



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 18-0906, Version: 1

REPORT TO COUNCIL

SUBJECT

Certification of the November 6, 2018 Election Results for Ballot Measure K (Transient Occupancy Tax) and Ballot Measure L (Charter Amendment to amend Section 604 relating to Council Vacancies)

DISCUSSION

A General Municipal Election was held November 6, 2018 for the purpose of submitting to the voters Measure K relating to the Transient Occupancy Tax (TOT) and Measure L, a Charter Amendment to amend Section 604 relating to Council Vacancies, as follows:

Measure K:

To protect and maintain essential city services, including:

- Police/fire/911 emergency response;
- Pothole, streets, sidewalks, and neighborhood park maintenance/repairs;
- Senior/youth/library programs; and
- Other services,

Shall the City of Sunnyvale adopt an ordinance increasing the transient occupancy tax paid only by hotel guests from 10.5% to 12.5%, providing approximately \$2,900,000 additional revenue annually until ended by voters, with independent audits, and all funds used locally?

Yes ____

No ____

Measure L:

Shall Sunnyvale City Charter section 604 be amended to allow the City Council to decide whether to fill a City Council vacancy by calling a special election, or by making an appointment, with the person appointed to fill the vacancy holding the office until a successor is elected at the next regularly scheduled municipal or statewide election that can be consolidated?

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 6, 2018.

Measure K and Measure L each required a majority of votes cast for approval. Measure K (TOT) received a majority vote and was approved by the voters. Measure L (Charter Amendment to Section 604 - Council Vacancies) received a majority vote and 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 K - Transient Occupancy Tax	YES	32,743	78.53%
	NO	8,951	21.47%
	Total	41,694	100.00%
Measure L - Charter Amendment- 604	YES	28,163	71.38%
	NO	11,290	28.62%
	Total	39,453	100.00%

Total Registration: 61,144
Precinct Ballots Cast: 10,281
Vote by Mail Ballots Cast: 34,121
Total Ballots Cast: 44,402
Voter Turnout: 72.62%

Elections Code Section 9217 provides that an ordinance approved by a majority of the voters shall become a valid and binding ordinance of a 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 K (Transient Occupancy 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 adopted Ordinance is included as Attachment 2.

Government Code Section 34459 provides that a charter amendment approved by a majority of the voters shall be deemed ratified, but shall not take effect until accepted and filed by the Secretary of State pursuant to Government Code Section 34460. The Charter Amendment proposed by Measure L, amending Section 604 relating to Council Vacancies, is included as Attachment 3. Upon Council's certification of the election results, the Office of the City Attorney will file the Charter Amendment with the Secretary of State.

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.

FISCAL IMPACT

There is no fiscal impact resulting from certifying the election results.

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

Adopt a Resolution Reciting the Fact of the Municipal Election held November 6, 2018 for the purpose of submitting to the voters Measure K and Measure L, Declaring the Results, Confirming the Passage of Measure K and Measure L and such other matters as provided by law.

Prepared by: Kathleen Franco Simmons, City Clerk

Reviewed by: John A. Nagel, City Attorney

Reviewed by: Timothy J. Kirby, Director of Finance

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Resolution Reciting the Fact of the Municipal Election held November 6, 2018 for the purpose of submitting to the voters Measure K and Measure L, Declaring the Results, Confirming the Passage of Measure K and Measure L and such other matters as provided by law.
2. Ordinance Amending Chapter 3.16.040 (Imposition-Rate-Payment) of the Sunnyvale Municipal Code to Increase the Transient Occupancy Tax (Measure K).
3. Charter Amendment (Section 604 relating to Council Vacancies) (Measure L).