill) ("CFD 8").

On November 19, 2019, the City Council held a public hearing to consider the changes proposed in Alteration 1A and Alteration 1B, to be submitted to the qualified electors of CFD 8 pursuant to Chapter 14.27 of the City's Municipal Code, which incorporates and modifies the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code.

Thereafter, on December 3, 2019, the City Council adopted Resolution No. 79327 calling for a Special Municipal Election to submit to the voters of CFD 8 Proposition 1A and 1B, to vote on Alteration 1A and 1B, respectively, and directing the City Clerk to conduct the Special Municipal Election.

To conduct the election, the City Clerk requested data from the Santa Clara Registrar of Voters of all registered voters in the CFD-8 area (Precincts 8242, 8229, and 8241). The City Clerk began mailing ballots to registered voters on February 10, as required under Elections Code section 4101, with subsequent mailings occurring on February 25 and February 27, in order to send ballots to any newly registered voters as of February 25. In accordance with Resolution No. 79327, the election concluded on March 10, 2020 at 8:00 p.m.

On March 11, 2020, in public view, the City Clerk: opened the ballots received, logged every ballot to ensure no duplicates, verified the signatures at the office of the Santa Clara County Registrar of Voters, and, finally, checked the ballots back into the spreadsheet upon return to the Office of the City Clerk to ensure all ballots were accounted for.

### **ANALYSIS**

The City Clerk has certified the results of the election in the attached Certificate of Election Results, Official Results and Statement of Votes

Proposition 1A and 1B each require two-thirds of the qualified electors voting to approve in order to pass. Of the 1745 registered voters in CFD 8, 474 cast votes for Proposition 1A and 473 for Proposition 1B at the March 10, 2020 election—a turnout of 27%. The votes cast for each proposition are as follows:

#### **Proposition 1A – Security Services:**

	<b>Total Votes</b>	<b>Percentage of Votes</b>
Yes	344	72.6
No	130	27.4

#### **Proposition 1B – Feasibility, Planning, Design, and Environmental Clearance Work:**

	<b>Total Votes</b>	<b>Percentage of Votes</b>
Yes	288	60.9
No	185	39.1

Accordingly, Proposition 1A passed with two-thirds of the voter voting to approve, but Proposition 1B did not pass.

### **EVALUATION AND FOLLOW-UP**

Approval of this item will declare and record a statement of the results from the Special Municipal Election on March 10, 2020.

### **PUBLIC OUTREACH**

This action does not meet the criteria for public outreach; however, the Office of the City Clerk will post the item on the City's website for the April 7, 2020 City Council agenda. The City Clerk also posted preliminary results of the election on its 2020 Election Information page.

### **COORDINATION**

Preparation of this report has been coordinated with the City Attorney's Office.

### **COMMISSION RECOMMENDATION/INPUT**

No Commission input was solicited as this is a routine item required under the California Elections Code.

### **CEQA**

Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

A handwritten signature in brown ink, appearing to read "Toni J. Taber", with a stylized flourish at the end.

TONI J. TABER, CMC  
City Clerk

For questions, please contact Toni J. Taber, City Clerk, at (408) 535-1260.