



ADMINISTRATIVE REPORT

AGENDA
ITEM: D
MTG.
DATE: 11-28-05

TO: James G. Marshall, City Manager

FROM: Dana J. Davidson, Records Coordinator

DATE: November 23, 2005

SUBJECT: Certification of Election Returns for General Municipal Election of Mayor and Three Council Members, and City Measure C from the November 8, 2005 Election

RECOMMENDATION:

Adopt a Resolution of the City Council of the City of Merced, California, reciting the facts of the general municipal election held on November 8, 2005, declaring the result and such other matters as provided by law for the election of the Mayor and three members of the City Council and City Measure C (Merced Vital City Services Protection).

AUTHORITY:

California Elections Code and the Merced City Charter.

DISCUSSION:

The California Elections Code requires that the City Council receive and act upon the returns or results of each municipal election. The City Council placed one measure before the voters, and the office of Mayor (a two-year term) and three City Council Member seats (four-year terms) were consolidated with the November 8, 2005 statewide special election ballot.

The County Board of Supervisors recently certified the election returns for all votes cast in the November 8, 2005 election within Merced County. It is now appropriate for the City Council to take action to finalize these returns for City purposes. This action is required under the California Elections Code.

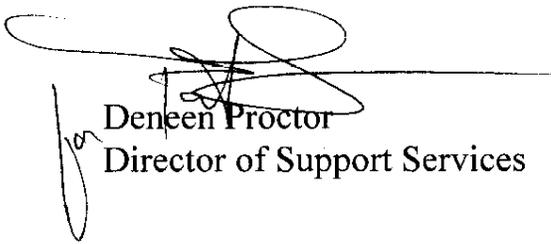
The attached resolution provides a precinct-by-precinct breakdown of all votes cast for Mayor, each candidate for City Council, and the measure placed before the voters. The results indicated that Measure C relating to Merced's vital services protection measure general transactions (sales) and use tax passed.

RECOMMENDATION:

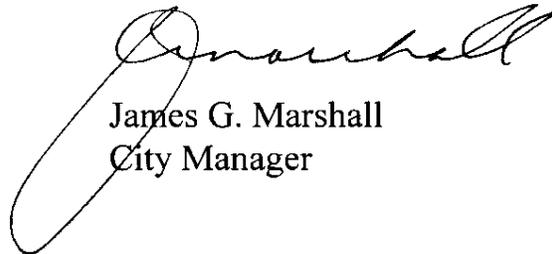
It is recommended that the City Council adopt the Resolution declaring the November 8, 2005 election results.

Respectfully Submitted:

Reviewed and Approved:



Deneen Proctor
Director of Support Services



James G. Marshall
City Manager

Attachment(s):

1. Resolution

RESOLUTION NO. 2005-_____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MERCED, CALIFORNIA,
RECITING THE FACT OF THE GENERAL
MUNICIPAL ELECTION HELD ON
NOVEMBER 8, 2005 DECLARING THE
RESULT AND SUCH OTHER MATTERS AS
PROVIDED BY LAW FOR THE ELECTION
OF THE MAYOR AND THREE MEMBERS
OF THE CITY COUNCIL AND CITY
MEASURE C (MERCED VITAL CITY
SERVICES PROTECTION)**

WHEREAS, A General Municipal Election was held and conducted in the City of Merced, California, on Tuesday, November 8, 2005 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, Pursuant to Resolution No. 2005-91 adopted on August 1, 2005, the County Election Department canvassed the returns of the election and has certified the results 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 MERCED DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the following person who received the highest number of votes is hereby declared elected to the office of Mayor for a two-year term:

ELLIE WOOTEN

SECTION 2. That the following three persons who received the highest number of votes are hereby declared elected to the office of City Council member for a four-year term:

JOE CORTEZ
JAMES D. SANDERS
BILL SPRIGGS

SECTION 3. That the whole number of ballots cast in the precincts for the Office of Mayor and for the three City Council Offices are listed on Exhibit "A" attached.

SECTION 4. That the measure (Measure C) voted upon at the election is as follows:

"To help preserve the safety and character of Merced, with a priority on funding essential services such as police, fire, and street maintenance, as well as other general City services, shall an Ordinance be adopted increasing the City's sales tax by ½ cent for every taxable dollar spent for not more than 20 years, with citizens oversight and independent annual audits of all expenditures?"

SECTION 5. That the number of votes given at each precinct and the number of votes given in the City for and against the measure are as listed in Exhibit "A" attached.

