



CITY OF MORGAN HILL

Special Meeting Agenda

City Council

Steve Tate - Mayor

Rich Constantine - Mayor Pro Tem

Larry Carr - Council Member

Caitlin Jachimowicz - Council Member

Rene Spring - Council Member

Wednesday, December 12, 2018 7:00 pm

Council Chamber

17555 Peak Avenue, Morgan Hill, CA 95037

SPECIAL MEETING

A Special Meeting of the City Council is called at 7:00 p.m. for the purpose of conducting City business.

CALL TO ORDER

(Mayor Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk Bigelow)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk Bigelow)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

YOUTH ACTION COUNCIL PRESENTATION

CITY COUNCIL REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

OTHER BUSINESS

1. NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION - CERTIFIED STATEMENT OF ELECTION RESULTS

Recommendation:

Adopt resolution reciting the facts of the General Municipal Election of November 6, 2018 and declare the results of such other matters as provided by law.

Estimated Time: 10 Minutes

OATHS OF OFFICE

Mayor - Elect Richard Constantine
Council Member - Elect John McKay
Council Member - Elect Yvonne Martínez Beltrán

ADJOURN TO RECEPTION

Recognizing the Outgoing Elected Officials and Welcoming the Incoming Elected Officials.

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.



Sustainable Morgan Hill Vision

Morgan Hill is a safe, inclusive, socially responsible, environmentally conscious, and economically sound community.

CITY COUNCIL ONGOING PRIORITIES

Enhancing Public Safety · Protecting the Environment · Maintaining Fiscal Responsibility ·
Supporting Our Youth, Seniors, and Entire Community · Fostering a Positive Organizational Culture ·
Preserving and Cultivating Public Trust · Preserving Our Cultural Heritage ·
Enhancing Diversity and Inclusiveness

2018 STRATEGIC PRIORITIES

Community Engagement and Messaging

Economic Development and Telecommunications

Financial Stewardship

Infrastructure

Regional Initiatives

2018 STRATEGIC PRIORITIES:



Community Engagement and Messaging

The City of Morgan Hill will tell our story through outreach and by working closely with our community in presenting our vision, priorities, and financial needs, and by engaging citizens and business owners to find affordable and sustainable solutions. The City's communications, services, public spaces, and projects will embrace all community members as partners, encouraging public participation.



Economic Development and Telecommunications

The Economic Blueprint will continue to be implemented, with a primary goal of attracting jobs and investment into our community. The City will collaborate with the private sector to explore ways to provide fast, reliable access and wireless connectivity for residents and businesses. The 2016 Telecommunications Infrastructure and Economic Blueprint reports will be the foundation for continuing discussions with broadband providers, public utilities, and other infrastructure service providers in developing an implementation plan for growing our telecommunications infrastructure with private sector partnerships. The plan will be used to signal Morgan Hill's support for business expansion.



Financial Stewardship

We will be financial stewards of the City's assets to ensure long-term fiscal sustainability. New revenue sources, including a possible tax measure, will be considered to fund increasing costs to deliver services and complete infrastructure projects. The City will closely manage its expenditures to maintain its general fund reserve. The labor contracts will be negotiated using the City's adopted Employee Compensation Guiding Principles.



Infrastructure

The City will review its streets, parks, and public facilities infrastructure needs to quantify the funding gap. We will identify potential funding options as ongoing revenue is insufficient to fund our vital community assets at a sustainable level without significantly impacting existing service levels that our community has come to expect. Morgan Hill will actively work with the Valley Transportation Agency, the County, and the State to secure funding for transportation projects and road maintenance. For High Speed Rail, we will strongly advocate for the route with the least impact on Morgan Hill.



Regional Initiatives

City Council and staff will focus on influencing regional decisions that benefit Morgan Hill. A regional approach will be employed to address many priorities, including but not limited to, homelessness, animal services, teen suicide, High Speed Rail, and land use (Catholic High School, Outdoor Sports Center, agricultural preservation, and city limits). This regional involvement will include partnering with the League of California Cities, Valley Transportation Authority, Caltrain, Santa Clara Valley Water District, Cities Association of Santa Clara County, the City of Gilroy, Santa Clara County, Morgan Hill Unified School District, the Local Agency Formation Commission, the Open Space Authority, and Silicon Valley Clean Energy to advance projects that further Sustainable Morgan Hill.



CITY COUNCIL STAFF REPORT

MEETING DATE: December 12, 2018

PREPARED BY: Irma Torrez, City Clerk
APPROVED BY: City Manager

NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION - CERTIFIED STATEMENT OF ELECTION RESULTS

RECOMMENDATION(S)

Adopt resolution reciting the facts of the General Municipal Election of November 6, 2018 and declare the results of such other matters as provided by law.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Protecting the Environment
Maintaining Fiscal Responsibility
Supporting Our Youth
Seniors
and Entire Community
Fostering a Positive Organizational Culture
Preserving and Cultivating Public Trust
Preserving Our Cultural Heritage
Enhancing Diversity and Inclusiveness

REPORT NARRATIVE:

A General Municipal Election was held on Tuesday, November 6, 2018, for the purpose of electing a Mayor, a Council Member from District B, and a Council Member from District D. Also, on the ballot for the November 6, 2018 election, were three City Measures: Measure H (Transient Occupancy Tax), Measure I (Cannabis Tax), and Measure J (Appointive City Clerk). The Santa Clara County Registrar of Voters Office has concluded canvassing the election returns and has furnished the City Clerk with a Certified Statement of Election Results (Attachment 2). A resolution reciting the facts of the November 6, 2018 election has been prepared for Council adoption (Attachment No. 1).

COMMUNITY ENGAGEMENT: Involve

As a General Law City, Morgan Hill is governed by Government and Election Codes for the purpose of electing municipal officers (e.g., mayor, council members, city clerk, and city treasurer) and ballot measures.

Adoption of the attached resolution which certifies the election results of the general municipal election held in Morgan Hill on November 6, 2018, memorializes how the

registered voters in the City of Morgan Hill were involved in the democratic process of electing their municipal officers and deciding the outcome of City of Morgan Hill Measures H, I, and J.

ALTERNATIVE ACTIONS:

There are no alternative actions to be taken as Article 4. Canvass of Ballots and Returns, Sections 10260 through 10266 of the California Elections Code outlines the actions to be taken/followed by the Governing Body.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Municipal Elections are conducted every two years for the purpose of electing officers and presenting ballot measures to the electorate as required by law. The below listed Ordinance and Resolutions have been adopted by the City Council relating to the November 6, 2018 General Municipal Election:

- Ordinance No. 2258, New Series, adopted September 6, 2017, amending Chapter 1.16 of Title 1 of the Morgan Hill Municipal Code regarding Elections, specifically, District Elections. (Attachment No. 3)
- Resolution No. 18-044, adopted June 6, 2018, Calling and Giving Notice of the Holding of a Consolidated General Municipal Election to be held on Tuesday, November 6, 2018 (Attachment No 4). The purpose of the General Municipal Election will be for the election of the following officers: A Mayor for a full two-year term; one (1) Member of the City Council from District B for a full four-year term; and one (1) Member of the City Council from District D for a full four-year term.
- Resolution No. 18-045, adopted June 6, 2018, Requesting the Board of Supervisors of the County of Santa Clara for the Consolidation of the General Municipal Election with the Gubernatorial General Election, and the Services of the Registrar of Voters for services in the conduct of the election, including the provision of election supplies and voters' pamphlets. (Attachment No. 5)
- Resolution No. 18-056, adopted July 18, 2018, submitting to the Voters of the City Increasing the Transient Occupancy Tax, Requesting the Assistance of the County of Santa Clara in Connection with that Election, and Requesting Consolidation of that Election with any other election held on that date. (Attachment No. 6)
- Resolution No. 18-057, adopted July 18, 2018, submitting to the Voters of the City Imposing a Cannabis Business Tax, Requesting the Assistance of the County of Santa Clara in Connection with that Election, and Requesting Consolidation of that Election with any other election held on that date. (Attachment No. 7)
- Resolution No. 18-058, adopted July 18, 2018, submitting to the Voters the Approval to Convert the Offices of the City Clerk and City Treasurer to Appointive

Positions, Requesting the Assistance of the County of Santa Clara in Connection with that Election, and Requesting Consolidation of the Election with any other election held on that date. (Attachment No. 8)

- Amended Resolution No. 18-058, adopted July 27, 2018, submitting to the Voters the Approval to Convert the Office of the City Clerk to an Appointive Position, Requesting the Assistance of the County of Santa Clara in Connection with that Election, and Requesting Consolidation of the Election with any other election held on that date. (The amended resolution deletes reference to converting the Office of the City Treasurer to an appointive position.) (Attachment No. 9)

FISCAL AND RESOURCE IMPACT:

The invoice for the General Municipal Election has not yet been received. \$241,825 has been budgeted under the Elections Budget (010.2420.42231) to cover the cost of contract services for consolidation of the election for the election of a mayor, a council member from District B, and a council member from District D, along with the inclusion of three (3) Ballot Measures, to be charged by the Registrar of Voters Office, and other related election costs. Should election costs exceed the budgeted \$241,825, staff will return to the Council with a budget adjustment to augment the cost of the election. Resources for the November 6, 2018 General Municipal Election were accommodated in the Elections Budget and the Council Services and Records Management Workplan.

CEQA (California Environmental Quality Act):

Not a project.

The certification of election results is not a project, as defined in Section 15378 of the State CEQA guidelines.

LINKS/ATTACHMENTS:

1. Resolution Certifying 11-6-18 General Municipal Election Results
2. Exhibit A - Certification of Election Results
3. Ordinance 2258 - Amending Chapter 1.16 of Title 1
4. Resolution 18-044 Calling for Nov 6, 2018 Election
5. Resolution 18-045 Consolidation of election with County of Santa Clara
6. Resolution 18-056 TOT Ballot Measure
7. Resolution 18-057 Cannabis Ballot Measure
8. Resolution 18-058.1 Clerk-Treasurer Ballot Measure
9. Resolution 18-058.2 Amended Clerk Ballot Measure

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, NOVEMBER 6, 2018 – DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

WHEREAS, a General Municipal Election was held and conducted in the City of Morgan Hill, California, on Tuesday, November 6, 2018, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the Santa Clara County Registrar of Voters Office canvassed the returns of the election to this City Council, the results are received, attached and made a part hereof as “Exhibit A”.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the whole number of votes cast in the precincts (including provisional ballots), except vote by mail voter ballots, was 3,569.

That the whole number of vote by mail voter ballots cast in the City was 13,825, making a total of 17,394 ballots cast in the City.

SECTION 2. That the names of persons voted for at the election for Mayor are as follows:

Kirk R. Bertolet
Rich Constantine
Greg Sellers

That the names of persons voted for at the election for Member of the City Council – District B are as follows:

Matt Loewenstein
Yvonne Martínez Beltrán
Ken Murray

That the names of persons voted for at the election for Member of the City Council – District D are as follows:

Marilyn Librers
Julie Makrai Hutcheson
John K. McKay

That the measures voted upon at the election are as follows:

Measure H:

Shall the Morgan Hill ordinance providing funding, that cannot be taken by the State, for city services including, 9-1-1 emergency response times, neighborhood police patrols, and crime prevention; to repair potholes and maintain city streets; and for unrestricted general revenue purposes, by increasing the ongoing transient occupancy tax charged to hotel guests from 10% to 11%, providing approximately \$270,000 annually, requiring financial audits, and all funds staying in Morgan Hill, be adopted?	YES
	NO

Measure I:

Shall the Morgan Hill ordinance, to fund general municipal expenses such as police, fire, roads, recreation, and drug abuse prevention, by taxing cannabis (marijuana) businesses at annual rates not to exceed \$15.00 per canopy square foot for cultivation (adjustable for inflation) and up to 10% of gross receipts for all other cannabis businesses, which is expected to generate an estimated \$340,000 to \$750,000 annually and will be levied until repealed by the voters, be adopted?	YES
	NO

Measure J:

Shall the office of the City Clerk be appointive?	YES
	NO

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates, and for and against the measures were as listed in Exhibit “A” attached.

SECTION 4. The City Council does declare and determine that: Rich Constantine was elected as Mayor for the full term of two years; Yvonne Martínez Beltrán was elected as Member of the City Council – District B for the full term of four years; and John K. McKay was elected as Member of the City Council – District D for the full term of four years.

That as a result of the election, a majority of the voters voting on Measure H relating to increasing the ongoing transient occupancy tax charged to hotel guests from 10% to 11%, did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

That as a result of the election, a majority of the voters voting on Measure I relating to taxing cannabis (marijuana) businesses at annual rates not to exceed \$15.00 per canopy square foot for cultivation (adjustable for inflation) and up to 10% of gross receipts for all other cannabis businesses, and will be levied until repealed by the voters, did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

That as a result of the election, a majority of the voters voting on Measure J relating to making the office of the City Clerk appointive, did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of votes cast in the City; (2) The names of the persons voted for; (3) The measures voted upon; (4) For what office each person was voted for; (5) The number of votes given at each precinct to each person, and for and against each measure; (6) The total number of votes given to each person, and for and against each measure.

SECTION 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a Special Meeting held on the 12th day of December 2018.

AYES: **COUNCIL MEMBERS:**
NOES: **COUNCIL MEMBERS:**
ABSTAIN: **COUNCIL MEMBERS:**
ABSENT: **COUNCIL MEMBERS:**

APPROVED:

ATTEST:

STEVE TATE, Mayor

IRMA TORREZ, City Clerk

□ **CERTIFICATION** □

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. ____, adopted by the City Council at a special meeting held on December 12, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk

County of Santa Clara

Registrar of Voters

1555 Berger Drive, Bldg. 2
San Jose, CA 95112
Mailing Address: P.O. Box 611360, San Jose, CA 95161-1360
(408) 299-VOTE (8683) 866-430-VOTE (8683) FAX: (408) 998-7314
www.sccvote.org

Received
City of Morgan Hill

DEC - 6 2018

City Clerk



Exh 1.b

December 6, 2018

Ms. Irma Torrez
City Clerk
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

RE: Certification of Election Results – November 6, 2018 General Election

Dear Ms. Torrez:

Enclosed are the Certificate of Election Results, Official Results, and Statement of Votes for the contest in your jurisdiction.

Pursuant to Elections Code Section 15400, the Governing Board should accept the Statement of Votes, Certificate of Election Results, and declare the totals to be the final results of the election.

Please contact Mary Herrera at 408-282-3041 if you have any questions.

Sincerely,

Shannon Bushey
Registrar of Voters

Enclosures

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)
) ss.
 COUNTY OF SANTA CLARA)

I, Shannon Bushey, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. A General Election was held in the County of Santa Clara, for the **City of Morgan Hill**, on November 6, 2018 for the purpose of electing **One (1) Mayor and Two (2) Council Members for Districts B, and D** to the Governing Board.

2. The official canvass of the returns of this election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file in my office, shows the number of votes for each candidate for the Governing Board of the **City of Morgan Hill** and in each of the precincts and that the total shown for each candidate are true and correct.

WITNESS my hand and Official Seal this 6th day of December, 2018.



Shannon Bushey
 Shannon Bushey, Registrar of Voters

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)
) ss.
 COUNTY OF SANTA CLARA)

I, Shannon Bushey, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. The 2018 General Election was held in the County of Santa Clara, in the **City of Morgan Hill**, on November 6, 2018 for the purpose of submitting the following measure to the voters:

H Shall the Morgan Hill ordinance providing funding, that cannot be taken by the State, for city services including, 9-1-1 emergency response times, neighborhood police patrols, and crime prevention; to repair potholes and maintain city streets; and for unrestricted general revenue purposes, by increasing the ongoing transient occupancy tax charged to hotel guests from 10% to 11%, providing approximately \$270,000 annually, requiring financial audits, and all funds staying in Morgan Hill, be adopted?

