

ORDINANCE NO. NS-7.17

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
CALLING, ORDERING AND PROVIDING FOR
A SPECIAL ELECTION
TO SUBMIT TO THE QUALIFIED ELECTORS
OF THE COUNTY OF SANTA CLARA
A PROPOSED AMENDMENT TO THE CHARTER
OF THE COUNTY OF SANTA CLARA TO BE CONSOLIDATED WITH THE
STATEWIDE DIRECT PRIMARY ELECTION AND HELD ON JUNE 7, 2016**

SUMMARY

Pursuant to California Government Code sections 23720 et seq., and California Elections Code sections 10400 et seq., this ordinance proposes to amend County of Santa Clara Charter section 604 to add provisions to and extend the term of that section, calls a special election on that proposal, provides for the special election on this measure to be consolidated with the statewide direct primary election on June 7, 2016, and establishes election procedures.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ORDAINS AS FOLLOWS:

SECTION 1: THE AMENDMENT

Subject to the approval by a majority of the electors of the ballot measure described in SECTION 2 herein below, the County of Santa Clara amends section 604 of the Charter of the County of Santa Clara to add provisions to and extend the term of section 604, as set out in Exhibit "A", attached hereto and incorporated herein by this reference. This Charter amendment is intended to take effect on July 1, 2017.

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**SECTION 2: PROCLAMATION ORDERING AND CALLING SPECIAL
ELECTION ON AN AMENDMENT TO CHARTER SECTION 604**

(a) A special election is hereby ordered and called, pursuant to California Government Code sections 23722 and 23730, to be held in the County of Santa Clara, State of California, on Tuesday, June 7, 2016, for the purpose of submitting to the qualified electors of the County of Santa Clara at such special election a measure to amend section 604 of the Charter of the County of Santa Clara, State of California, to add provisions to and extend the term of that section as herein described in the attached Exhibit "A" as set out in SECTION 1 herein above.

(b) The County hereby submits the measure as set forth in SECTION 1 herein above to the qualified electors of the County at the election of June 7, 2016 and hereby designates and refers to the measure in the form set forth above as the measure to be set forth on the ballots for use at the special election.

(c) The Registrar of Voters is authorized and directed to print the full text of the measure on the question of amending County Charter section 604 in the sample ballot. The full text and ballot question to be voted on are set out in the attached Exhibit "A" and Exhibit "B".

SECTION 3: ABBREVIATED STATEMENT

Pursuant to California Elections Code section 13247, the proposed amendment of section 604 of the Charter of the County of Santa Clara shall appear in summarized form on the ballot as shown in Exhibit "B", attached hereto and incorporated herein by this reference.

SECTION 4: CONSOLIDATION

Such special election on the proposed amendment of section 604 of the Charter of the County of Santa Clara will be consolidated with the statewide direct primary election and any local elections to be held on Tuesday, June 7, 2016.

SECTION 5: CONDUCT AND MANNER OF SPECIAL ELECTION

(a) In accordance with this ordinance and all applicable laws regulating elections, the election shall be held and conducted by the County elections official (the Registrar of Voters of the County of Santa Clara), including but not limited to all of the following actions: election officers appointed, voting precincts designated, polls opened and closed, ballots printed, ballots

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received, counted and returned, returns made and canvassed, results ascertained, determined and declared as required by applicable law, and all other proceedings incidental to and connected with the special election conducted.

(b) Unless otherwise provided by law, the polls for the special election shall be opened on the day of the special election at 7:00 a.m. and shall be kept open until 8:00 p.m. on the same day at which time such polls shall be closed.

(c) The precincts, polling places, and precinct board members (election officers) serving at such election polls in such precincts shall be the same as provided for the statewide direct primary election to be held on June 7, 2016.

SECTION 6: PROCEDURE FOR VOTING ON MEASURE

(a) As provided in California Government Code section 23731, the Registrar of Voters of the County of Santa Clara shall prepare and mail to each eligible registered elector in the County a sample ballot. The sample ballot shall include the complete text of the proposed ballot measure set out in Exhibit "A" and Exhibit "B". In all other respects, the special election shall be held and conducted, the returns canvassed, and the result declared by the governing body, in the same manner as provided by law for general elections.