SECTION 6. The City Council does declare and determine that:

As a result of the election, a majority of the voters voting on Measure C did vote in favor of it, and that Measure C was carried, and Title 3 of the Merced Municipal Code is amended by adding Chapter 3.38, "Merced Vital Services Protection Measure General Transactions (Sales) and Use Tax."

SECTION 7. 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 the ballots cast in the City;
2. The measure voted upon;
3. The number of votes given at each precinct for and against Measure C; and,
4. The total number of votes given for and against Measure C.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the 5th day of December 2005, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

ATTEST:

JAMES G. MARSHALL, CITY CLERK

BY: _____
Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

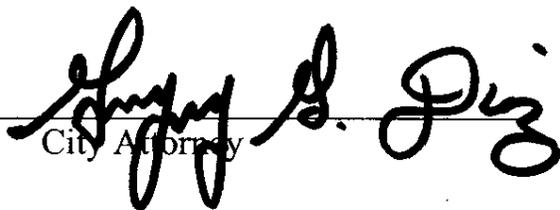

City Attorney

EXHIBIT "A"

**STATEMENT OF THE VOTE
MERCED COUNTY
STATEWIDE CONSOLIDATED
SPECIAL ELECTION**

NOVEMBER 8, 2005

State of California }
 }
County of Merced }

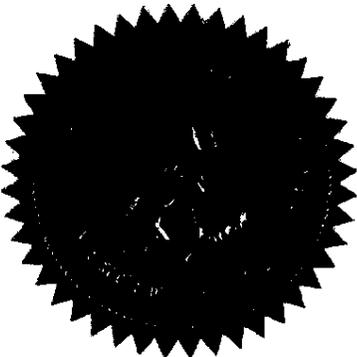
I, M. STEPHEN JONES, County Clerk/Registrar of Voters of the above named County do hereby certify that the within Exhibit is a true and correct statement of the results of the vote cast at the Special Statewide Consolidated Election, held on Tuesday, November 8, 2005 as determined by the official canvass of the returns of said election.

WITNESS my hand and the official seal, this 17st day of November, 2005.



M. STEPHEN JONES
County Clerk/Registrar of Voters

S E A L



NAME HEADING CANVASS

MERCED COUNTY, CALIFORNIA
SPECIAL ELECTION
NOVEMBER 8, 2005

RUN DATE: 11/16/05 11:28 AM

CITY OF MERCED MAYOR

Vote for no more than 1

	RO IS CO KR	EW LO LO IT	W R I T E - I E E N I N (NON)
0011 11 MER01 - 111	225	92	0
0012 12 MER02 - 112	322	183	5
0013 13 MER16 - 113	268	114	2
0019 19 MER03 & MER30 -206-227	222	240	2
0020 20 MER04 - 207	196	256	1
0021 21 MER05 - 208	66	103	0
0022 22 MER06 - 209	179	169	1
0023 23 MER07 - 210	208	241	3
0024 24 MER08 - 211	112	122	2
0025 25 MER09 - 212	101	157	3
0026 26 MER10 - 213	85	138	1
0027 27 MER11 - 214	182	241	4
0028 28 MER12 - 215	121	166	0
0029 29 MER13 - 216	101	112	2
0030 30 MER14 - 217	130	190	4
0031 31 MER15 - 218	158	119	1
0032 32 MER17 - 219	129	139	0
0033 33 MER18 - 220	213	167	5
0034 34 MER19 - 221	97	150	0
0035 35 MER20 - 222	177	282	3
0036 36 MER21 - 223	200	347	1
0037 37 MER22 - 224	80	98	0
0038 38 MER27 & MER32 -225-228	289	460	1
0039 39 MER29 - 226	275	331	4
0056 56 MER23 - 318	165	195	1
0057 57 MER24 - 319	83	78	2
0058 58 MER25 - 320	242	255	2
0059 59 MER26 & MER31 -321-325	191	229	2
0060 60 MER28 - 322	319	321	1
CANDIDATE TOTALS	5136	5695	53
CANDIDATE PERCENT	47.18	52.32	.48

CITY OF MERCED CITY COUNCIL MEMBER

Vote for no more than 3

	JC OO ER T E Z	BS IP LR LI G S	JDS A.A M N E D S E R S	CP AO RL LL A R S	W R I T E - I N (NON)
0011 11 MER01 - 111	257	90	105	100	2
0012 12 MER02 - 112	406	227	238	168	3