2. The official canvass of the returns of the election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file at my office, and sections attached hereto, shows the whole number of votes cast for **Measure H** in each of the precincts and the total shown is true and correct.

WITNESS my hand and Official Seal this 6th day, of December 2018.



Shannon Bushey
 Shannon Bushey, Registrar of Voters

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)
) ss.
 COUNTY OF SANTA CLARA)

I, Shannon Bushey, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. The 2018 General Election was held in the County of Santa Clara, in the **City of Morgan Hill**, on November 6, 2018 for the purpose of submitting the following measure to the voters:

I Shall the Morgan Hill ordinance, to fund general municipal expenses such as police, fire, roads, recreation, and drug abuse prevention, by taxing cannabis (marijuana) businesses at annual rates not to exceed \$15.00 per canopy square foot for cultivation (adjustable for inflation) and up to 10% of gross receipts for all other cannabis businesses, which is expected to generate an estimated \$340,000 to \$750,000 annually and will be levied until repealed by the voters, be adopted?

2. The official canvass of the returns of the election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file at my office, and sections attached hereto, shows the whole number of votes cast for **Measure I** in each of the precincts and the total shown is true and correct.

WITNESS my hand and Official Seal this 6th day, of December 2018.



Shannon Bushey
 Shannon Bushey, Registrar of Voters

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)
) ss.
 COUNTY OF SANTA CLARA)

I, Shannon Bushey, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. The 2018 General Election was held in the County of Santa Clara, in the **City of Morgan Hill**, on November 6, 2018 for the purpose of submitting the following measure to the voters:

J Shall the office of the City Clerk be appointive?

2. The official canvass of the returns of the election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file at my office, and sections attached hereto, shows the whole number of votes cast for **Measure J** in each of the precincts and the total shown is true and correct.

WITNESS my hand and Official Seal this 6th day, of December 2018.



Shannon Bushey
 Shannon Bushey, Registrar of Voters

COUNTY OF SANTA CLARA Statement of Vote
GENERAL ELECTION

1307 o

1.b

140124	MEASURES H, I, AND J - CITY OF MORGAN HILL										
	Registration	Ballots Cast	Turnout (%)	MEASURE H- TRANS OCCUPANCY TAX YES	NO	MEASURE I- CANNABIS TAX YES	NO	MEASURE J- APPOINTIVE POSITIONS YES	NO		
3900 - 3900	990	158	15.96	112	33	109	34	80	57		
3900 - VBM Reporting	990	556	56.16	411	107	414	104	301	180		
3901 - 3901	1365	193	14.14	125	49	117	56	87	73		
3901 - VBM Reporting	1365	858	62.86	663	153	650	149	464	305		
3902 - 3902	1393	221	15.87	142	58	147	52	117	76		
3902 - VBM Reporting	1393	707	50.75	536	149	526	150	392	251		
3903 - 3903	840	122	14.52	86	22	71	36	55	43		
3903 - VBM Reporting	840	524	62.38	401	106	415	86	306	165		
3906 - 3906	1059	124	11.71	91	26	89	27	65	45		
3906 - VBM Reporting	1059	608	57.41	458	116	460	104	345	180		
3907 - 3907	686	95	13.85	69	18	62	23	50	27		
3907 - VBM Reporting	686	399	58.16	299	74	305	58	230	116		
3908 - 3908	131	0	0.00	0	0	0	0	0	0		
3908 - VBM Reporting	131	65	49.62	45	12	41	16	40	17		
3909 - 3909	1234	183	14.83	121	45	120	43	104	56		
3909 - VBM Reporting	1234	760	61.59	586	132	547	166	427	244		
3910 - 3910	374	60	16.04	36	23	42	14	29	23		
3910 - VBM Reporting	374	191	51.07	144	32	140	37	98	53		
3911 - 3911	304	42	13.82	27	6	25	6	13	16		
3911 - VBM Reporting	304	188	61.84	139	36	133	37	88	78		
3912 - 3912	693	114	16.45	70	35	79	24	42	54		
3912 - VBM Reporting	693	401	57.86	293	86	300	73	241	117		
3914 - 3914	1016	147	14.47	100	29	101	23	62	52		
3914 - VBM Reporting	1016	546	53.74	428	91	429	82	290	196		
3916 - 3916	703	105	14.94	66	31	73	24	45	40		
3916 - VBM Reporting	703	447	63.58	334	91	336	82	259	129		
3918 - 3918	1176	180	15.31	126	39	125	38	84	75		
3918 - VBM Reporting	1176	666	56.63	536	105	531	102	366	236		
3921 - 3921	1185	182	15.36	127	40	129	32	83	67		
3921 - VBM Reporting	1185	675	56.96	511	141	526	119	373	239		
3922 - 3922	700	109	15.57	80	23	71	31	53	41		
3922 - VBM Reporting	700	435	62.14	343	76	316	95	255	138		
3923 - 3923	732	117	15.98	80	31	72	34	44	50		
3923 - VBM Reporting	732	468	63.93	360	85	353	93	279	144		
3924 - 3924	1054	185	17.55	125	45	119	42	88	68		
3924 - VBM Reporting	1054	690	65.46	525	134	523	127	409	201		
3928 - 3928	1389	220	15.84	150	47	139	52	100	79		
3928 - VBM Reporting	1389	704	50.68	546	131	542	122	384	239		
3929 - 3929	789	139	17.62	99	32	90	33	76	44		
3929 - VBM Reporting	789	506	64.13	395	85	384	90	290	152		
3932 - 3932	993	199	20.04	134	42	131	40	86	75		
3932 - VBM Reporting	993	637	64.15	497	114	502	96	378	188		
3937 - 3937	1295	205	15.83	139	48	128	56	83	81		
3937 - VBM Reporting	1295	733	56.60	560	146	556	132	414	246		
3938 - 3938	825	86	10.42	61	17	63	12	41	33		
3938 - VBM Reporting	825	577	69.94	443	105	440	99	321	189		
3939 - 3939	800	120	15.00	87	22	82	24	53	47		
3939 - VBM Reporting	800	487	60.88	391	77	353	110	262	166		
3940 - 3940	716	100	13.97	64	25	64	25	48	34		
3940 - VBM Reporting	716	474	66.20	349	106	315	131	272	145		
3942 - 3942	774	116	14.99	83	18	75	22	55	37		
3942 - VBM Reporting	774	385	49.74	273	84	271	79	207	133		
3948 - 3948	327	47	14.37	31	10	29	12	19	20		
3948 - VBM Reporting	327	138	42.20	111	21	105	26	84	44		
Precinct Totals	23543	3569	15.16	2431	814	2352	815	1662	1313		
VBM Reporting Totals	23543	13825	58.72	10577	2595	10413	2565	7775	4491		
Grand Totals	23543	17394	73.88	13008	3409	12765	3380	9437	5804		
STATEWIDE	23543	17394	73.88	13008	3409	12765	3380	9437	5804		

Attachment: Exhibit A - Certification of Election Results (2104 : Certify Election Results 11/6/18)

COUNTY OF SANTA CLARA Statement of Vote
GENERAL ELECTION

1308 of

1.b

***Grand Totals 140124	MEASURES H, I, AND J - CITY OF MORGAN HILL															
	Registration	Ballots Cast	Turnout (%)		MEASURE H- TRANS OCCUPANCY TAX YES	NO		MEASURE I- CANNABIS TAX YES	NO		MEASURE J- APPOINTEE POSITIONS YES	NO				
US Representative, District 19	23543	17394	73.88		13008	3409		12765	3380		9437	5804				
State Senate, District 17	23543	17394	73.88		13008	3409		12765	3380		9437	5804				
State Assembly District 30	23543	17394	73.88		13008	3409		12765	3380		9437	5804				
State Board of Equal, District 2	23543	17394	73.88		13008	3409		12765	3380		9437	5804				
Supervisory District 1	23543	17394	73.88		13008	3409		12765	3380		9437	5804				
City of Morgan Hill	23543	17394	73.88		13008	3409		12765	3380		9437	5804				

Attachment: Exhibit A - Certification of Election Results (2104 : Certify Election Results 11/6/18)

COUNTY OF SANTA CLARA Statement of Vote
GENERAL ELECTION

804 of 1433

1.b

100084	CITY OF MORGAN HILL - MAYOR														
	Registration	Ballots Cast	Turnout (%)		RICH CONSTANTINE	GREG SELLERS	KIRK R. BERTOLET								
3900 - 3900	990	158	15.96		68	66	11								
3900 - VBM Reporting	990	556	56.16		223	211	55								
3901 - 3901	1365	193	14.14		75	68	26								
3901 - VBM Reporting	1365	858	62.86		381	328	89								
3902 - 3902	1393	221	15.87		101	60	28								
3902 - VBM Reporting	1393	707	50.75		298	277	75								
3903 - 3903	840	122	14.52		54	42	13								
3903 - VBM Reporting	840	524	62.38		213	199	62								
3906 - 3906	1059	124	11.71		57	39	14								
3906 - VBM Reporting	1059	608	57.41		276	194	64								
3907 - 3907	686	95	13.85		44	34	5								
3907 - VBM Reporting	686	399	58.16		170	145	27								
3908 - 3908	131	0	0.00		0	0	0								
3908 - VBM Reporting	131	65	49.62		34	11	11								
3909 - 3909	1234	183	14.83		65	83	20								
3909 - VBM Reporting	1234	760	61.59		300	312	61								
3910 - 3910	374	60	16.04		29	22	4								
3910 - VBM Reporting	374	191	51.07		72	74	19								
3911 - 3911	304	42	13.82		19	12	2								
3911 - VBM Reporting	304	188	61.84		86	54	21								
3912 - 3912	693	114	16.45		45	40	16								
3912 - VBM Reporting	693	401	57.86		167	150	46								
3914 - 3914	1016	147	14.47		64	52	12								
3914 - VBM Reporting	1016	546	53.74		277	185	37								
3916 - 3916	703	105	14.94		41	37	8								
3916 - VBM Reporting	703	447	63.58		168	190	46								
3918 - 3918	1176	180	15.31		69	70	19								
3918 - VBM Reporting	1176	666	56.63		276	261	63								
3921 - 3921	1185	182	15.36		84	48	22								
3921 - VBM Reporting	1185	675	56.96		277	268	66								
3922 - 3922	700	109	15.57		36	49	10								
3922 - VBM Reporting	700	435	62.14		169	176	56								
3923 - 3923	732	117	15.98		40	52	12								
3923 - VBM Reporting	732	468	63.93		200	171	34								
3924 - 3924	1054	185	17.55		65	79	24								
3924 - VBM Reporting	1054	690	65.46		254	317	59								
3928 - 3928	1389	220	15.84		81	71	30								
3928 - VBM Reporting	1389	704	50.68		333	252	48								
3929 - 3929	789	139	17.62		54	62	9								
3929 - VBM Reporting	789	506	64.13		218	205	40								
3932 - 3932	993	199	20.04		69	75	22								
3932 - VBM Reporting	993	637	64.15		228	294	69								
3937 - 3937	1295	205	15.83		83	70	21								
3937 - VBM Reporting	1295	733	56.60		307	285	76								
3938 - 3938	825	86	10.42		41	30	8								
3938 - VBM Reporting	825	577	69.94		281	188	42								
3939 - 3939	800	120	15.00		56	45	9								
3939 - VBM Reporting	800	487	60.88		196	193	51								
3940 - 3940	716	100	13.97		26	49	9								
3940 - VBM Reporting	716	474	66.20		166	220	34								
3942 - 3942	774	116	14.99		52	32	13								
3942 - VBM Reporting	774	385	49.74		168	122	54								
3948 - 3948	327	47	14.37		24	17	3								
3948 - VBM Reporting	327	138	42.20		63	56	13								
Precinct Totals	23543	3569	15.16		1442	1304	370								
VBM Reporting Totals	23543	13825	58.72		5801	5338	1318								
Grand Totals	23543	17394	73.88		7243	6642	1688								
STATEWIDE	23543	17394	73.88		7243	6642	1688								

Attachment: Exhibit A - Certification of Election Results (2104 : Certify Election Results 11/6/18)

COUNTY OF SANTA CLARA Statement of Vote
GENERAL ELECTION

***Grand Totals 100084	CITY OF MORGAN HILL - MAYOR														
	Registration	Ballots Cast	Turnout (%)		RICH CONSTANTINE	GREG SELLERS	KIRK R. BERTOLET								
US Representative, District 19	23543	17394	73.88		7243	6642	1688								
State Senate, District 17	23543	17394	73.88		7243	6642	1688								
State Assembly District 30	23543	17394	73.88		7243	6642	1688								
State Board of Equal. District 2	23543	17394	73.88		7243	6642	1688								
Supervisory District 1	23543	17394	73.88		7243	6642	1688								
City of Morgan Hill	23543	17394	73.88		7243	6642	1688								

COUNTY OF SANTA CLARA Statement of Vote
GENERAL ELECTION

100085	CITY OF MORGAN HILL, DISTRICT B - COUNCIL MEMBER														
	Registration	Ballots Cast	Turnout (%)		MATT LOEWENSTEIN	YVONNE MARTINEZ BELTRAN	KEN MURRAY								
3900 - 3900	990	158	15.96		45	61	28								
3900 - VBM Reporting	990	556	56.16		157	213	94								
3910 - 3910	374	60	16.04		11	30	10								
3910 - VBM Reporting	374	191	51.07		29	92	28								
3911 - 3911	304	42	13.82		8	9	9								
3911 - VBM Reporting	304	188	61.84		36	72	54								
3912 - 3912	693	114	16.45		32	51	18								
3912 - VBM Reporting	693	401	57.86		115	179	45								
3914 - 3914	1016	147	14.47		20	77	20								
3914 - VBM Reporting	1016	546	53.74		123	266	78								
3918 - 3918	1176	180	15.31		40	74	37								
3918 - VBM Reporting	1176	666	56.63		167	327	93								
3942 - 3942	774	116	14.99		22	56	16								
3942 - VBM Reporting	774	385	49.74		96	175	60								
3948 - 3948	327	47	14.37		7	30	8								
3948 - VBM Reporting	327	138	42.20		28	54	43								
Precinct Totals	5654	864	15.28		185	388	146								
VBM Reporting Totals	5654	3071	54.32		751	1378	495								
Grand Totals	5654	3935	69.60		936	1766	641								
STATEWIDE	5654	3935	69.60		936	1766	641								
US Representative, District 19	5654	3935	69.60		936	1766	641								
State Senate, District 17	5654	3935	69.60		936	1766	641								
State Assembly District 30	5654	3935	69.60		936	1766	641								
State Board of Equal. District 2	5654	3935	69.60		936	1766	641								
Supervisory District 1	5654	3935	69.60		936	1766	641								
City of Morgan Hill	5654	3935	69.60		936	1766	641								

COUNTY OF SANTA CLARA Statement of Vote
GENERAL ELECTION

100086	CITY OF MORGAN HILL, DISTRICT D - COUNCIL MEMBER														
	Registration	Ballots Cast	Turnout (%)		MARILYN LIBRERS	JOHN K. MCKAY	JULIE MAKRAI HUTCHESON								
3903 - 3903	840	122	14.52		30	41	31								
3903 - VBM Reporting	840	524	62.38		132	165	157								
3907 - 3907	686	95	13.85		12	43	22								
3907 - VBM Reporting	686	399	58.16		80	120	135								
3916 - 3916	703	105	14.94		14	29	36								
3916 - VBM Reporting	703	447	63.58		121	107	161								
3924 - 3924	1054	185	17.55		35	78	43								
3924 - VBM Reporting	1054	690	65.46		153	262	188								
3929 - 3929	789	139	17.62		21	46	47								
3929 - VBM Reporting	789	506	64.13		123	147	174								
3937 - 3937	1295	205	15.83		44	54	67								
3937 - VBM Reporting	1295	733	56.60		158	200	285								
3939 - 3939	800	120	15.00		37	28	33								
3939 - VBM Reporting	800	487	60.88		125	160	130								
3940 - 3940	716	100	13.97		15	42	18								
3940 - VBM Reporting	716	474	66.20		124	165	114								
Precinct Totals	6883	1071	15.56		208	361	297								
VBM Reporting Totals	6883	4260	61.89		1016	1326	1344								
Grand Totals	6883	5331	77.45		1224	1687	1641								
STATEWIDE	6883	5331	77.45		1224	1687	1641								
US Representative, District 19	6883	5331	77.45		1224	1687	1641								
State Senate, District 17	6883	5331	77.45		1224	1687	1641								
State Assembly District 30	6883	5331	77.45		1224	1687	1641								
State Board of Equal, District 2	6883	5331	77.45		1224	1687	1641								
Supervisory District 1	6883	5331	77.45		1224	1687	1641								
City of Morgan Hill	6883	5331	77.45		1224	1687	1641								