(b) Registered electors shall be provided an opportunity to vote for or against the measure on the ballot, in accordance with the procedures to be adopted by the Registrar of Voters of the County of Santa Clara.

SECTION 7: FINAL IMPARTIAL ANALYSIS WITH REGISTRAR OF VOTERS

The Office of the County Counsel or designee will submit an impartial analysis pursuant to California Elections Code section 9160 and transmit it to the Registrar of Voters of the County of Santa Clara by no later than 5:00 p.m. on March 22, 2016.

SECTION 8: ORDINANCE EFFECTIVE IMMEDIATELY

This ordinance, being an ordinance calling and otherwise relating to an election, shall take effect and be in force immediately upon final passage, as provided in California Government Code section 25123.

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Within 15 days after its final passage, this ordinance shall be published in a newspaper published in the county, as required by California Government Code section 25124.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on February 23 2016, by the following vote:

CHAVEZ, CORTESE, SIMITIAN, WASSERMAN, YEAGER

AYES:

NOES: **NONE**

ABSTAIN: **NONE**

ABSENT: **NONE**



Dave Cortese, President
Board of Supervisors

ATTEST:



Megan Doyle,
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



Shirley R. Edwards,
Deputy County Counsel

ATTACHMENTS TO THIS ORDINANCE:

EXHIBIT "A": Complete Text of Charter Amendment (Ballot Measure)

EXHIBIT "B": Abbreviated Statement of Ballot Measure

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**EXHIBIT "A" – Complete Text of
County of Santa Clara Charter Section 604 Amendment
(Ballot Measure)**

- (1) The existing Section 604 of the County Charter shall remain in full force and effect until midnight on June 30, 2017, at which time subsections (2) through (6) of this section 604 below shall take immediate effect without further action.
- (2) Beginning on July 1, 2017, the Board of Supervisors shall transfer from the general fund to the County Park fund an amount of money which shall not be less than an amount estimated by the Auditor-Controller to equal the amount that would be raised for that year by a tax of \$0.015 per One Hundred Dollars (\$100.00) of assessed valuation of all real and personal property situated within the County of Santa Clara. In addition, the Board of Supervisors shall transfer into such fund all fees and revenues generated by the operation of County Parks and all other monies received from the United States Government, State of California, or any other public agency or any person for County park purposes. Any interest earned on the investment of money in the County Park fund shall be credited to the fund.
- (3) The Board of Supervisors shall appropriate this money into the County Park fund for the acquisition, development, or acquisition and development of real property for County park purposes and for the maintenance and operation of County parks. At least 10% of the funds transferred from the general fund shall be set aside and used for park development for County park purposes, and at least 10% of the funds transferred from the general fund shall be set aside and used for the acquisition of real property for County park purposes, and the remaining funds shall be used for County Park operations.
- (4) The county shall not acquire real property for any County park purpose until the Board of Supervisors has determined that the acquisition is in conformity with the adopted County Parks and Recreation Element of the General Plan.
- (5) This section shall be operative commencing with the fiscal year 2017-2018 (beginning on July 1, 2017) and shall be repealed at the end of fiscal year 2031-2032 (ending on June 30, 2032); provided, however, any unobligated monies remaining in the fund on June 30, 2032, shall be used only for the purposes set forth in subsection (3) of this section 604.

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(6) The intent of this section 604 is to ensure that a minimum amount of money will be placed into the County Park fund for acquisition, development, operation and maintenance purposes. Nothing in this section shall be construed as a limitation on any additional amount of money the Board of Supervisors may transfer into the County Park fund for County park purposes or otherwise appropriate for County park purposes.

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EXHIBIT "B" -- Abbreviated Statement of Ballot Measure

COUNTY OF SANTA CLARA CHARTER AMENDMENT MEASURE

Measure
Amendment to the
Charter of the
County of
Santa Clara

To continue protecting and preserving local parks; improving access to natural areas, open space, trails and recreational opportunities; keeping restrooms and facilities clean and safe; and maintaining, operating, acquiring and improving local parks, shall the Santa Clara County Park Charter Fund, established in 1972, be extended by an annual general fund transfer estimated to equal 1.5 cents per \$100 of assessed valuation of all property for 15 years, without increasing taxes and all funds benefitting Santa Clara County parks?

Yes _____

No _____

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