NAME HEADING CANVASS

MERCED COUNTY, CALIFORNIA
SPECIAL ELECTION
NOVEMBER 8, 2005

RUN DATE: 11/16/05 11:28 AM

CITY OF MERCED CITY COUNCIL MEMBER

Vote for no more than 3

				W	
	BS	JDS	CP	R	
JC	IP	A.A	AO	I	
OO	LR	MN	RL	T	
ER	LI	ED	LL	E	
	T	G	S	A	-
	E	G	R	R	I
	Z	S	S	D	N

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0013 13 MER16 - 113	282	148	161	123	8
0019 19 MER03 & MER30 -206-227	303	270	305	165	1
0020 20 MER04 - 207	322	321	341	135	1
0021 21 MER05 - 208	119	109	119	53	0
0022 22 MER06 - 209	247	197	209	109	0
0023 23 MER07 - 210	282	272	291	149	2
0024 24 MER08 - 211	164	125	155	91	0
0025 25 MER09 - 212	159	150	170	79	2
0026 26 MER10 - 213	141	132	143	61	0
0027 27 MER11 - 214	318	265	276	142	1
0028 28 MER12 - 215	209	186	196	86	4
0029 29 MER13 - 216	133	126	144	68	2
0030 30 MER14 - 217	220	182	197	108	3
0031 31 MER15 - 218	201	138	139	99	0
0032 32 MER17 - 219	176	146	173	85	1
0033 33 MER18 - 220	244	169	231	168	2
0034 34 MER19 - 221	159	146	172	70	0
0035 35 MER20 - 222	303	274	305	157	0
0036 36 MER21 - 223	349	372	392	173	2
0037 37 MER22 - 224	127	111	110	70	0
0038 38 MER27 & MER32 -225-228	493	509	519	238	0
0039 39 MER29 - 226	418	375	402	184	3
0056 56 MER23 - 318	234	231	220	123	4
0057 57 MER24 - 319	110	83	76	44	4
0058 58 MER25 - 320	349	295	322	147	4
0059 59 MER26 & MER31 -321-325	277	262	278	144	6
0060 60 MER28 - 322	406	407	425	203	1
CANDIDATE TOTALS	7408	6318	6814	3542	56
CANDIDATE PERCENT	30.69	26.17	28.22	14.67	.23

NAME HEADING CANVASS

MERCED COUNTY,CALIFORNIA
SPECIAL ELECTION
NOVEMBER 8,2005

RUN DATE:11/16/05 11:29 AM

MERCED VITAL CITY SERVICES PROTECTION

Vote for no more than 1

	Y	
	E	N
	S	O
	(NON)	(NON)
	-----	-----
0011 11 MER01 - 111	197	134
0012 12 MER02 - 112	300	230
0013 13 MER16 - 113	245	140
0019 19 MER03 & MER30 -206-227	298	182
0020 20 MER04 - 207	305	156
0021 21 MER05 - 208	116	57
0022 22 MER06 - 209	225	137
0023 23 MER07 - 210	296	170
0024 24 MER08 - 211	165	76
0025 25 MER09 - 212	175	95
0026 26 MER10 - 213	159	67
0027 27 MER11 - 214	281	160
0028 28 MER12 - 215	201	96
0029 29 MER13 - 216	152	68
0030 30 MER14 - 217	219	123
0031 31 MER15 - 218	191	96
0032 32 MER17 - 219	173	94
0033 33 MER18 - 220	242	148
0034 34 MER19 - 221	162	88
0035 35 MER20 - 222	302	186
0036 36 MER21 - 223	377	194
0037 37 MER22 - 224	121	59
0038 38 MER27 & MER32 -225-228	528	246
0039 39 MER29 - 226	402	215
0056 56 MER23 - 318	233	134
0057 57 MER24 - 319	100	71
0058 58 MER25 - 320	334	177
0059 59 MER26 & MER31 -321-325	282	151
0060 60 MER28 - 322	419	241
CANDIDATE TOTALS	7200	3991
CANDIDATE PERCENT	64.33	35.66

RESOLUTION NO. 2005-139

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MERCED, CALIFORNIA,
RECITING THE FACT OF THE GENERAL
MUNICIPAL ELECTION HELD ON
NOVEMBER 8, 2005 DECLARING THE
RESULT AND SUCH OTHER MATTERS AS
PROVIDED BY LAW FOR THE ELECTION
OF THE MAYOR AND THREE MEMBERS
OF THE CITY COUNCIL AND CITY
MEASURE C (MERCED VITAL CITY
SERVICES PROTECTION)**