Write-in Ballots

City of Morgan Hill Mayor

	GREG SELLERS		KIRK R. BERTOLET		RICH CONSTANTINE	
Precinct	VBM	PCT	VBM	PCT	VBM	PCT
3900	0	0	1	0	0	0
3909	0	0	1	0	0	0
3918	0	0	1	0	0	0
3921	1	0	0	0	0	0
3938	0	0	0	0	1	0
TOTAL	1	0	3	0	1	0
G-Total	1		3		1	

Write-in Ballots

City of Morgan Hill Council Member, District B

	KEN MURRAY		MATT LOEWENSTEIN		YVONNE MARTINEZ BELTRAN	
Precinct	VBM	PCT	VBM	PCT	VBM	PCT
3900	1	0	0	0	0	0
3910	0	0	0	0	1	0
3911	0	0	0	0	1	0
3912	0	0	0	1	0	0
3914	0	0	1	0	0	0
3918	0	0	0	0	0	1
3942	1	0	0	0	0	0
TOTAL	2	0	1	1	2	1
G-Total	2		2		3	

Write-in Ballots

City of Morgan Hill Council Member, District D

	JOHN K. MCKAY		JULIE MAKRAI HUTCHESON		MARILYN LIBRERS	
Precinct	VBM	PCT	VBM	PCT	VBM	PCT
3907	1	0	0	0	0	0
3940	0	0	1	0	0	0
TOTAL	1	0	1	0	0	0
G-Total	1		1		0	

REGISTRATION & TURNOUT
County of Santa Clara

Completed Precincts: 1,098 of 1,098
Total Registration 885,764

PCT Reporting Ballots Cast 138,468 15.63%
VBM Reporting Ballots Cast 486,957 54.98%
Total Ballots Cast 625,425 70.61%

GOVERNOR

Completed Precincts: 1,098 of 1,098

DEM - GAVIN NEWSOM 438,758 71.40%
REP - JOHN H. COX 175,791 28.60%

LIEUTENANT GOVERNOR

Completed Precincts: 1,098 of 1,098

DEM - ELENI KOUNALAKIS 331,520 62.00%
DEM - ED HERNANDEZ 203,178 38.00%

SECRETARY OF STATE

Completed Precincts: 1,098 of 1,098

DEM - ALEX PADILLA 439,258 72.94%
REP - MARK P. MEUSER 162,962 27.06%

CONTROLLER

Completed Precincts: 1,098 of 1,098

DEM - BETTY T. YEE 447,306 74.12%
REP - KONSTANTINOS RODITIS 156,164 25.88%

STATE TREASURER

Completed Precincts: 1,098 of 1,098

DEM - FIONA MA 439,879 72.98%
REP - GREG CONLON 162,852 27.02%

ATTORNEY GENERAL

Completed Precincts: 1,098 of 1,098

DEM - XAVIER BECERRA 435,623 72.23%
REP - STEVEN C BAILEY 167,498 27.77%

INSURANCE COMMISSIONER

Completed Precincts: 1,098 of 1,098

DEM - RICARDO LARA 315,504 54.25%
NPP - STEVE POIZNER 266,065 45.75%

BOARD OF EQUALIZATION, DISTRICT 2

Completed Precincts: 1,098 of 1,098

DEM - MALIA COHEN 425,397 72.18%
REP - MARK BURNS 163,979 27.82%

UNITED STATES SENATOR

Completed Precincts: 1,098 of 1,098

DEM - DIANNE FEINSTEIN 339,866 59.78%
DEM - KEVIN DE LEON 228,642 40.22%

U. S. REPRESENTATIVE, DISTRICT 17

Completed Precincts: 260 of 260

DEM - RO KHANNA 120,125 75.67%
REP - RON COHEN 38,614 24.33%

U. S. REPRESENTATIVE, DISTRICT 18

Completed Precincts: 371 of 371

DEM - ANNA G. ESHOO 163,535 73.95%
REP - CHRISTINE RUSSELL 57,596 26.05%

U. S. REPRESENTATIVE, DISTRICT 19

Completed Precincts: 457 of 457

DEM - ZOE LOFGREN 162,496 73.75%
REP - JUSTIN JAMES AGUILERA 57,823 26.25%

U. S. REPRESENTATIVE, DISTRICT 20

Completed Precincts: 10 of 10

DEM - JIMMY PANETTA 3,059 79.45%
NPP - RONALD PAUL KABAT 791 20.55%

STATE SENATOR, DISTRICT 10

Completed Precincts: 159 of 159

DEM - BOB WIECKOWSKI 67,117 74.06%
REP - VICTOR G. SAN VICENTE 23,506 25.94%

Cumulative Totals

November 6, 2018

STATE ASSEMBLY, DISTRICT 24	STATE ASSEMBLY, DISTRICT 30	ASSOC. JUSTICE 6TH COURT OF APPEALS - MIHARA
Completed Precincts: 192 of 192	Completed Precincts: 84 of 84	Completed Precincts: 1,098 of 1,098
DEM - MARC BERMAN 97,726 76.80%	DEM - ROBERT RIVAS 25,094 63.26%	YES 322,323 77.26%
REP - ALEX GLEW 29,519 23.20%	REP - NEIL G. KITCHENS 14,575 36.74%	NO 94,876 22.74%
STATE ASSEMBLY, DISTRICT 25	ASSOC. JUSTICE SUPREME COURT - CORRIGAN	STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
Completed Precincts: 192 of 192	Completed Precincts: 1,098 of 1,098	Completed Precincts: 1,098 of 1,098
DEM - KANSEN CHU 66,652 74.15%	YES 321,421 73.42%	TONY K. THURMOND 294,172 55.72%
REP - BOB BRUNTON 23,231 25.85%	NO 116,351 26.58%	MARSHALL TUCK 233,752 44.28%
STATE ASSEMBLY, DISTRICT 27	ASSOC. JUSTICE SUPREME COURT - KRUGER	SANTA CLARA COUNTY BOARD OF EDUCATION, TA 2 - GBM
Completed Precincts: 229 of 229	Completed Precincts: 1,098 of 1,098	Completed Precincts: 172 of 172
DEM - ASH KALRA 90,068 76.29%	YES 345,421 80.23%	KATHLEEN M. KING 48,087 61.58%
REP - G. BURT LANCASTER 27,990 23.71%	NO 85,095 19.77%	BARRY CHANG 30,007 38.42%
STATE ASSEMBLY, DISTRICT 28	PRESIDING JUSTICE 6TH COURT OF APPEALS - GREENWOOD	SANTA CLARA COUNTY BOARD OF EDUCATION, TA 6 - GBM
Completed Precincts: 312 of 312	Completed Precincts: 1,098 of 1,098	Completed Precincts: 142 of 142
DEM - EVAN LOW 130,815 71.09%	YES 349,742 82.45%	PETER ORTIZ 34,411 69.81%
REP - MICHAEL L. SNYDER 53,195 28.91%	NO 74,421 17.55%	KIARA KASSANDRA 14,884 30.19%
STATE ASSEMBLY, DISTRICT 29	ASSOC. JUSTICE 6TH COURT OF APPEALS - DANNER	SANTA CLARA COUNTY BOARD OF EDUCATION, TA 7 - GBM
Completed Precincts: 89 of 89	Completed Precincts: 1,098 of 1,098	Completed Precincts: 200 of 200
DEM - MARK STONE 24,084 66.41%	YES 341,348 80.90%	CLAUDIA ROSSI 43,179 57.10%
REP - VICKI L. NOHRDEN 12,184 33.59%	NO 80,575 19.10%	GINO BORGIOLI 32,444 42.90%

GAVILAN JOINT CCD, TA 3 - GBM Completed Precincts: 34 of 34 EDWIN DIAZ 6,675 66.99% WALTER A. GLINES 3,289 33.01%	MILPITAS UNIFIED SD - GBM Number to Vote For: 3 Completed Precincts: 39 of 39 AMIN FAZAL 6,070 17.14%	MORGAN HILL UNIFIED SD, TA 4 - GBM Completed Precincts: 7 of 7 ROBERT GUYNN 375 12.43%
SAN JOSE-EVERGREEN CCD, TA 2 - GBM Completed Precincts: 55 of 55 KAREN MARTINEZ 7,543 36.98% PAULA QUINTERO 6,442 31.58% SCOTT HUNG PHAM 6,414 31.44%	MORGAN HILL UNIFIED SD, TA 5 - SHORT TERM - GBM Completed Precincts: 17 of 17 VANESSA SUTTER 1,886 60.24% ANGELICA DIAZ 1,245 39.76%	PALO ALTO UNIFIED SD - GBM Number to Vote For: 2 Completed Precincts: 47 of 47 KEN DAUBER 14,474 27.05% SHOUNAK DHARAP 12,445 23.26% STACEY ASHLUND 11,302 21.12% KATHY JORDAN 10,980 20.52% ALEX SCHARF 3,933 7.35% CHRISTOPHER BOYD 370 0.69%
SAN JOSE-EVERGREEN CCD, TA 4 - GBM Completed Precincts: 59 of 59 MARIA R. FUENTES 14,669 52.56% HUONG NGUYEN 13,241 47.44%	MORGAN HILL UNIFIED SD, TA 1 - GBM Completed Precincts: 14 of 14 WENDY SULLIVAN 1,479 38.47% PETER MANDEL 1,361 35.40% EMMA NUNEZ 1,005 26.14%	SAN JOSE UNIFIED SD, TA 2 - GBM Completed Precincts: 39 of 39 JOSE MAGANA 7,314 42.93% HELEN CHAPMAN 6,803 39.93% PETER ALLEN 2,167 12.72% ROUMEN BOYADJIEV 752 4.41%
YOSEMITE CCD, TA 4 - GBM Completed Precincts: 1 of 1 ANNE DEMARTINI 23 67.65% PENNY WILLIAMS 11 32.35%	MORGAN HILL UNIFIED SD, TA 2 - GBM Completed Precincts: 16 of 16 JOHN T. HORNER 1,284 38.04% TARA BEVINGTON 1,255 37.19% ENRIQUE NAVARRO-DONNELLAN 467 13.84% JAMES B. DILL 369 10.93%	SAN JOSE UNIFIED SD, TA 4 - GBM Completed Precincts: 27 of 27 BRIAN WHEATLEY 8,375 56.63% MICHAEL MELILLO 6,413 43.37%
MILPITAS UNIFIED SD - GBM Number to Vote For: 3 Completed Precincts: 39 of 39 KELLY YIP-CHUAN 10,071 28.44% CHRIS NORWOOD 9,856 27.83% MICHAEL TSAI 9,414 26.58%	MORGAN HILL UNIFIED SD, TA 4 - GBM Completed Precincts: 7 of 7 CAROL GITTENS 1,590 52.72% JILL PROVENCAL 1,051 34.85%	

Cumulative Totals

November 6, 2018

SANTA CLARA UNIFIED SD, TA 2 - GBM Number to Vote For: 2 Completed Precincts: 66 of 66 VICKIE FAIRCHILD 21,886 43.07% JODI MUIRHEAD 21,015 41.36% ASHISH MANGLA 7,914 15.57%	LOS GATOS-SARATOGA JOINT UNION HIGH SD - GBM Number to Vote For: 3 Completed Precincts: 76 of 76 CYNTHIA CHANG 15,386 35.63% DAVID GUIDRY 9,875 22.87% PETER L. HERTAN 9,614 22.27% DENISE RAMON HERRERA 8,304 19.23%	CAMBRIAN SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 21 of 21 JAROD MIDDLETON 5,642 29.32% CAROL PRESUNKA 4,757 24.72% RANDY SCOFIELD 4,674 24.29% TERESA CALVERT 4,170 21.67%
CAMPBELL UNION HIGH SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 128 of 128 KRISTIINA ARRASMITH 44,953 32.77% STACEY BROWN 43,069 31.40% ROBERT VARICH 28,178 20.54% BASIL SALEH 20,971 15.29%	MOUNTAIN VIEW-LOS ALTOS UNION HIGH SD - GBM Number to Vote For: 3 Completed Precincts: 68 of 68 FIONA WALTER 25,792 30.57% DEBBIE TOROK 23,360 27.69% CATHERINE J. VONNEGUT 20,918 24.80% STEVEN E. NELSON 14,288 16.94%	CUPERTINO SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 76 of 76 LORI CUNNINGHAM 28,675 32.97% JERRY LIU 26,332 30.28% SATHEESH KUMAR MADHATHIL 18,237 20.97% WIL FLUEWELLING 13,721 15.78%
EAST SIDE UNION HIGH SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 287 of 287 LORENA CHAVEZ 56,458 20.64% VAN THI LE 41,164 15.05% J. MANUEL HERRERA 40,255 14.72% FRANK BIEHL 39,452 14.42% KRISTIN RIVERS 33,916 12.40% PATRICIA MARTINEZ-ROACH 31,949 11.68% DEREK GRASTY 17,339 6.34% ROBERT IMHOFF 12,996 4.75%	ALUM ROCK UNION SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 63 of 63 ANDRES QUINTERO 8,740 19.05% LINDA CHAVEZ 6,089 13.27% ERNESTO A. BEJARANO 5,952 12.97% RAYMOND "RAY" MUELLER 5,505 12.00% KHANH TRAN 5,425 11.82% ESAU HERRERA 5,104 11.12% BRENDA ZENDEJAS 4,868 10.61% BRUCE HUYNH 4,197 9.15%	EVERGREEN SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 56 of 56 CHRISTOPHER CORPUS 14,793 24.15% MARISA HANSON 13,993 22.84% JIM ZITO 12,185 19.89% PATTI ANDRADE 10,289 16.80% BALAJI VENKATRAMAN 10,000 16.32%
FREMONT UNION HIGH SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 114 of 114 WILLIAM (BILL) WILSON 28,790 20.34% NAOMI NAKANO-MATSUMOTO 28,782 20.34% ROSA KIM 25,160 17.78% MEENA JUTTUKONDA-GAJULA 24,502 17.31% DON SUN 18,670 13.19% BENAIFER DASTOOR 15,630 11.04%	BERRYESSA UNION SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 41 of 41 DAVID COHEN 13,440 30.77% THELMA BOAC 10,220 23.40% HUGO JIMENEZ 10,067 23.05% LONG NGUYEN 8,542 19.56% JENNIFER IMHOFF 1,403 3.21%	FRANKLIN-MCKINLEY SD, SHORT TERM - GBM Completed Precincts: 44 of 44 MAIMONA AFZAL BERTA 10,689 66.91% SYLVIA ORNELAS-WISE 5,285 33.09%

