

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JOSE DECLARING AND RECORDING A
STATEMENT OF THE RESULTS OF THE SPECIAL
MUNICIPAL ELECTION FOR COMMUNITY FACILITIES
DISTRICT NO. 8 (COMMUNICATIONS HILL) HELD BY ALL
MAIL BALLOT ON MARCH 10, 2020 AT 8:00 P.M.**

WHEREAS, on October 29, 2019, the City Council of the City of San José 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 José to Alter Community Facilities District No. 8 (Communications Hill)” (the “Resolutions of Consideration”), stating its intent to alter the list of authorized services and work financed by and amend the rate and method of apportionment for Community Facilities District No. 8 (Communications Hill)” (“CFD 8”); and

WHEREAS, 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 San José 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 (together, the “Act”); and

WHEREAS, to alter the list of services authorized to be funded by CFD 8, a vote of two-thirds of the qualified electors within the CFD 8 to approve is required; and

WHEREAS, on December 3, 2019, the City Council adopted Resolution No. 79327 calling for a Special Municipal Election held by all mail ballot to submit to the voters of CFD 8 Alteration 1A and Alteration 1B, in the form of Proposition 1A and Proposition 1B, respectively, and directing the City Clerk to conduct the Special Municipal Election; and

WHEREAS, the City Clerk requested data from the Santa Clara County Registrar of Voters of all registered voters in the CFD 8 area (Precincts 8242, 8229, and 8241) and, as required under Elections Code Section 4101, the City Clerk began mailing ballots to registered voters on February 10, 2020 with subsequent mailings occurring on February 25, 2020 and February 27, 2020; and

WHEREAS, on March 11, 2020, in public view, the City Clerk opened and logged the ballots received, and verified the signatures with the Santa Clara County Registrar of Voters; and

WHEREAS, the City Clerk has certified that a ballot in the form set forth in Exhibit "A" hereto has caused to be delivered to each of the qualified electors in the CFD, that each ballot was accompanied by all supplies and written instructions necessary for the use and return of the ballot, and that the envelopes to return the ballot were enclosed with the ballot, and contained the following: (a) the name and address of the registered voter, (b) a declaration, under penalty of perjury, stating that the voter is entitled to vote and is the person whose name appears on the ballot, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot; and

WHEREAS, the City Clerk accepted the ballots of the qualified electors in her office upon and prior to 8:00 p.m. on March 10, 2020 whether said ballots be personally delivered or received by mail. The City Clerk also made available ballots to be marked at her office on the election day by said qualified electors; and

WHEREAS, the City Clerk has on file a canvass and Statement of Results of Election, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, the City Council has received, reviewed that canvass and hereby approves it and declares the results of the Special Municipal Election;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The above stated recitals are adopted herein as findings.
2. That the total number of ballots cast in the City of San José in said Special Municipal Election is set forth in the Canvass and Statement of Result of Election, attached hereto as Exhibit B and incorporated herein by this reference.
3. That Alteration 1A, presented at said Special Municipal Election as Proposition 1A, was approved by the qualified electors of the CFD by more than two-thirds (2/3) of the votes cast at said Special Municipal Election.
4. That Alteration 1B, presented at said Special Municipal Election as Proposition 1B, did not pass by more than two-thirds (2/3) of the votes cast at said Special Municipal Election;
5. It is hereby found that all prior proceedings and actions taken by the City with respect to the CFD were valid and in conformity with the Act.

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ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A

CITY OF SAN JOSE
COMMUNITY FACILITIES DISTRICT NO. 8
(COMMUNICATIONS HILL)
ALTERATION NO. 1

OFFICIAL BALLOT
(Mailed Ballot Election)

Special Tax Election
March 10, 2020

This ballot is for a special registered voter election in connection with the alteration of Community Facilities District No. 8 (Communications Hill), City of San José. In order to be counted, (1) this ballot must be executed and sealed inside the Ballot Return Envelope, (2) **the certification on the outside of the Ballot Return Envelope must be completely filled out and signed**; and (3) the Ballot Return Envelope must be returned to the City Clerk, by mail or in person, to be received by the City Clerk prior to 8:00 p.m. on March 10, 2020 at the San José City Hall at 200 East Santa Clara Street, Tower, 14th Floor, San José, California, 95113.

Mailing on or before the due date will not be sufficient. Postmarks will not be accepted. This ballot must be received by the City Clerk by the time stated in order to be counted.

To vote, mark a cross (X) or similar mark in the box after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and will make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of San José and obtain another.

BALLOT MEASURE:

PROPOSITION 1A: Security Services	
"Shall the authorized list of services and Rate and Method of Apportionment of Community Facilities District No. 8 (Communications Hill) be revised as set forth in Resolution 79284 of the Council of the City of San José?"	MARK "YES" OR "NO" WITH AN "X": YES: <input type="checkbox"/> NO: <input type="checkbox"/>
PROPOSITION 1B: Feasibility, Planning, Design and Environmental Clearance Work	
"Shall the authorized list of services and Rate and Method of Apportionment of Community Facilities District No. 8 (Communications Hill) be revised as set forth in Resolution 79285 of the Council of the City of San José?"	MARK "YES" OR "NO" WITH AN "X": YES: <input type="checkbox"/> NO: <input type="checkbox"/>

- Signature line on other side -
Exhibit "A"

EXHIBIT A

Despite the necessary identification of the registered-voter on this ballot, the secrecy of this ballot will be strictly protected. The ballot shall not be disclosed to any person, including any City Councilmember, City officer or City employee other than the City Clerk and the City Clerk's staff that will count and tabulate the ballots and report the election results, and those persons may not reveal this ballot's contents to anyone unless ordered by a court of competent jurisdiction.

Registered Voter:

[registered voter name]

Signature: _____

Tabulation of ballots will occur in open view to the public at 10:00 a.m. on the date after the election, and will continue from day to day until all votes received are counted, in the Office of the City Clerk located at the San José City Hall at 200 East Santa Clara Street, Tower, 14th Floor, San José, California, 95113.

EXHIBIT B

CANVASS AND STATEMENT OF RESULT OF ELECTION

COMMUNITY FACILITIES DISTRICT NO. 8 (COMMUNICATIONS HILL)

I hereby certify that on March 11, 2020, I canvassed the returns of the special election held on March 10, 2020, in the City of San José Community Facilities District No. 8 (Communications Hill) and the total number of ballots cast in said district and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

Proposition 1A – Security Services:

	Total Votes	Percentage of Votes
Yes	344	72.6
No	130	27.4

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

	Total Votes	Percentage of Votes
Yes	288	60.9
No	185	39.1

BALLOT MEASURE:

Proposition 1A – Security Services: “Shall the authorized list of services and Rate and Method of Apportionment of Community Facilities District No. 8 (Communications Hill) be revised as set forth in Resolution 79284 of the Council of the City of San José”

Proposition 1B – Feasibility, Planning, Design, and Environmental Clearance Work: “Shall the authorized list of services and Rate and Method of Apportionment of Community Facilities District No. 8 (Communications Hill) be revised as set forth in Resolution 79285 of the Council of the City of San José”

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 7th day of April, 2020.

By:

Toni J. Taber, CMC
City Clerk