



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/04/2022

ITEM NO: 9

DATE: September 29, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution to Accept the Elections Official's Certification of the Sufficiency of the Petition of the Referendum of Resolution 2022-046

RECOMMENDATION:

Adopt a Resolution (Attachment 1) to Accept the Elections Official's Certification of the Sufficiency of the petition of the Referendum of Resolution 2022-046.

BACKGROUND:

On June 30, 2022, the Town Council adopted Resolution 2022-046, adopting the 2024 General Plan to update the 2020 General Plan, along with the Final Environmental Impact Report (EIR).

On August 15, 2022, the proponents of the referendum to repeal the Land Use and Community Design Elements of the adopted 2024 General Plan filed with the Elections Official the petitions containing a total number of 3,417 signatures. On August 17, 2022, the petition was delivered by the Elections Official to the Santa Clara County Registrar of Voters Office (ROV) for signature verification.

DISCUSSION:

Pursuant to California Elections Code Section 9115, subdivision (a), the County of Santa Clara Registrar of Voters (ROV) examined the signatures on the referendum petitions. Based on the applicable report to the California Secretary of State, there were 21,978 registered Los Gatos voters in April of 2022. Pursuant to California Elections Code Section 9237, the number of valid signatures required to qualify the referendum petition would be 10% of the 21,978, for a total of 2,198 valid signatures. At the request of the Town Clerk, the ROV used the random sampling method which includes an examination of at least 500 or 3% of the signatures, whichever is greater.

PREPARED BY: Wendy Wood, Town Clerk

Reviewed by: Assistant Town Manager, Town Attorney, and Interim Finance Director

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SUBJECT: Adopt a Resolution to Accept the Elections Official's Certification of the Sufficiency of the Petition of the Referendum Against Resolution 2022-046

DATE: September 29, 2022

DISCUSSION (continued):

In accordance with Election Code Section 9115, the ROV examined 500 random signatures and notified the Town Elections Official of the results on September 27, 2022 (Attachment 2). The total number of valid signatures was 445. Based on this number the petition has a projected number of 2,961 (134.7%) estimated valid signatures. Per Election Code Section 9115, subdivision (b), the statistical sampling meets the minimum number of signatures requirement of 2,198 and the statistical sampling is over 110 percent.

Pursuant to California Elections Code Section 9115, subdivision (f), if the petition is found sufficient, the Elections Official shall certify the results of the examination to the Town Council at the next regular meeting of the Council. Based on these results, the Elections Official is certifying that the petition meets the 10% valid signature requirement of registered voters to place the referendum on the ballot.

CONCLUSION:

Pursuant to Elections Code Section 9237, the Town Council must reconsider a resolution that has been challenged by a procedurally sufficient and duly certified referendum petition. Accordingly, staff will agendize this item for a future Town Council meeting. When the Council reconsiders the resolution, it may repeal the resolution or place it on the ballot for consideration by the voters.

COORDINATION:

This report was coordinated with the Town Clerk, Town Attorney, and Town Manager's office.

FISCAL IMPACT:

The estimated costs of the signature verification of the random sample of 500 signatures from the ROV are \$4,900 - \$6,400. The estimated cost of placing a measure on the next general Town election has not yet been determined.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Draft Resolution with Exhibit A – Santa Clara County Registrar of Voters Certificate of Results