LOMA PRIETA JOINT UNION SD - GBM Number to Vote For: 3 Completed Precincts: 6 of 6 DEANA ARNOLD 318 30.20% BEN ABELN 307 29.15% RONALD A. BOURQUE 245 23.27% LEAH ROGERS 183 17.38%	MOUNTAIN VIEW WHISMAN SD - GBM Number to Vote For: 2 Completed Precincts: 32 of 32 DEVON CONLEY 11,001 34.56% ELLEN WHEELER 8,799 27.64% TAMARA BECHER PATTERSON 6,657 20.91% GREG COLADONATO 5,373 16.88%	OAK GROVE SCHOOL DISTRICT, TA 3 - GBM Completed Precincts: 11 of 11 JORGE PACHECO, JR. 3,295 52.84% DENNIS D. HAWKINS 2,563 41.10% KAUSHIK C. JOGLEKAR 378 6.06%
LOMA PRIETA JOINT UNION SD, SHORT TERM - GBM Completed Precincts: 6 of 6 MARCO V. MENENDEZ 181 43.41% LILA JONES TURKALJ 161 38.61% KEVIN HAGEDORN 75 17.99%	MOUNT PLEASANT SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 18 of 18 BRENDA SERRANO 2,329 21.30% BETTY MARTINEZ 1,986 18.17% ROBERT (BOB) RAMIREZ 1,599 14.63% GAIL TREMAINE 1,398 12.79% BALTAZAR LOPEZ 1,371 12.54% YESENIA PINEDA MORENO 1,242 11.36% JESSE ESQUIVEL 1,008 9.22%	OAK GROVE SCHOOL DISTRICT, TA 5 - GBM Completed Precincts: 14 of 14 BRIAN LOBUE 3,331 55.70% ROBERTO PLAMENCO 1,411 23.60% CAROLYN M. BAUER 1,238 20.70%
LOS ALTOS SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 36 of 36 BRYAN JOHNSON 13,165 31.43% VLADIMIR G. IVANOVIC 11,046 26.37% VAISHALI "SHALI" SIRKAY 9,757 23.29% YING LIU 7,917 18.90%	NORTH COUNTY JOINT UNION SD - GBM Number to Vote For: 2 Completed Precincts: 1 of 1 CINDY KING 28 42.42% TED BRIAN ZANELLA 23 34.85% EDUARDO NAVARRO 15 22.73%	ORCHARD SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 8 of 8 JEFF TANG 1,539 28.88% STEPHANIE HILL 1,420 26.65% JOSEPH J. ZANONE 1,188 22.29% NIDA MORAGAS SPETTER 1,182 22.18%
LUTHER BURBANK SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 4 of 4 NORMA CASTANEDA 566 32.32% VINCENT ROBINSON 292 16.68% ADRIANA RODRIGUEZ RIOS 249 14.22% GUADALUPE REYES 230 13.14% ERICKA JAZMIN GUZMAN 223 12.74% CHRIS PULA 191 10.91%	OAK GROVE SCHOOL DISTRICT, TA 2 - GBM Completed Precincts: 10 of 10 TAMI C. MOORE 2,233 50.16% DIEGO ALFREDO MARTINEZ 2,219 49.84%	SARATOGA UNION SCHOOL DISTRICT - GBM Number to Vote For: 3 Completed Precincts: 32 of 32 CYNTHIA MILLER 6,079 34.27% PHYLLIS TUNG 4,561 25.71% ERIC CAO 4,085 23.03% RESHMA HYDER 3,015 17.00%

Cumulative Totals

November 6, 2018

SUNNYVALE SCHOOL DISTRICT - GBM

Number to Vote For: 3

Completed Precincts: 37 of 37

MICHELLE MAGINOT	12,209	29.07%
BRIDGET WATSON	11,656	27.75%
JEFF ARNETT	9,299	22.14%
ANITA HERRMANN	8,841	21.05%

CITY OF CAMPBELL - COUNCIL MEMBER

Number to Vote For: 3

Completed Precincts: 23 of 23

ELIZABETH "LIZ" GIBBONS	8,323	26.02%
PAUL RESNIKOFF	7,128	22.29%
ANNE COYNE BYBEE	6,564	20.52%
ANNE SOUZA	5,916	18.50%
DARAIUS R. SORABJI	4,051	12.67%

CITY OF LOS ALTOS - COUNCIL MEMBER

Number to Vote For: 2

Completed Precincts: 22 of 22

NEYSA FLIGOR	8,359	32.81%
ANITA ENANDER	5,154	20.23%
JEAN (JOHN) H. MORDO	5,023	19.72%
NANCY BREMEAU	4,682	18.38%
TERESA MORRIS	2,259	8.87%

UNION SCHOOL DISTRICT - GBM

Number to Vote For: 3

Completed Precincts: 30 of 30

SHEILA BILLINGS	10,692	35.26%
DOUGLAS EVANS	7,598	25.06%
THOMAS E. ROSSMEISL	7,073	23.32%
STEVE STOUT	4,961	16.36%

CITY OF CUPERTINO - COUNCIL MEMBER

Number to Vote For: 3

Completed Precincts: 30 of 30

DARCY PAUL	9,518	18.09%
LIANG-FANG "LIANG" CHAO	8,529	16.21%
JON ROBERT WILLEY	7,400	14.06%
SAVITA VAIDHYANATHAN	7,355	13.98%
HUNG WEI	7,116	13.52%
ORRIN MAHONEY	6,580	12.51%
TARA SREEKRISHNAN	4,937	9.38%
TIM GORSULOWSKY	1,181	2.24%

TOWN OF LOS ALTOS HILLS - COUNCIL MEMBER

Number to Vote For: 2

Completed Precincts: 8 of 8

KAVITA TANKHA	3,015	45.95%
GEORGE K. TYSON	2,013	30.68%
NEIL FERRARI	1,534	23.38%

COUNTY SUPERVISOR, DISTRICT 4

Completed Precincts: 199 of 199

SUSAN ELLENBERG	65,227	59.21%
DON ROCHA	44,942	40.79%

CITY OF GILROY - COUNCIL MEMBER

Number to Vote For: 3

Completed Precincts: 25 of 25

MARIE BLANKLEY	8,938	25.25%
PETER LEROE-MUNOZ	6,624	18.71%
DION BRACCO	6,527	18.44%
TOM FISCHER	5,539	15.65%
REID LERNER	4,180	11.81%
TIM RENGGLI	3,589	10.14%

TOWN OF LOS GATOS - COUNCIL MEMBER

Number to Vote For: 3

Completed Precincts: 26 of 26

ROB RENNIE	9,108	31.12%
MARICO SAYOC	8,325	28.45%
STEVEN LEONARDIS	7,428	25.38%
LARRY MAGGIO	4,406	15.05%

SHERIFF

Completed Precincts: 1,098 of 1,098

LAURIE SMITH	294,500	55.74%
JOHN HIROKAWA	233,877	44.26%

CITY OF GILROY, SHORT TERM - COUNCIL MEMBER

Completed Precincts: 25 of 25

CAROL MARQUES	8,693	59.30%
DANIEL HARNEY	5,966	40.70%

CITY OF MILPITAS - MAYOR

Completed Precincts: 33 of 33

RICH TRAN	8,928	48.02%
JOSE 'JOE' ESTEVES	4,758	25.59%
BOB NUNEZ	3,460	18.61%
VOLTAIRE S. MONTEMAYOR	787	4.23%
YOON IL LEE	659	3.54%

CITY OF MILPITAS - COUNCIL MEMBER

Number to Vote For: 2

Completed Precincts: 33 of 33

CARMEN MONTANO	5,898	19.50%
KARINA DOMINGUEZ	5,748	19.01%
GARRY BARBADILLO	5,057	16.72%
MARSHA GRILLI	4,406	14.57%
VAN LAN TRUONG	3,297	10.90%
SURAJ "SUN" VISWANATHAN	2,240	7.41%
ROBERT MARINI	1,900	6.28%
TIMOTHY ALCORN	1,694	5.60%

CITY OF MONTE SERENO - COUNCIL MEMBER

Number to Vote For: 3

Completed Precincts: 5 of 5

LIZ LAWLER	897	22.73%
SHAWN LEUTHOLD	895	22.68%
JAVED I. ELLAHIE	735	18.63%
EVERT WOLSHEIMER	670	16.98%
BENJAMIN MACLEAN	390	9.88%
RONALD LESNIAK	359	9.10%

CITY OF MORGAN HILL - MAYOR

Completed Precincts: 27 of 27

RICH CONSTANTINE	7,243	46.51%
GREG SELLERS	6,642	42.85%
KIRK R. BERTOLET	1,688	10.84%

CITY OF MORGAN HILL, DISTRICT B - COUNCIL MEMBER

Completed Precincts: 8 of 8

YVONNE MARTINEZ BELTRAN	1,766	52.83%
MATT LOEWENSTEIN	936	28.00%
KEN MURRAY	641	19.17%

CITY OF MORGAN HILL, DISTRICT D - COUNCIL MEMBER

Completed Precincts: 8 of 8

JOHN K. MCKAY	1,687	37.06%
JULIE MAKRAI HUTCHESON	1,641	36.05%
MARILYN LIBRERS	1,224	26.89%

CITY OF MOUNTAIN VIEW - COUNCIL MEMBER

Number to Vote For: 3

Completed Precincts: 35 of 35

ELLEN KAMEI	11,916	19.00%
LUCAS RAMIREZ	11,397	18.17%
ALISON HICKS	11,129	17.74%
PAT SHOWALTER	11,032	17.59%
LEONARD M. "LENNY" SIEGEL	9,929	15.83%
JOHN INKS	7,319	11.67%

CITY OF PALO ALTO - COUNCIL MEMBER

Number to Vote For: 3

Completed Precincts: 42 of 42

ALISON CORMACK	18,581	28.57%
TOM DUBOIS	15,454	23.76%
ERIC FILSETH	14,865	22.86%
CORY WOLBACH	11,692	17.98%
PAT BOONE	4,446	6.84%

CITY OF SAN JOSE, DISTRICT 7 - COUNCIL MEMBER

Completed Precincts: 41 of 41

MAYA ESPARZA	11,165	54.15%
TAM NGUYEN	9,452	45.85%

CITY OF SAN JOSE, DISTRICT 9 - COUNCIL MEMBER

Completed Precincts: 55 of 55

PAM FOLEY	15,930	50.82%
KALEN GALLAGHER	15,414	49.18%

CITY OF SANTA CLARA - MAYOR

Completed Precincts: 55 of 55

LISA M. GILLMOR	23,334	74.17%
ANTHONY J. BECKER	8,127	25.83%

CITY OF SANTA CLARA, DISTRICT 2 - COUNCIL MEMBER

Completed Precincts: 10 of 10

RAJ CHAHAL	2,690	53.35%
NANCY A. BIAGINI	1,859	36.87%
MARIO BOUZA	493	9.78%

CITY OF SANTA CLARA, DISTRICT 3 - COUNCIL MEMBER

Completed Precincts: 8 of 8

KAREN HARDY	3,578	71.22%
SRINIVASAN SAMBATHKUMAR	1,446	28.78%

CITY OF SANTA CLARA, SHORT TERM - CITY CLERK

Completed Precincts: 55 of 55

HOSAM HAGGAG	7,079	25.01%
ROBERT J. O'KEEFE	6,662	23.54%
ROSEANN LACOURSIERE	4,952	17.50%

CITY OF SANTA CLARA, SHORT TERM - CITY CLERK

Completed Precincts: 55 of 55

PETA ROBERTS	4,231	14.95%
CHRISTOPHER R. STAMPOLIS	3,604	12.73%
THOMAS MACDEVITT	1,776	6.27%

CITY OF SUNNYVALE, SEAT 3 - COUNCIL MEMBER

Completed Precincts: 65 of 65

MASON FONG	20,230	55.12%
JOHN CORDES	16,473	44.88%

MIDPENINSULA REGIONAL OPEN SPACE DIST, #5-DIRECTOR

Completed Precincts: 39 of 39

GREG SCHARFF	6,215	29.85%
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CITY OF SARATOGA - COUNCIL MEMBER

Number to Vote For: 3

Completed Precincts: 26 of 26

RISHI KUMAR	9,859	29.62%
MARY-LYNNE BERNALD	8,321	25.00%
YAN ZHAO	6,888	20.70%
CORINNE VITA	4,612	13.86%
ANJALI KAUSAR	3,600	10.82%

SANTA CLARA VALLEY WATER, DISTRICT 6 - DIRECTOR

Completed Precincts: 118 of 118

TONY ESTREMER	26,131	56.15%
OMAR TORRES	20,404	43.85%

SANTA CLARA VALLEY OPEN SPACE AUTHORITY - DIRECTOR

Completed Precincts: 74 of 74

MIKE POTTER	19,446	64.54%
ANTHONY MACIAS	10,684	35.46%

CITY OF SUNNYVALE, SEAT 1 - COUNCIL MEMBER

Completed Precincts: 65 of 65

GUSTAV LARSSON	22,316	60.38%
HENRY ALEXANDER, III	14,646	39.62%

EL CAMINO HEALTHCARE DISTRICT - DIRECTOR

Number to Vote For: 2

Completed Precincts: 109 of 109

PETER C. FUNG	37,880	38.18%
GEORGE O. TING	36,674	36.97%
MIKE KASPERZAK	16,637	16.77%
JAMES DAVIS	8,019	8.08%

RANCHO RINCONADA REC AND PARK DISTRICT - DIRECTOR

Number to Vote For: 2

Completed Precincts: 2 of 2

SOPHIA BADILLO	649	38.18%
STEVEN M. WESOLOWSKI	619	36.41%
JORDAN DANIEL ELDRIDGE	432	25.41%

CITY OF SUNNYVALE, SEAT 2 - COUNCIL MEMBER

Completed Precincts: 65 of 65

GLENN HENDRICKS	20,639	56.06%
JOSH GROSSMAN	16,178	43.94%

MIDPENINSULA REGIONAL OPEN SPACE DIST, #1-DIRECTOR

Completed Precincts: 101 of 101

PETE SIEMENS	24,030	65.99%
MIKE BUNCIC	12,382	34.01%

PROPOSITION 1 - HOUSING ASSISTANCE BONDS

Completed Precincts: 1,098 of 1,098

YES	357,419	59.85%
NO	239,756	40.15%

MIDPENINSULA REGIONAL OPEN SPACE DIST, #5-DIRECTOR

Completed Precincts: 39 of 39

KAREN HOLMAN	14,603	70.15%
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PROPOSITION 2 - MENTAL HEALTH SERVICES ACT AMEND

Completed Precincts: 1,098 of 1,098

YES	395,151	66.06%
NO	203,041	33.94%

PROPOSITION 3 - WATER QUALITY INITIATIVE Completed Precincts: 1,098 of 1,098 YES 313,841 53.04% NO 277,861 46.96%	PROPOSITION 8 - OUTPATIENT DIALYSIS CLINIC BILLING Completed Precincts: 1,098 of 1,098 NO 322,779 55.04% YES 263,653 44.96%	MEASURE C-CITY OF LOS ALTOS-GENERAL PLAN AMENDMENT Completed Precincts: 22 of 22 NO 8,542 53.04% YES 7,562 46.96%
PROPOSITION 4 - CHILDRENS HOSPITAL BONDS Completed Precincts: 1,098 of 1,098 YES 379,578 63.92% NO 214,273 36.08%	PROPOSITION 10 - LOCAL RENT CONTROL Completed Precincts: 1,098 of 1,098 NO 337,601 56.33% YES 261,691 43.67%	MEASURE D-CITY OF LOS ALTOS-TRANS OCCUPANCY TAX Completed Precincts: 22 of 22 YES 9,141 58.94% NO 6,369 41.06%
PROPOSITION 5 - PROPERTY TAX TRANSFER INITIATIVE Completed Precincts: 1,098 of 1,098 NO 350,829 59.71% YES 236,749 40.29%	PROPOSITION 11 - AMBULANCE INITIATIVE Completed Precincts: 1,098 of 1,098 YES 361,363 61.24% NO 228,702 38.76%	MEASURE E-CITY OF PALO ALTO-TRANS OCCUPANCY TAX Completed Precincts: 42 of 42 YES 20,547 68.96% NO 9,249 31.04%
PROPOSITION 6 - TRANSPORTATION FUNDING INITIATIVE Completed Precincts: 1,098 of 1,098 NO 406,249 68.20% YES 189,463 31.80%	PROPOSITION 12 - FARM ANIMAL CONFINEMENT Completed Precincts: 1,098 of 1,098 YES 399,445 67.60% NO 191,468 32.40%	MEASURE F-CITY OF PALO ALTO-HEALTH CARE COSTS INIT Completed Precincts: 42 of 42 AGAINST THE ORDINANCE 22,463 76.49% FOR THE ORDINANCE 6,905 23.51%
PROPOSITION 7 - CHANGE TO DAYLIGHT SAVINGS TIME Completed Precincts: 1,098 of 1,098 YES 345,793 58.76% NO 242,696 41.24%	MEASURE A-COUNTY OF SANTA CLARA-SALES TAX Completed Precincts: 1,098 of 1,098 YES 433,171 74.20% NO 150,582 25.80%	MEASURE G-TOWN OF LOS GATOS-GENERAL REVENUE TAX Completed Precincts: 26 of 26 YES 8,062 54.65% NO 6,691 45.35%

