Meeting Date: 1/24/12

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 6F.1

Santa Clara All-America City 2001

Date: January 20, 2012

To: City Council and Stadium Authority for Potential Action

From: City Attorney/Authority Counsel and City Clerk/Secretary

Subject: Referendum Petitions

EXECUTIVE SUMMARY:

On Wednesday, January 18, 2012, petitioners submitted two sets of referendum petitions to the City Clerk's Office. The submissions pertain to actions of the Stadium Authority on December 13, 2011, namely Resolution 11-16 (Disposition and Development Agreement) and Resolution 11-17 (Joinder Agreement) related to the proposed 49ers stadium. The prima facie check of the submissions yielded:

1). Referendum against Resolution 11-16
Submitted 1/18/12
246 petitions received
5,474 potentially valid prima facie signatures

2). Referendum against Resolution 11-17
Submitted 1/18/12
251 petitions received
5,591 potentially valid prima facie signatures

The Elections Code requires the petitioner to submit potentially valid signatures from at least 10% of the registered voters in the last update from the County of Santa Clara Registrar of Voters to the Secretary of State. The voter registration at the time the resolutions were attested to was 44,791, which requires 4,480 signatures to qualify for the ballot. Each set of petitions met the prima facie check for the requisite number of potentially valid signatures.

The petitions are currently with the Registrar of Voters for signature verification as outlined in Elections Code section 9240. The Registrar of Voters is also assessing the estimated costs of a potential June, 2012 election.

If the requisite number of valid signatures is verified by the Registrar, it is expected that the Authority will need to take one of several actions, including but not limited to: i) repeal of Resolutions 11-16 and 11-17; ii) submission of Resolutions 11-16 and 11-17 to a vote of the electorate at a general or special election; or iii) rejection of the referendum petitions because they have failed to meet the requirements of California election law. Note that the petitioners have previously been notified that the referenda are deficient because the contested actions by the Authority are administrative in nature and, thus, not subject to referendum.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

We are informed by the Registrar of Voters that there is a possibility that the verification of signatures and estimated costs will be available prior to the City Council meeting of January 24, 2012. If that is the case, an updated report for Council/Stadium Authority action will be provided for consideration at that time. Should this information not be available, a report for Council/Stadium Authority action will be provided at the earliest viable date.

ECONOMIC/FISCAL IMPACT:

Funds for a special municipal election in June 2012 have not been included in the 2010/11 Annual Budget. Should the Council choose to call a special election, additional funds will need to be appropriated for this purpose. The estimated costs of the election are pending with the Registrar of Voters.

RECOMMENDATION:

If the Registrar of Voters completes the signature verification and budget estimate prior to the City Council/Stadium Authority meeting of January 24, 2012, staff will present to the City Council and Stadium Authority the appropriate options and recommendation for consideration that evening.

for Richard E. Nosky,
City Attorney/Stadium Authority Counsel

Rod Diridon, Jr.,
City Clerk/Secretary