



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Certification of the November 8, 2016 Election Results for Ballot Measure M (Sunnyvale Public Lands Act) and Ballot Measure N (Sunnyvale Essential Services Protection Measure)

DISCUSSION

A General Municipal Election was held November 8, 2016 for the purpose of submitting to the voters Measure M relating to the proposed Sunnyvale Public Lands Act and Measure N relating to modernization of the existing utility users tax as follows:

Measure M:

Shall an ordinance be adopted to require the City to conduct a citywide special or general election requesting approval from a majority of voters for any sale, lease, lease extension, lease renewal, land swap, or transfer of any property, facility, or land that the City owns, leases, or uses for government administration, recreation, public park, or similar community purposes?

Yes ____

No ____

Measure N:

SUNNYVALE ESSENTIAL SERVICES PROTECTION MEASURE.

To maintain Sunnyvale's financial stability without increasing the existing 2% tax rate, and fund essential City services including police, fire and 911 emergency response, and pothole, street, sidewalk, and neighborhood park maintenance/repairs, shall Sunnyvale modernize its existing utility users tax to treat telecommunication taxpayers equally regardless of technology used, providing approximately \$1,500,000 annually on an ongoing basis, until ended by voters, with independent audits, and all funds used locally?

Yes ____

No ____

California Elections Code Sections 9269 and 10262 require the City Council to adopt a resolution reciting the fact of the election no later than the next regularly scheduled City Council meeting following presentation of the 28-day canvass of returns. The Santa Clara County Registrar of Voters (ROV) canvassed the returns of the election and presented the certified results to the City on December 8, 2016.

Measure M and Measure N each required approval of a majority of voters for approval. Measure M did not receive a majority vote and therefore was not approved by the voters. Measure N received a majority vote and therefore was approved by the voters.

The attached resolution (Attachment 1) recites the number of votes cast, percentage of the votes received by each measure as follows:

<u>BALLOT MEASURES</u>	<u>CHOICE</u>	<u>VOTES</u>	<u>PERCENT</u>
Measure M - Public Lands Act Initiative	NO	22,792	50.41%
	YES	22,424	49.59%
	Total	45,216	100.00%
Measure N - Utility Users Tax	YES	34,099	76.90%
	NO	10,241	23.10%
	Total	44,340	100.00%

Total Registration:	<u>60,645</u>
Precinct Ballots Cast:	<u>13,894</u>
Vote by Mail Ballots Cast:	<u>37,533</u>
Total Ballots Cast:	<u>51,427</u>
Voter Turnout:	<u>84.8%</u>

Elections Code Section 9217 provides that an ordinance approved by a majority of the voters shall become a valid and binding ordinance of the city. The ordinance shall be considered as adopted upon the date that the vote is declared by the legislative body, and shall go into effect 10 days after that date.

The ordinance proposed by Measure N (Utility Users Tax) shall be considered as adopted as of the date of this action, and will go into effect after 10 days. A copy of the approved ordinance is included as Attachment 2.

ENVIRONMENTAL REVIEW

The adoption of the resolution certifying election results does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15378(b)(4) and 15378(b)(5) in that it is a fiscal and governmental organizational or administrative activity that will not result in direct or indirect changes in the environment and does not involve any commitment to any specific project which may result in a potential significant impact on the environment. Environmental review of voter-initiated ballot measures is not required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(3).

FISCAL IMPACT

Measure N, modernization of the existing Utility Users Tax (UUT) will assure continued receipt of approximately \$1.5 million in ongoing, locally-generated annual revenue used to fund vital City services. Under the Local Prepaid Mobile Telephony Services Collection Act, the City must contract with the California State Board of Equalization (BOE) in order to receive UUT imposed on consumers of prepaid wireless phone service. After execution of a contract with BOE, collections would begin on 4/1/2017. Authorization to enter into the BOE contract will be considered by City Council as a separate agenda item on this evening’s agenda.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official notice bulletin board

outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

1) Adopt a Resolution Reciting the Fact of the Municipal Election held November 8, 2016 for the purpose of submitting to the voters Measure M and Measure N and such other matters as provided by law.

Prepared by: Kathleen Franco Simmons, City Clerk

Reviewed by: John Nagel, City Attorney

Reviewed by: Timothy J. Kirby, Director of Finance

Reviewed by: Walter C. Rossman, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Resolution Reciting the Fact of the Municipal Election held November 8, 2016 for the purpose of submitting to the voters Initiative Measure M and City Measure N, Declaring the Results, Confirming the Passage of Measure N and the Defeat of Measure M and such other matters as provided by law.
2. Ordinance Amending Chapter 3.12 (Utility Users Tax) of the Sunnyvale Municipal Code to Update the Telecommunication Users Tax and Related Provisions