MEASURE H-CITY OF MORGAN HILL-TRANS OCCUPANCY TAX Completed Precincts: 27 of 27 YES 13,008 79.23% NO 3,409 20.77%	MEASURE M-CITY OF SANTA CLARA-CANNABIS TAX Completed Precincts: 55 of 55 YES 25,613 76.68% NO 7,789 23.32%	MEASURE R-CITY OF MILPITAS-TRANSIENT OCCUPANCY TAX Completed Precincts: 33 of 33 YES 12,552 67.76% NO 5,971 32.24%
MEASURE I-CITY OF MORGAN HILL-CANNABIS TAX Completed Precincts: 27 of 27 YES 12,765 79.06% NO 3,380 20.94%	MEASURE N-CITY OF SANTA CLARA-CHARTER AMENDMENT Completed Precincts: 55 of 55 YES 21,902 70.40% NO 9,208 29.60%	MEASURE S-CITY OF SAN JOSE-CONSTRUCTION CONTRACTS Completed Precincts: 501 of 501 YES 218,424 79.48% NO 56,377 20.52%
MEASURE J-CITY OF MORGAN HILL-APPOINTIVE POSITIONS Completed Precincts: 27 of 27 YES 9,437 61.92% NO 5,804 38.08%	MEASURE O-CITY OF CAMPBELL-GENERAL OBLIGATION BOND Completed Precincts: 23 of 23 YES 11,071 69.60% NO 4,836 30.40%	MEASURE T-CITY OF SAN JOSE-PUBLIC SAFETY BOND Completed Precincts: 501 of 501 YES 197,110 70.95% NO 80,687 29.05%
MEASURE K-CITY OF SUNNYVALE-TRANS OCCUPANCY TAX Completed Precincts: 65 of 65 YES 32,743 78.53% NO 8,951 21.47%	MEASURE P-CITY OF MOUNTAIN VIEW-BUSINESS TAX Completed Precincts: 35 of 35 YES 19,011 71.05% NO 7,747 28.95%	MEASURE U-CITY OF SAN JOSE-SALARY ADJUSTMENTS Completed Precincts: 501 of 501 YES 232,246 85.93% NO 38,034 14.07%
MEASURE L-CITY OF SUNNYVALE-CHARTER AMENDMENT Completed Precincts: 65 of 65 YES 28,163 71.38% NO 11,290 28.62%	MEASURE Q-CITY OF MOUNTAIN VIEW-CANNABIS TAX Completed Precincts: 35 of 35 YES 21,694 81.42% NO 4,952 18.58%	MEASURE V-CITY OF SAN JOSE-AFFORDABLE HOUSING BOND Completed Precincts: 501 of 501 YES 177,525 64.01% NO 99,816 35.99%

MEASURE W-WEST VALLEY-MISSION CCD-SCHOOL BOND

Completed Precincts: 269 of 269

BONDS YES	83,285	60.46%
BONDS NO	54,477	39.54%

MEASURE BB-SANTA CLARA UNIFIED SD-SCHOOL BOND

Completed Precincts: 66 of 66

BONDS YES	27,512	67.35%
BONDS NO	13,339	32.65%

MEASURE JJ-MOUNT PLEASANT SD-SCHOOL BOND

Completed Precincts: 18 of 18

BONDS YES	3,932	70.33%
BONDS NO	1,659	29.67%

MEASURE X-GAVILAN JOINT CCD-SCHOOL BOND

Completed Precincts: 120 of 120

BONDS YES	26,799	62.47%
BONDS NO	16,103	37.53%

MEASURE CC-FREMONT UNION HIGH SD-SCHOOL BOND

Completed Precincts: 114 of 114

BONDS YES	44,844	64.61%
BONDS NO	24,566	35.39%

MEASURE Y-PALO ALTO UNIFIED SD-TERM LIMITS

Completed Precincts: 47 of 47

YES	24,009	73.19%
NO	8,796	26.81%

MEASURE EE-EVERGREEN SD-PARCEL TAX

Completed Precincts: 56 of 56

YES	21,009	70.21%
NO	8,916	29.79%

MEASURE Z-PALO ALTO UNIFIED SD-SCHOOL BOND

Completed Precincts: 47 of 47

BONDS YES	23,013	69.36%
BONDS NO	10,166	30.64%

MEASURE GG-SUNNYVALE SD-SCHOOL BOND

Completed Precincts: 37 of 37

BONDS YES	15,771	70.92%
BONDS NO	6,468	29.08%

MEASURE AA-MILPITAS UNIFIED SD-SCHOOL BOND

Completed Precincts: 39 of 39

BONDS YES	13,479	71.41%
BONDS NO	5,397	28.59%

MEASURE HH-LUTHER BURBANK SD-SCHOOL BOND

Completed Precincts: 4 of 4

BONDS YES	668	69.22%
BONDS NO	297	30.78%

ORDINANCE NO. 2258, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING CHAPTER 1.16 OF TITLE 1, OF THE MORGAN HILL MUNICIPAL CODE REGARDING ELECTIONS

WHEREAS, the City of Morgan Hill supports the full participation of all residents in electing members of the City Council; and

WHEREAS, in an at-large election system, candidates for City Council may reside in any part of the City and each City Councilmember is elected by the voters of the entire City; and

WHEREAS, in a by-district election system, a candidate for City Council must reside in the district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, on May 5, 2017, the City received a letter from attorney Morris J. Baller, asserting the City's at-large electoral system violated the California Voting Rights Act and threatening litigation if the City declined to adopt by-district elections; and

WHEREAS, the letter did not contain any credible evidence of a violation, but the cost of defending against a claim under the California Voting Rights Act is extremely high; and

WHEREAS, California Government Code Section 34871(c) authorizes the election of the legislative body "by districts in four, six, or eight districts, with an elective mayor . . ."; and

WHEREAS, Government Code 34886 authorizes the City Council to establish by-district elections for council members by ordinance under the process provided in California Elections Code section 10010; and

WHEREAS, at its regular meeting on June 7, 2017, the City Council adopted a resolution of intent to establish a by-district voting process pursuant to California Elections Code Section 10010; and

WHEREAS, pursuant to California Government Code Section 34886, it is declared the change in the method of electing members of the City Council of the City of Morgan Hill made by this ordinance is to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Section 14031 of the California Voting Rights Act, and

WHEREAS, under the provisions of California Elections Code Section 10010, a political subdivision that changes from an at-large method of election to a by-district method of election shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts before drawing a draft map or maps of the proposed boundaries of the districts; and

WHEREAS, before any maps of the proposed boundaries of the districts were drawn, the City Council held public hearings on June 21, 2017 and June 28, 2017, at which time input from the public on the proposed district boundaries was invited and heard; and

WHEREAS, the City established a dedicated webpage containing notices and information on the district election mapping process, with information in multiple languages, and extensive outreach was made to the Morgan Hill community through e-mail and at community events regarding the change to district elections.

WHEREAS, on July 19, 2017, consistent with the provisions of California Elections Code Section 10010, the City published and made available for release, all of the draft maps under consideration along with the potential sequence of elections; and

WHEREAS, as required by California Elections Code Section 10010, the City held a public hearing on July 26, 2017, at which time input on the proposed maps and sequence was invited and heard; and

WHEREAS, on August 7, 2017, consistent with the provisions of California Elections Code Section 10010, the City published additional maps based on the testimony at the July 26, 2017 public hearing; and

WHEREAS, on August 23, 2017, as required by California Elections Code Section 10010, the City held an additional public hearing at which time input on the proposed maps and sequence was invited and heard and a final map and sequence was selected by the City Council.

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an ordinance providing for the election of the members of the City Council of the City of Morgan Hill on a by-district basis in four single-member districts, retaining a separately elected office of Mayor, as reflected in Exhibit A to this Ordinance and to make other conforming and technical changes to Morgan Hill Municipal Code Chapter 1.16.

NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 1.16 ("ELECTIONS") of Title 1 of the Morgan Hill Municipal Code is amended to read as follows:

1.16.010 - General municipal elections coincide with statewide general election.

The general municipal election of the city shall be held on the same day as the statewide general election on the first Tuesday after the first Monday in November of even-numbered years.

1.16.020 – Election of City Council Members.

- A. As established by Measures D and E, enacted by the voters on March 26, 1996, the Mayor shall be elected directly by the electors for a term of two-years.

- B. Beginning with the November 2018 general municipal election, a person elected as a member of the City Council other than the Mayor shall be a resident of his or her respective Council District as set forth in Section 1.16.030 (and as subsequently reapportioned as provided by applicable law.) Elections shall take place on a by-district basis as that term is defined in California Government Code Section 34871; meaning one member of the City Council shall be elected from each district, by the voters of that district alone, except for the Mayor, who shall be elected citywide. Each council member shall serve a four-year term until his or her successor has qualified, except for the Mayor, who shall serve a two-year term as authorized by Measure E, enacted by the voters on March 26, 1996.
- C. Except as provided in subsection C of Section 1.16.040, the council member elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must live in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code Section 34882 and California Elections Code Section 10227. Termination of residency in a district by a Council Member shall create an immediate vacancy for that council district unless a substitute residence within the district is established within 30 days after the termination of residency.

1.16.030 – Establishment of Council Districts

Boundaries for each of the four districts and their letter designations are as shown on the attached Exhibit A entitled “City of Morgan Hill District Boundary Map,” a copy of which shall be posted on the City’s website and on file in the City Clerk’s Office.

1.16.040 - Transition

- A. Except as provided in subsection C, Council Members shall be elected in Council Districts B and D at the general municipal election in November 2018, and at the general municipal election every four years thereafter. [Sequence subject to change depending on final map selection]
- B. Council Members shall be elected in Council Districts A and C at the general municipal election in November 2020, and at the general municipal election every four years thereafter. [Sequence subject to change depending on final map selection]
- C. Any member of the City Council in office at the time this Ordinance takes effect (or any person selected by appointment or election to fill a vacancy created by a Council member elected prior to the effective date of this Ordinance) shall continue in office until the expiration of the respective term to which he or she was elected and until his or her respective successors are qualified. At the end of the term of each council member, that member’s successor shall be elected on a by-district basis in the districts established in Section 1.16.030. A vacancy in a councilmember office elected by-district shall be filled by a person qualified to hold the office, who is a resident and registered voter in the district.

1.16.050 - Electronic filing of campaign statements.

- A. Any elected officer, candidate, committee, or other person required to file statements, reports or other documents described by Chapter 4 (Campaign Disclosure) of Title 9 (Political Reform)

of the California Government Code that has received contributions or made expenditures of two thousand dollars or more in a calendar year shall electronically file such statements using procedures established by the City Clerk.

B. Once an elected officer, candidate, committee, or other person files a statement, report, or other document electronically pursuant to Section A, all future statements, reports, or other documents on behalf of that filer shall be filed electronically.

C. In any instance in which an original statement, report, or other document must be filed with the California Secretary of State and a copy of that statement, report, or other document is required to be filed with the City Clerk, the filer may, but is not required to, file such copy electronically.

D. If the City Clerk's electronic filing system is not capable of accepting a particular type of statement, report, or other document, an elected officer, candidate, committee, or other person shall file that document with the City Clerk in an alternative format.

SECTION 2. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 3. Effective Date and Publication. This ordinance shall take effect thirty (30) days after the date of its passage and adoption. The City Clerk is hereby directed to publish in full or summary this ordinance pursuant to §36933 of the Government Code in a newspaper of general circulation in the City of Morgan Hill.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 23RD DAY OF AUGUST 2017, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 6TH DAY OF SEPTEMBER 2017, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	Larry Carr, Rich Constantine, Rene Spring, Caitlin Robinett Jachimowicz, Steve Tate
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:



STEVE TATE, Mayor

DATE:

9/7/2017

ATTEST:



IRMA TORREZ, City Clerk

DATE:

9/11/2017

Effective Date: October 7, 2017

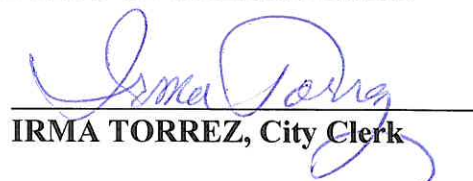
∞ CERTIFICATE OF THE CITY CLERK ∞

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2258, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 6th day of September 2017.

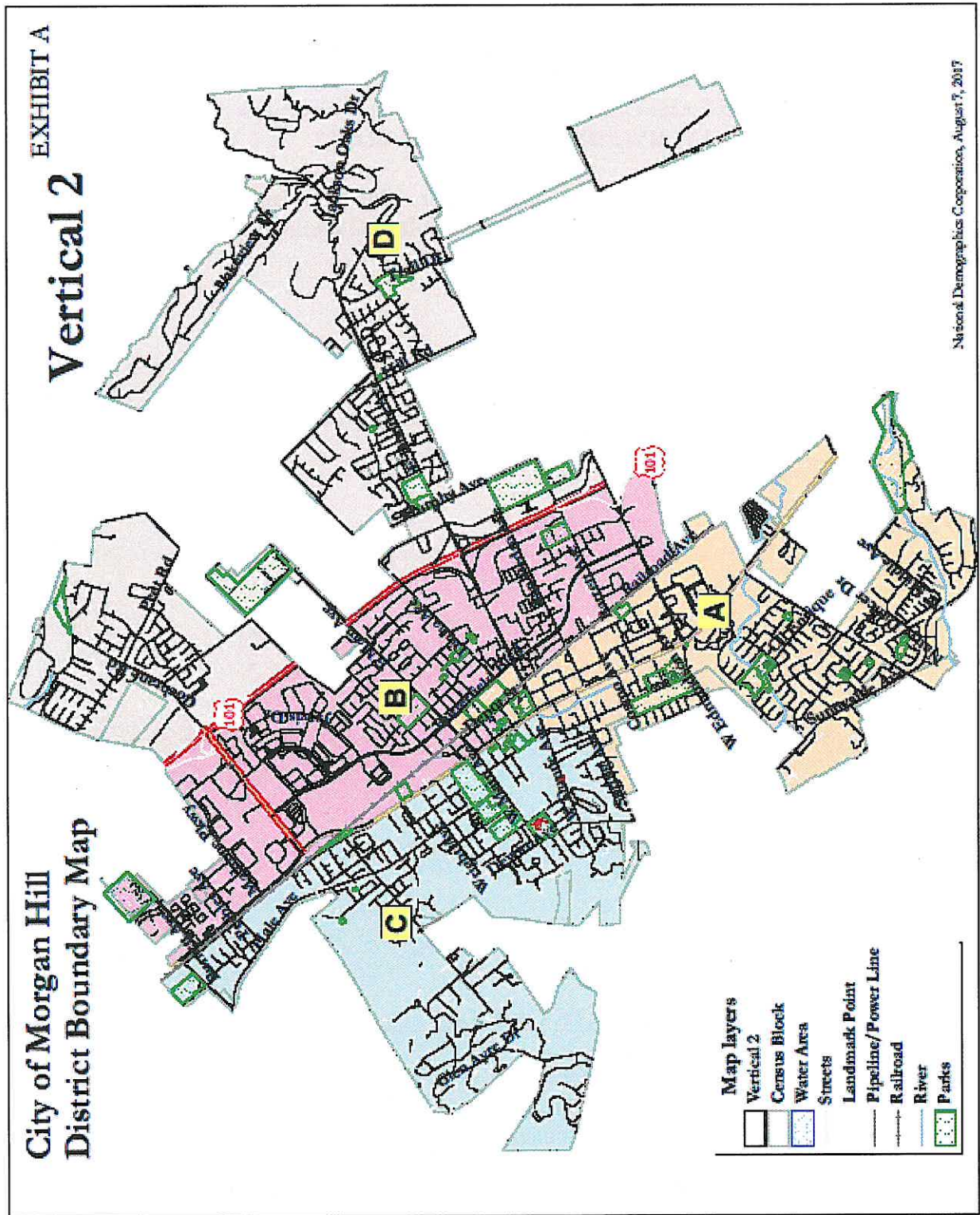
WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE:

9/11/2017



IRMA TORREZ, City Clerk



RESOLUTION NO. 18-044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, CALLING, AND GIVING NOTICE FOR THE HOLDING OF A CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Consolidated General Municipal Election shall be held on Tuesday, November 6, 2018, for the election of Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Morgan Hill, California, on Tuesday, November 6, 2018, a Consolidated General Municipal Election for the purpose of electing a Mayor for the full term of two-years; a Member of the City Council from District "B" for the full term of four-years; and a Member of the City Council from District "D" for the full term of four-years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed and directed to coordinate with the Registrar of Voters Office of the County of Santa Clara to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the County of Santa Clara, Registrar of Voters Office, the City Council in accordance with Election Code § 15651(b), shall conduct a special runoff election to resolve the tie vote and such special runoff election is to be held on a Tuesday not less than 40 days nor more than 125 days after the administrative or judicial certification of the election which resulted in a tie vote.

SECTION 8. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

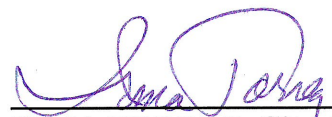
PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 6th day of June, 2018.

AYES:	COUNCIL MEMBERS:	Larry Carr, Rene Spring,
		Caitlin Robinett Jachimowicz, Steve Tate
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Rich Constantine

APPROVED:


 STEVE TATE, Mayor

ATTEST:


 IRMA TORREZ, City Clerk

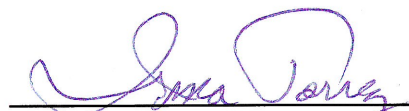
∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 18-044, adopted by the City Council at a regular meeting held on June 6, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE:

June 15, 2018


 IRMA TORREZ, City Clerk

RESOLUTION NO. 18-045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018 WITH THE GUBERNATORIAL STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Morgan Hill called a General Municipal Election to be held on Tuesday, November 6, 2018, for the purpose of the election of a Mayor; a Member of the City Council from District “B”; and a Member of the City Council from District “D” and;

WHEREAS, it is desirable that the General Municipal Election be consolidated with the statewide Gubernatorial General Election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the Registrar of Voters Office of the County of Santa Clara canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of a General Municipal Election with the statewide Gubernatorial General Election on Tuesday, November 6, 2018, for the purpose of the election of a Mayor; a Member of the City Council from District B; and a Member of the City Council from District D.

SECTION 2. That the Board of Supervisors of the County of Santa Clara is requested to issue instructions to the Registrar of Voters Office to take any and all steps necessary for the holding of the consolidated election.

SECTION 3. That the Registrar of Voters of the County of Santa Clara is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide/general election.

SECTION 4. That the City of Morgan Hill recognizes that additional costs will be incurred by the County of Santa Clara by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 5. Candidates' Statements. Candidates shall not be permitted to submit materials other than the candidate's statement with the sample ballot and voter's pamphlet. The Candidates' statement shall be two hundred (200) words or less.

SECTION 6. Candidates' Statement Fee. Pursuant to City Council Resolution No. 16-005, adopted January 20, 2016, candidates will be required to pay half of the costs charged by the Santa Clara County Registrar of Voters Office to submit and publish a Candidate Statement at the time the candidate statement is filed with the City Clerk.

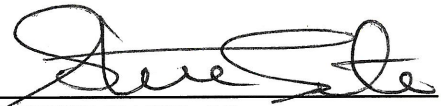
SECTION 7. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters Office of the County of Santa Clara.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the 6th day of June, 2018.

AYES:	COUNCIL MEMBERS:	Larry Carr, Rene Spring,
		Caitlin Robinett Jachimowicz, Steve Tate
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Rich Constantine

APPROVED:


 STEVE TATE, Mayor

ATTEST:

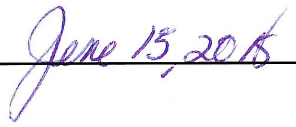

 IRMA TORREZ, City Clerk

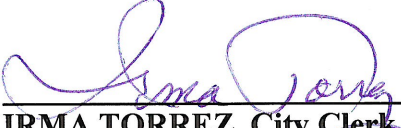
∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 18-045, adopted by the City Council at a regular meeting held on June 6, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE:




 IRMA TORREZ, City Clerk

RESOLUTION NO. 18-056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA APPROVING BALLOT MEASURE TEXT TO BE SUBMITTED TO THE VOTERS OF THE CITY INCREASING THE TRANSIENT OCCUPANCY TAX; REQUESTING THE ASSISTANCE OF THE COUNTY OF SANTA CLARA IN CONNECTION WITH THAT ELECTION; AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH ANY OTHER ELECTION HELD ON THAT DATE

WHEREAS, Section 7280 of the California Revenue and Taxation Code authorizes the City to levy a transient occupancy tax, for revenue purposes, on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging for up to 30 days; and

WHEREAS, the City Council desires to increase the rate of the current transient occupancy tax from 10% to 11%; and

WHEREAS, the transient occupancy tax rate cannot be increased without voter approval; and

WHEREAS, the City Council desires to submit a transient occupancy tax measure to the voters of the City at the General Municipal Election to be held on Tuesday, November 6, 2018, and to be consolidated with any other election to be held on that date.

WHEREAS, the proposed increase to the transient occupancy tax is more completely described in the ordinance attached hereto as Exhibit "A" and incorporated herein by reference (the "Tax Ordinance").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Proposal. The City Council hereby proposes an increase in the rate of transient occupancy tax from 10% to 11%.

Section 3. Election. The City Council hereby calls a General Municipal Election for Tuesday November 6, 2018 (the "Election") and orders, pursuant to Section 9222 of the Elections Code, that the Transient Occupancy Tax Ordinance be submitted to the voters at that election.

Section 4. Ballot Question. The question submitted under Section 3 of this Resolution shall appear on the ballot as follows:

Shall the Morgan Hill ordinance providing funding, that cannot be taken by the State, for city services including, 9-1-1 emergency response times, neighborhood police patrols, and crime prevention; to repair potholes and maintain city streets; and for unrestricted general revenue purposes, by increasing the ongoing transient occupancy tax charged to hotel guests from 10% to 11%, providing approximately \$270,000 annually, requiring financial audits, and all funds staying in Morgan Hill, be adopted?	YES	
	NO	

Section 5. Approval. Pursuant to Article XIII C of the Constitution, this measure requires approval by a majority (50% plus 1) of those casting ballots on the measure.

Section 6. Consolidation. Pursuant Section 10400 et seq. of the Elections Code, the Board of Supervisors of Santa Clara County (Board of Supervisors) is requested to consolidate the Election with other elections held on the same day in the same territory or in the territory that is in part the same.

Section 7. Canvass. The Board of Supervisors is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.

Section 8. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the Santa Clara County Registrar of Voter's Office to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

Section 9. Filing with County. The City Clerk shall file a certified copy of this Resolution with the Board of Supervisors.

Section 10. Analysis and Argument. The City Council authorizes all members of the City Council to file written argument(s) In Favor of, or Against the measure described in Section 3 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the ballot measure may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

Section 11. In accordance with Elections Code section 9280, the entire text of the measure referenced in Section 3 above, shall not be placed in the voter information sample ballot and instead there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of the Ordinance of The City of Morgan Hill, California increasing the transient occupancy tax. If you desire a copy of the measure, please visit <http://www.morgan-hill.ca.gov>, email the City Clerk at clerk@morganhill.ca.gov, or call the City Clerk at (408)779-7271 and a copy will be mailed or e-mailed at no cost to you."

Section 12. The primary arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 10, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument to be provided by the City Clerk.

Section 13. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors in any argument in favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 17, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

Section 14. Effective Date. This Resolution shall be effective immediately upon adoption.

Section 15. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

PASSED AND ADOPTED by the City Council of Morgan Hill at the meeting held on this 18th day of July 2018 by the following vote:

AYES: **COUNCIL MEMBERS:** Steve Tate, Rich Constantine, Rene Spring,
Caitlin Robinett Jachimowicz, Larry Carr

NOES: **COUNCIL MEMBERS:** None

ABSTAIN: **COUNCIL MEMBERS:** None

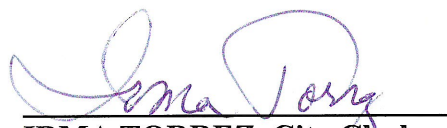
ABSENT: **COUNCIL MEMBERS:** None

APPROVED:



STEVE TATE, Mayor

ATTEST:



IRMA TORREZ, City Clerk

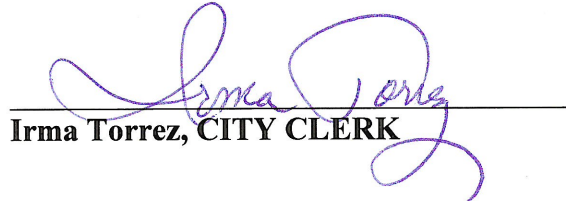
☐ **CERTIFICATION** ☐

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 18-056, adopted by the City Council at the meeting held on July 18, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE:

July 23, 2018


Irma Torrez, CITY CLERK

Attachment: Resolution 18-056 TOT Ballot Measure (2104 : Certify Election Results 11/6/18)

EXHIBIT A

ORDINANCE NO. ___, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING SECTION 3.24.020 (TAX IMPOSED- AMOUNT) OF CHAPTER 3.24 (TRANSIENT OCCUPANCY TAX) OF TITLE 3 (REVENUE AND FINANCE) OF THE MORGAN HILL MUNICIPAL CODE

THE PEOPLE OF THE CITY OF MORGAN HILL DO ORDAIN AS FOLLOWS:

SECTION 1. Section 3.24.020 (Tax Imposed – Amount) of Chapter 3.24 (Transient Occupancy Tax) of Title 3 (Revenue and Finance) is hereby amended to read as follows (additions in underline, deletions in ~~strikeout~~).

3.24.020 - Tax imposed—Amount.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten- eleven percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city, which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the city.

SECTION 2. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. Effective Date. This ordinance shall be effective if approved by a majority of the voters and shall go into effect immediately after the vote is declared by the City Council and the duty of the service providers to collect the tax shall commence as provided in California Public Utilities Code Section 799.

This Ordinance was approved and adopted by the People of the City of Morgan Hill at the City's November 6, 2018 statewide election.

 Steve Tate, Mayor

ATTEST:

 Irma Torrez, City Clerk

RESOLUTION NO. 18-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA APPROVING BALLOT MEASURE TEXT TO BE SUBMITTED TO THE VOTERS OF THE CITY IMPOSING A CANNABIS BUSINESS TAX; REQUESTING THE ASSISTANCE OF THE COUNTY OF SANTA CLARA IN CONNECTION WITH THAT ELECTION; AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH ANY OTHER ELECTION HELD ON THAT DATE

WHEREAS, Sections 37101 and 37100.5 of the California Government Code authorize the City to levy a license tax, for revenue purposes, upon business transacted in the City; and

WHEREAS, cannabis businesses are likely to create demands upon City services if permitted;

WHEREAS, the City Council desires to seek to impose a supplemental license tax upon cannabis businesses, to be known as the “Cannabis Business Tax”; and

WHEREAS, the Cannabis Business Tax cannot be imposed without voter approval; and

WHEREAS, the City Council desires to submit a Cannabis Business Tax measure to the voters of the City at the General Municipal Election to be held on Tuesday, November 6, 2018, and to be consolidated with any other election to be held on that date; and

WHEREAS, the proposed Cannabis Business Tax is more completely described in the ordinance attached hereto as Exhibit “A” and incorporated herein by reference (the “Tax Ordinance”).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Proposal. The City Council hereby proposes the Cannabis Business Tax.

Section 3. Election. The City Council hereby calls a General Municipal Election for Tuesday, November 6, 2018 (the “Election”) and orders, pursuant to Section 9222 of the Elections Code, that the Cannabis Business Tax Ordinance be submitted to the voters at that election.

Section 4. Ballot Question. The question submitted under Section 3 of this Resolution shall appear on the ballot as follows:

Shall the Morgan Hill ordinance, to fund general municipal expenses such as police, fire, roads, recreation, and drug abuse prevention, by taxing cannabis (marijuana) businesses at annual rates not to exceed \$15.00 per canopy square foot for cultivation (adjustable for inflation) and up to 10% of gross receipts for all other cannabis businesses, which is expected to generate an estimated \$340,000 to \$750,000 annually and will be levied until repealed by the voters, be adopted?	YES	
	NO	

Section 5. Approval. Pursuant to Article XIII C of the Constitution, this measure requires approval by a majority (50% plus 1) of those casting ballots on the measure.

Section 6. Consolidation. Pursuant Section 10400 et seq. of the Elections Code, the Board of Supervisors of Santa Clara County (Board of Supervisors) is requested to consolidate the Election with other elections held on the same day in the same territory or in the territory that is in part the same.

Section 7. Canvass. The Board of Supervisors is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.

Section 8. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the Santa Clara County Registrar of Voter's Office to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

Section 9. Filing with County. The City Clerk shall file a certified copy of this Resolution with the Board of Supervisors.

Section 10. Analysis and Argument. The City Council authorizes all members of the City Council to file written argument(s) In Favor of, or Against the measure described in Section 3 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the ballot measure may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

Section 11. In accordance with Elections Code section 9280, the entire text of the measure referenced in Section 3 above, shall not be placed in the voter information sample ballot and instead there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of the Ordinance of The City of Morgan Hill, California Adding Chapter 5.06 (Cannabis Business Tax) to Title 5 of the Morgan Hill Municipal Code. If you desire a copy of the measure, please visit <http://www.morgan-hill.ca.gov>, email the City Clerk at clerk@morganhill.ca.gov, or call the City Clerk at (408)779-7271 and a copy will be mailed or e-mailed at no cost to you."

Section 12. The primary arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 10, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument to be provided by the City Clerk.

Section 13. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors in any argument in favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 17, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

Section 14. Effective Date. This Resolution shall be effective immediately upon adoption.

Section 15. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

PASSED AND ADOPTED by the City Council of Morgan Hill at the meeting held on this 18th day of July 2018 by the following vote:

AYES: **COUNCIL MEMBERS:** Steve Tate, Rich Constantine, Rene Spring, Caitlin Robinett Jachimowicz, Larry Carr

NOES: **COUNCIL MEMBERS:** None

ABSTAIN: **COUNCIL MEMBERS:** None

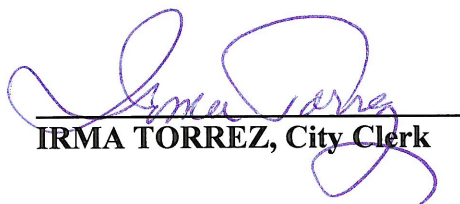
ABSENT: **COUNCIL MEMBERS:** None

APPROVED:

ATTEST:



STEVE TATE, Mayor



IRMA TORREZ, City Clerk

∞ **CERTIFICATION** ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 18-057, adopted by the City Council at the meeting held on July 18, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE:

July 23, 2018

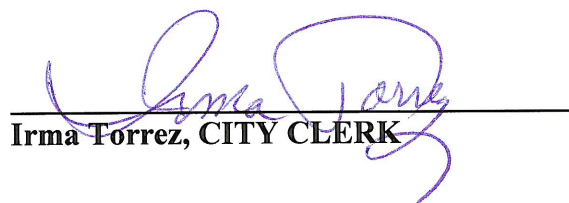

 Irma Torrez, CITY CLERK

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MORGAN HILL, CALIFORNIA ADDING CHAPTER 5.06 (CANNABIS BUSINESS TAX) TO TITLE 5 OF THE MORGAN HILL MUNICIPAL CODE

THE PEOPLE OF THE CITY OF MORGAN HILL DO ORDAIN AS FOLLOWS:

SECTION 1. CODE AMENDMENT. Chapter 5.06 is added to Title 5 of the Morgan Hill Municipal Code to read as follows:

CHAPTER 5.06 CANNABIS BUSINESS TAX

Sections:

- 5.06.010 Title.
- 5.06.020 Authority and Purpose.
- 5.06.030 Intent.
- 5.06.040 Definitions.
- 5.06.050 Tax imposed.
- 5.06.060 Reporting and remittance of tax.
- 5.06.070 Payments and communications –timely remittance.
- 5.06.080 Payment – when taxes deemed delinquent.
- 5.06.090 Notice not required by City.
- 5.06.100 Penalties and interest.
- 5.06.110 Refunds and credits.
- 5.06.120 Refunds and procedures.
- 5.06.130 Personal cultivation not taxed.
- 5.06.140 Administration of the tax.
- 5.06.150 Appeal procedure.
- 5.06.160 Enforcement –action to collect.
- 5.06.170 Apportionment.
- 5.06.180 Constitutionality and legality.
- 5.06.190 Audit and examination of premises and records.
- 5.06.200 Other licenses, permits, taxes or charges.
- 5.06.210 Payment of tax does not authorize unlawful business.
- 5.06.220 Deficiency determinations.
- 5.06.230 Failure to report – nonpayment, fraud.
- 5.06.240 Tax assessment –notice requirements.
- 5.06.250 Tax assessment – hearing, application, and determination.
- 5.06.260 Relief from taxes-disaster relief.

- 5.06.270 Conviction for violation – taxes not waived.
- 5.06.280 Violation deemed misdemeanor.
- 5.06.290 Severability.
- 5.06.300 Remedies cumulative.
- 5.06.310 Amendment or repeal.

5.06.010 Title.

This ordinance shall be known as the Cannabis Business Tax Ordinance.

5.06.020 Authority and Purpose.

The purpose of this Ordinance is to adopt a tax, for revenue purposes, pursuant to Sections 37101 and 37100.5 of the California Government Code, upon Cannabis Businesses that engage in business in the City. The Cannabis Business Tax is levied based upon business gross receipts and square footage of plant canopy. It is not a sales and use tax, a tax upon income, or a tax upon real property.

The Cannabis Business Tax is a general tax enacted solely for general governmental purposes of the City and not for specific purposes. All of the proceeds from the tax imposed by this Chapter shall be placed in the City's general fund and be available for any legal municipal purpose.

5.06.030 Intent.

The intent of this Ordinance is to levy a business tax on all Cannabis Businesses that operate in the City, regardless of whether such business would have been legal at the time this Ordinance was adopted or is legal or illegal in the future. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

This ordinance was adopted by a vote of the people. The voter approved ballot measure allowed for a gross receipts tax of “up to ten (10) %”. This ordinance sets the gross receipts tax at 6%. Based upon voter authorization the gross receipts tax may be increased by the City Council up to no more than 10% in the future. The voter approved ballot measure allowed for a canopy tax of “not to exceed \$15.00”. This ordinance sets the canopy tax at various levels starting at \$10.00 per square foot and less for other types of growing operations. The City Council could increase the canopy tax up to the level of \$15.00 per square foot in the future.

5.06.040 Definitions.

The following words and phrases shall have the meanings set forth below when used in this Chapter:

A. “Business” shall include all activities engaged in or caused to be engaged in within the City, including any commercial or industrial enterprise, trade, profession, occupation,

vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

B. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis Indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medical cannabis.

C. "Cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

D. "Canopy" means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.

E. "Cannabis business" means any business activity involving cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing, and wholesaling of cannabis, of cannabis products or of ancillary products and accessories, whether or not carried on for gain or profit.

F. "Cannabis business tax" or "business tax," means the tax due pursuant to this Chapter for engaging in cannabis business in the City.

G. "Commercial cannabis cultivation" means cultivation in the course of conducting a cannabis business.

H. "City permit" means a permit issued by the City to a person to authorize that person to operate or engage in a cannabis business.

I. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis and includes, but is not limited to, the operation of a nursery.

J. "Employee" means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager, or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter, or any other form of compensation.

K. “Engaged in business as a cannabis business” means the commencing, conducting, operating, managing, or carrying on of a cannabis business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities. A person shall be deemed engaged in business within the City if:

1. Such person or person’s employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;
2. Such person or person’s employee owns or leases real property within the City for business purposes;
3. Such person or person’s employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;
4. Such person or person’s employee regularly conducts solicitation of business within the City; or
5. Such person or person’s employee performs work or renders services in the City.

The foregoing specified activities shall not be a limitation on the meaning of “engaged in business.”

L. “Evidence of doing business” means evidence such as, without limitation, use of signs, circulars, cards, or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the City.

M. “Calendar year” means January 1 through December 31 of the following calendar year.

N. “Gross Receipts,” except as otherwise specifically provided, means, whether designated a sales price, royalty, rent, commission, dividend, or other designation, the total amount (including all receipts, cash, credits, services and property of any kind or nature) received or payable for sales of goods, wares or merchandise or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. However, the following shall be excluded from the definition of Gross Receipts:

1. Cash discounts where allowed and taken on sales;
2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;

4. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;

5. Cash value of sales, trades or transactions between departments or units of the same business;

6. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the year when they are recovered;

7. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar;

8. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the City's Finance Department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

9. Retail sales of t-shirts, sweaters, hats, stickers, key chains, bags, books, posters, rolling papers, cannabis accessories such as pipes, pipe screens, vape pen batteries (without cannabis) or other personal tangible property which the Tax Administrator has excluded in writing by issuing an administrative ruling per Section 5.06.140 shall not be subject to the cannabis business tax under this chapter. However, any business activities not subject to this Chapter as a result of the administrative ruling shall be subject to the appropriate business tax provisions of Chapter 5.04 or any other Chapter or Title as determined by the Tax Administrator.

O. "Lighting" means a source of light that is primarily used for promoting the biological process of plant growth. Lighting does not include sources of light that primarily exist for the safety or convenience of staff or visitors to the facility, such as emergency lighting, walkway lighting, or light admitted via small skylights, windows or ventilation openings.

P. "Nursery" means a facility or part of a facility that is used only for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

Q. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

R. “Sale” means and includes any sale, exchange, or barter.

S. “State” means the State of California.

T. “State license,” “license,” or “registration” means a state license issued pursuant to California Business & Professions Code Sections 26050, *et seq.* or other applicable state law.

U. “Tax Administrator” means the Finance Director of the City of Morgan Hill or his or her designee.

V. “Testing Laboratory” means a cannabis business that (i) offers or performs tests of cannabis or cannabis products, (ii) offers no service other than such tests, (iii) sells no products, excepting only testing supplies and materials, (iv) is accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state and (v) is registered with the State Department of Public Health.

5.06.050 Tax imposed.

- A. Beginning January 1, 2019, there is imposed upon each person who is engaged in business as a cannabis business a cannabis business tax. Such tax is payable regardless of whether the business has been issued a cannabis business license or permit to operate lawfully in the City or is operating unlawfully. The City’s acceptance of a cannabis business tax payment from a cannabis business operating illegally will not constitute the City’s approval or consent to such illegal operations.
- B. The initial rate of the cannabis business tax shall be as follows:
 - 1. For every person who is engaged in commercial cannabis cultivation in the City:
 - a. Ten dollars (\$10.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.
 - b. Seven dollars (\$7.00) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.
 - c. Two dollars (\$2.00) annually per square foot of canopy space in a facility that uses no artificial lighting.

- d. One dollar (\$1.00) annually per square foot of canopy space for any nursery.

For purposes of this subdivision (B), the square feet of canopy space for a business shall be rebuttably presumed to be the maximum square footage of canopy allowed by the business's City permit for commercial cannabis cultivation, or, in the absence of a City permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the state license type. Should a City permit be issued to a business which cultivates only for certain months of the year, the City shall prorate the tax as to sufficiently reflect the period in which cultivation is occurring at the business. In no case shall canopy square footage which is authorized by the City commercial cannabis permit but not utilized for cultivation be deducted for the purpose of determining the tax for cultivation, unless the Tax Administrator is informed in writing and authorizes such reduction for the purpose of relief from the tax prior to the period for which the space will not be used, that such space will not be used.

2. For every person who engages in the operation of a testing laboratory: two percent (2%) of gross receipts.
 3. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery) or microbusiness (retail sales): six percent (6%) of gross receipts.
 4. For every person who engages in a cannabis distribution business: four percent (4%) of gross receipts.
 5. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail), or any other type of cannabis business not described in Section (B) (1), (2), (3) or (4): four percent (4%) of gross receipts.
- C. The City Council may, by resolution or ordinance, adjust the rate of the cannabis business tax. However, in no event may the City Council set any adjusted rate that exceeds the maximum rate calculated pursuant to Subdivision (D) of this Section for the date on which the adjusted rate will commence.
- D. The maximum rate shall be calculated as follows:
1. For every person who is engaged in commercial cannabis cultivation in the City:
 - a. Through January 1, 2021, the maximum rate shall be:
 - i. Fifteen dollars (\$15.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.
 - ii. Ten dollars (\$10.00) annually per square foot of canopy space in a

facility that uses a combination of natural and supplemental artificial lighting.

- iii. Seven dollars (\$7.00) annually per square foot of canopy space in a facility that uses no artificial lighting.
 - iv. Two dollars (\$2.00) annually per square foot of canopy space for any nursery.
- b. On January 1, 2022 and on each January 1 thereafter, the maximum annual tax rate per square foot of each type of canopy space shall increase by the percentage change between January of the calendar year prior to such increase and January of the calendar year of the increase in the Consumer Price Index ("CPI") for all urban consumers in the San Francisco-Oakland-Hayward area as published by the United States Government Bureau of Labor Statistics. However, no CPI adjustment resulting in a decrease of any tax imposed by this subsection shall be made.
- 2. For every person who engages in the operation of a testing laboratory, the maximum tax rate shall not exceed ten percent (10%) of gross receipts.
 - 3. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery business), or microbusiness (retail sales activity) the maximum tax rate shall not exceed ten percent (10%) of gross receipts.
 - 4. For every person who engages in a cannabis distribution business, the maximum tax rate shall not exceed ten percent (10%) of gross receipts.
 - 5. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail activity) or any other type of cannabis business not described in Section (D) (1), (2), (3) or (4), the maximum tax rate shall not exceed ten percent (10%) of gross receipts.

5.06.060 Reporting and remittance of tax.

- A. The cannabis business tax imposed by this Chapter shall be paid, in arrears, on a quarterly basis. For commercial cannabis cultivation, the tax due for each calendar quarter shall be based on the square footage of the business's canopy space during the quarter and the rate shall be twenty-five percent (25%) of the applicable annual rate. For all other cannabis businesses activities, the tax due for each calendar quarter shall be based on the gross receipts for the quarter.
- B. Each person owing cannabis business tax for a calendar quarter shall, no later than the last day of the month following the close of the calendar quarter, file with the Tax Administrator a statement of the tax owed for that calendar quarter and the

basis for calculating that tax. The Tax Administrator may require that the statement be submitted on a form prescribed by the Tax Administrator. The tax for each calendar quarter shall be due and payable on that same date that the statement for the calendar quarter is due.

- C. Upon cessation of a cannabis business, tax statements and payments shall be immediately due for all calendar quarters up to the calendar quarter during which cessation occurred.
- D. The Tax Administrator may, at his or her discretion, establish shorter report and payment periods for any taxpayer as the Tax Administrator deems necessary to ensure collection of the tax. The Tax Administrator may also require that a deposit, to be applied against the taxes for a calendar quarter, be made by a taxpayer at the beginning of that calendar quarter. In no event shall the deposit required by the Tax Administrator exceed the tax amount he or she projects will be owed by the taxpayer for the calendar quarter. The Tax Administrator may require that a taxpayer make payments via a cashier's check, money order, wire transfer, or similar instrument.
- E. For purposes of this section, the square feet of canopy space for a business shall be rebuttably presumed to be no less than the maximum square footage of canopy allowed by the business's City permit for commercial cannabis cultivation, or, in the absence of a City permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the state license type. In no case shall canopy square footage which is authorized by the permit or license but not utilized for cultivation be excluded from taxation unless the Tax Administrator is informed in writing, prior to the period for which the space will not be used, that such space will not be used.

5.06.070 Payments and communications – timely remittance.

Whenever any payment, statement, report, request, or other communication is due, it must be received by the Tax Administrator on or before the final due date. A postmark will not be accepted as timely remittance. If the due date would fall on a Saturday, Sunday or a holiday observed by the City, the due date shall be the next regular business day on which the City is open to the public.

5.06.080 Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Sections 5.06.060 and 5.06.070.

5.06.090 Notice not required by the City.

The City may as a courtesy send a tax notice to the business. However, the Tax Administrator is not required to send a delinquency or other notice or bill to any person subject to the provisions of this Chapter. Failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

5.06.100 Penalties and interest.

A. Any person who fails or refuses to pay any cannabis business tax required to be paid pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1.0%) per month.

2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1.0%) per month on the unpaid tax and on the unpaid penalties.

3. Interest shall be applied at the rate of one percent (1.0%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest as provided for in this Section, and any other amount allowed under state law.

5.06.110 Refunds and credits.

A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in Section 5.06.120.

B. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business.

5.06.120 Refunds and procedures.

A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due and payable.

B. The Tax Administrator, his or her designee or any other City officer charged with the administration of this Chapter shall have the right to examine and audit all the books and

business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Administrator to do so.

C. In the event that the cannabis business tax was erroneously paid, and the error is attributable to the City, the City shall refund the amount of tax erroneously paid up to one (1) year from the date that the tax was paid.

5.06.130 Personal Cultivation Not Taxed.

The provisions of this Chapter shall not apply to personal cannabis cultivation as defined in the "Medicinal and Adult Use Cannabis Regulation and Safety Act". This Chapter shall not apply to personal use of cannabis that is specifically exempted from City and state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and for which the individual receives no compensation whatsoever related to that personal use.

5.06.140 Administration of the tax.

A. It shall be the duty of the Tax Administrator to collect the taxes, penalties, fees, and perform the duties required by this Chapter.

B. For purposes of administration and enforcement of this Chapter generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

C. The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
2. Provide information to any taxpayer concerning the provisions of this Chapter;
3. Receive and record all taxes remitted to the City as provided in this Chapter;
4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
5. Assess penalties and interest to taxpayers pursuant to this Chapter;
6. Determine amounts owed and enforce collection pursuant to this Chapter.

5.06.150 Appeal procedure.

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties, and fees, if any, due under this Chapter may appeal to the City's Hearing Officer by filing a notice of appeal with the City Clerk within thirty (30) calendar days of the serving or mailing of the determination of tax due. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and the City Clerk, or his or her designee, shall give notice in writing to such operator at the last known place of address. The finding of the City's Hearing Officer shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this Chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

5.06.160 Enforcement - action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.

5.06.170 Apportionment.

If a business subject to the tax is operating both within and outside the City, it is the intent of the City to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the City. To the extent federal or state law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Administrator may promulgate administrative procedures for apportionment as he or she finds useful or necessary.

5.06.180 Constitutionality and legality.

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Administrator release him or her from the obligation to pay the impermissible portion of the tax.

5.06.190 Audit and examination of premises and records.

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City in support of his or her tax calculation, the Tax Administrator shall have the power to inspect any location where

commercial cannabis cultivation occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, state and federal income tax returns, and other records relating to the gross receipts of the business) of persons engaged in cannabis businesses. In conducting such investigation, the Tax Administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

5.06.200 Other licenses, permits, taxes, fees, or charges.

- A. Nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any City Cannabis License, permit or license required by, under or by virtue of any provision of any other Chapter of this code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other Chapter of this code or any other ordinance or resolution of the City. Any references made or contained in any other Chapter of this code to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in other Chapter of this Code.
- B. Notwithstanding subdivision A of this Section a cannabis business shall not be required to pay the license fee required by Chapter 5.04 of Title 5 of this Code so long as all of business's activities within the City that would require payment of a license fee are activities subject to the cannabis business tax and the cannabis business tax exceeds the amount of the annual business tax for that particular cannabis business.
- C. The Tax Administrator may revoke or refuse to renew the license required by Chapter 5.04 of this Code for any business that is delinquent in the payment of any tax due pursuant to this Chapter or that fails to make a deposit required by the Tax Administrator pursuant to Section 5.06.060.

5.06.210 Payment of tax does not authorize unlawful business.

A. The payment of a cannabis business tax required by this Chapter, and its acceptance by the City, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this Code and all other applicable state laws.

B. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

5.06.220 Deficiency determinations.

If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Section 5.06.240.

5.06.230 Failure to report—nonpayment, fraud.

A. Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this Chapter at any time:

1. If the person has not filed a complete statement required under the provisions of this Chapter;

2. If the person has not paid the tax due under the provisions of this Chapter;

3. If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this Chapter; or

4. If the Tax Administrator determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator to be due or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

5.06.240 Tax assessment - notice requirements.

The notice of assessment shall be served upon the person either by personal delivery, by overnight delivery by a nationally-recognized courier service, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Tax Administrator for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purposes of this Section, a service by overnight delivery shall be deemed to have occurred one (1) calendar day following deposit with a courier and service by mail shall be deemed to have occurred three (3) days following deposit in the United States mail.

5.06.250 Tax assessment - hearing, application, and determination.

Within thirty (30) calendar days after the date of service the person may apply in writing to the Tax Administrator for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the tax assessed by the Tax Administrator shall become final and conclusive. Within thirty (30) calendar days of the receipt of any such application for hearing, the Tax Administrator shall cause the matter to be set for hearing before him or her no later than thirty (30) calendar days after the receipt of the application, unless a later date is agreed to by the Tax Administrator and the person requesting the hearing. Notice of such hearing shall be given by the Tax Administrator to the person requesting such hearing not later than five (5) calendar days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed and fixed as the tax due. After such hearing the Tax Administrator shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 5.06.240 for giving notice of assessment.

5.06.260 Relief from taxes -disaster relief.

A. If a business is unable to comply with any tax requirement due to a disaster, the business may notify the Tax Administrator of this inability to comply and request relief from the tax requirement;

1. A request for relief must clearly indicate why relief is requested, the time period for which the relief is requested, and the reason relief is needed for the specific amount of time.

B. The cannabis business agrees to grant the tax collector or his/her designee access to the location where the cannabis business has been impacted due to a Federal or State declared disaster.

C. The Tax Administrator, in his/her sole discretion, may provide relief from the cannabis business tax requirement for businesses whose operations have been impacted by

a disaster of such tax liability does not exceed five thousand (\$5,000) dollars. If such tax liability is five thousand one (\$5,001) dollars or more than such relief shall only be approved by the City's Hearing Officer;

D. Temporary relief from the cannabis tax may be granted for a reasonable amount of time as determined by the Tax Administrator or the City Council, as applicable in order to allow the cannabis business time to recover from the Federal or State declared disaster;

E. The Tax Administrator or City Council, as applicable may require that certain conditions be followed in order for a cannabis business to receive temporary relief from the cannabis business tax requirement;

F. For purposes of this section, "disaster" means fire, flood, storm, tidal wave, earthquake, or similar public calamity, whether or not resulting from natural causes which results in a Federal or State declaration of disaster.

5.06.270 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes.

5.06.280 Violation deemed misdemeanor.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

5.06.290 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

5.06.300 Remedies cumulative.

All remedies and penalties prescribed by this Chapter or which are available under any other provision of the Morgan Hill Municipal Code and any other provision of law or equity are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

5.06.310 Amendment or repeal.

This Chapter may be repealed or amended by the City Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the City of Morgan Hill affirm that the following actions shall not constitute an increase of the rate of a tax:

- A. The restoration or adjustment of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax or incrementally implement an increase authorized by this Chapter;
- B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter;
- C. The collection of the tax imposed by this Chapter even if the City had, for some period of time, failed to collect the tax;
- D. Should the ballot approval by the voters include an amount for tax listed as up to a certain percentage or amount, when this ordinance sets a lower percentage or amount, the City Council may increase the rate to the maximum amount or percentage contained in the ballot approved by the voter; or
- E. An increase in the tax on an annual basis of not more than the San Francisco – San Jose Cost of Living increase for the prior calendar year, starting the first day of January in the first full year after this measure is enacted by the voters.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

This Ordinance was approved and adopted by the People of the City of Morgan Hill at the City's November 6, 2018 statewide election.

 Steve Tate, Mayor

ATTEST:

 Irma Torrez, City Clerk

RESOLUTION NO. 18-058

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL SUBMITTING TO THE CITY OF MORGAN HILL'S QUALIFIED VOTERS AT THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION A MEASURE SEEKING VOTER APPROVAL TO CONVERT THE OFFICES OF THE CITY CLERK AND CITY TREASURER TO APPOINTIVE POSITIONS; REQUESTING THE ASSISTANCE OF THE COUNTY OF SANTA CLARA IN CONNECTION WITH THAT ELECTION; AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH ANY OTHER ELECTION HELD ON THAT DATE

WHEREAS, a General Municipal Election has been called and is to be held in the City of Morgan Hill, California on Tuesday, November 6, 2018;

WHEREAS, Morgan Hill's elected City Clerk and City Treasurer positions were established at the time of the City's incorporation in 1906; and

WHEREAS, over time, the duties and requirements of these positions have changed; and

WHEREAS, the California Government Code requires each general law city to have a City Clerk and City Treasurer; and

WHEREAS, in a majority of California cities these positions are appointed, not elected; and

WHEREAS, on July 18, 2018, the City Council met and considered a staff report pertaining to the issues on converting the elected City Clerk and City Treasurer offices to appointed positions; and

WHEREAS, during the City Council Meeting, the Council directed staff to move forward with placing the issues before voters; and

WHEREAS, California Government Code §36508 provides that the City Council may place the question on the ballot whether the City Clerk and City Treasurer should be appointive offices.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The following ballot measure shall be submitted to the voters at the General Municipal Election to be held on Tuesday, November 6, 2018:

Shall the offices of City Clerk and City Treasurer be appointive?	YES
	NO

SECTION 2. If the voters approve converting these two elected offices into appointed positions, then the appointments become effective upon the earlier of either vacancies or at the end of each current terms of office (i.e., December 2020).

SECTION 3. The municipal election is hereby ordered consolidated with the general municipal election, which will be held within the City of Morgan Hill on Tuesday, the 6th day of November 2018. The elections hereby consolidated shall be held in all respects as if there were only one election, and from only one form of ballot shall be used.

SECTION 4. Pursuant to Section 10002 of the Elections Code, the City Council hereby request the Board of Supervisors of Santa Clara County ("Board of Supervisors") to permit the Santa Clara County Registrar of Voter's Office to render services necessary to place this measure on the ballot of the next general municipal election and to conduct the election of this ballot measure. The City Council recognizes that additional costs may be incurred by the County by reason of these services and agrees to reimburse the County for these costs.

SECTION 5. The election on this measure shall be held, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, the returns made, and a result ascertained and determined, and all other proceedings conducted in connection with the election, under the regulations of the Registrar of Voters of Santa Clara County, in accordance with the provisions of the law governing general municipal elections in general law cities.

SECTION 6. The City Council authorizes all members of the City Council to file written argument(s) In Favor of, or Against the measure described in Section 1 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the referendum may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

SECTION 7. The primary arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 10, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument to be provided by the City Clerk.

SECTION 8. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors in any argument in favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 17, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

SECTION 9. Ballots for said election shall be provided in the form and in the number provided by law. On said ballots, in addition to any other printed matter which may be required by law, two voting spaces shall be set off to the right of the ballot measure, in the manner provided by law, one having the word "Yes" printed before it and the other having the word "No" printed before it.

SECTION 10. If, at the election, a majority (50% plus 1) of the votes cast on the measure are in favor of the measure, then the measure shall be deemed to have been accepted and approved

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by the votes upon the date that that vote is declared by the City of Morgan Hill and shall go into effect ten (10) days after that date, pursuant to Section 9217 of the Elections Code.

SECTION 11. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

SECTION 12. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of Morgan Hill at the meeting held on this 18th day of July 2018 by the following vote:

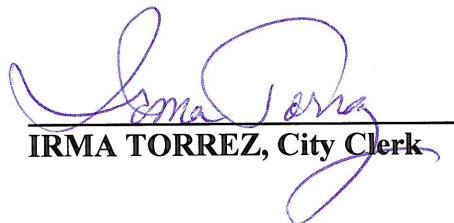
AYES:	COUNCIL MEMBERS:	Steve Tate, Rich Constantine, Rene Spring, Caitlin Robinett Jachimowicz, Larry Carr
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:



STEVE TATE, Mayor

ATTEST:



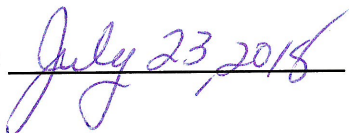
IRMA TORREZ, City Clerk

CERTIFICATION

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.18-058, adopted by the City Council at the meeting held on July 18, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE:



Irma Torrez, CITY CLERK

RESOLUTION NO. 18-058

AN AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL SUBMITTING TO THE CITY OF MORGAN HILL'S QUALIFIED VOTERS AT THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION A MEASURE SEEKING VOTER APPROVAL TO CONVERT THE OFFICE OF THE CITY CLERK TO AN APPOINTIVE POSITION; REQUESTING THE ASSISTANCE OF THE COUNTY OF SANTA CLARA IN CONNECTION WITH THAT ELECTION; AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH ANY OTHER ELECTION HELD ON THAT DATE

WHEREAS, a General Municipal Election has been called and is to be held in the City of Morgan Hill, California on Tuesday, November 6, 2018;

WHEREAS, Morgan Hill's elected City Clerk position was established at the time of the City's incorporation in 1906; and

WHEREAS, over time, the duties and requirements of this position have changed; and

WHEREAS, the California Government Code requires each general law city to have a City Clerk; and

WHEREAS, in a majority of California cities this position is appointed, not elected; and

WHEREAS, California Government Code §36508 provides that the City Council may place the question on the ballot whether the City Clerk should be an appointive office.

WHEREAS, on July 18, 2018, the City Council met and considered a staff report pertaining to the issues on converting the elected City Clerk and City Treasurer offices to appointed positions; and

WHEREAS, during the July 18, 2018 City Council Meeting, the Council directed staff to move forward with placing the issues before voters; and

WHEREAS, on July 27, 2018, the City Council met again and considered a staff report pertaining to the issues on converting the elected City Clerk and City Treasurer offices to appointed positions; and

WHEREAS, during the July 27, 2018 City Council Meeting, the Council directed staff to amend the resolution removing the City Treasurer position from the ballot question; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The following ballot measure shall be submitted to the voters at the General Municipal Election to be held on Tuesday, November 6, 2018:

Shall the office of City Clerk be appointive?	YES
	NO

SECTION 2. If the voters approve converting this elected office into an appointed position, then the appointment would become effective upon the earlier of either a vacancy or at the end of the current term of office (i.e., December 2020).

SECTION 3. The municipal election is hereby ordered consolidated with the general municipal election, which will be held within the City of Morgan Hill on Tuesday, the 6th day of November 2018. The elections hereby consolidated shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 4. Pursuant to Section 10002 of the Elections Code, the City Council hereby request the Board of Supervisors of Santa Clara County ("Board of Supervisors") to permit the Santa Clara County Registrar of Voter's Office to render services necessary to place this measure on the ballot of the next general municipal election and to conduct the election of this ballot measure. The City Council recognizes that additional costs may be incurred by the County by reason of these services and agrees to reimburse the County for these costs.

SECTION 5. The election on this measure shall be held, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, the returns made, and a result ascertained and determined, and all other proceedings conducted in connection with the election, under the regulations of the Registrar of Voters of Santa Clara County, in accordance with the provisions of the law governing general municipal elections in general law cities.

SECTION 6. The City Council authorizes all members of the City Council to file written argument(s) In Favor of, or Against the measure described in Section 1 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California.

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The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the referendum may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

SECTION 7. The primary arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 10, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument to be provided by the City Clerk.

SECTION 8. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 17, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

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SECTION 9. Ballots for said election shall be provided in the form and in the number provided by law. On said ballots, in addition to any other printed matter which may be required by law, two voting spaces shall be set off to the right of the ballot measure, in the manner provided by law, one having the word "Yes" printed before it and the other having the word "No" printed before it.

SECTION 10. If, at the election, a majority (50% plus 1) of the votes cast on the measure are in favor of the measure, then the measure shall be deemed to have been accepted and approved by the votes upon the date that that vote is declared by the City of Morgan Hill and shall go into effect ten (10) days after that date, pursuant to Section 9217 of the Elections Code.

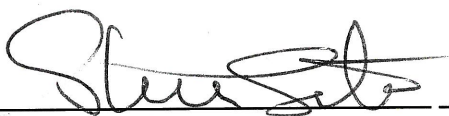
SECTION 11. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

SECTION 12. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

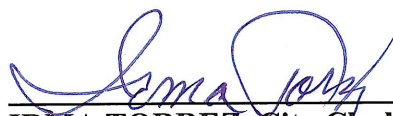
PASSED AND ADOPTED by the City Council of Morgan Hill at the meeting held on this 27th day of July 2018 by the following vote:

AYES:	COUNCIL MEMBERS:	Steve Tate, Rich Constantine, Rene Spring, Caitlin Robinett Jachimowicz, Larry Carr
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:


 STEVE TATE, Mayor

ATTEST:


 IRMA TORREZ, City Clerk

Attachment: Resolution 18-058.2 Amended Clerk Ballot Measure (2104 : Certify Election Results 11/6/18)

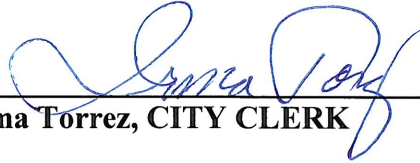
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∞ **CERTIFICATION** ∞

I, **Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No.18-058, adopted by the City Council at the meeting held on July 27, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: August 9, 2018



Irma Torrez, CITY CLERK

Attachment: Resolution 18-058.2 Amended Clerk Ballot Measure (2104 : Certify Election Results 11/6/18)