WHEREAS, A General Municipal Election was held and conducted in the City of Merced, California, on Tuesday, November 8, 2005 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, Pursuant to Resolution No. 2005-91 adopted on August 1, 2005, the County Election Department canvassed the returns of the election and has certified the results 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 MERCED DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

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SECTION 2. That the following three persons who received the highest number of votes are hereby declared elected to the office of City Council member for a four-year term:

JOE CORTEZ
JAMES D. SANDERS
BILL SPRIGGS

SECTION 3. That the whole number of ballots cast in the precincts for the Office of Mayor and for the three City Council Offices are listed on Exhibit "A" attached.

SECTION 4. That the measure (Measure C) voted upon at the election is as follows:

"To help preserve the safety and character of Merced, with a priority on funding essential services such as police, fire, and street maintenance, as well as other general City services, shall an Ordinance be adopted increasing the City's sales tax by ½ cent for every taxable dollar spent for not more than 20 years, with citizens oversight and independent annual audits of all expenditures?"

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As a result of the election, a majority of the voters voting on Measure C did vote in favor of it, and that Measure C was carried, and Title 3 of the Merced Municipal Code is amended by adding Chapter 3.38, "Merced Vital Services Protection Measure General Transactions (Sales) and Use Tax."

SECTION 7. 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 the ballots cast in the City;
2. The measure voted upon;
3. The number of votes given at each precinct for and against Measure C; and,
4. The total number of votes given for and against Measure C.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the 28th day of November 2005, by the following called vote:

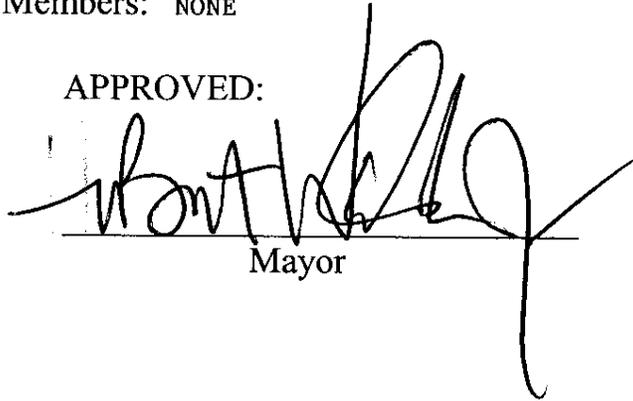
AYES: Council Members: SANDERS, WOOTEN, CORTEZ, SPRIGGS, GABRIALT-ACOSTA, OSORIO, WALSH

NOES: Council Members: NONE

ABSTAIN: Council Members: NONE

ABSENT: Council Members: NONE

APPROVED:



Mayor

ATTEST:

JAMES G. MARSHALL, CITY CLERK

BY: 
Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:

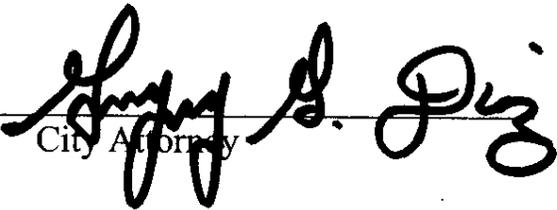

City Attorney

EXHIBIT "A"

**STATEMENT OF THE VOTE
MERCED COUNTY
STATEWIDE CONSOLIDATED
SPECIAL ELECTION**

NOVEMBER 8, 2005

State of California }
 }
County of Merced }

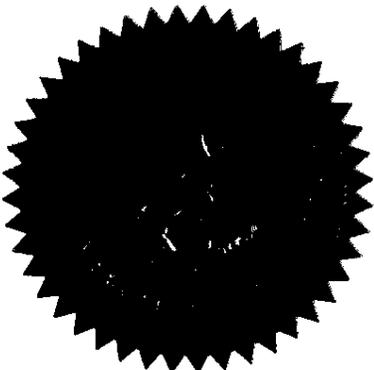
I, M. STEPHEN JONES, County Clerk/Registrar of Voters of the above named County do hereby certify that the within Exhibit is a true and correct statement of the results of the vote cast at the Special Statewide Consolidated Election, held on Tuesday, November 8, 2005 as determined by the official canvass of the returns of said election.

WITNESS my hand and the official seal, this 17st day of November, 2005.



M. STEPHEN JONES
County Clerk/Registrar of Voters

S E A L



NAME HEADING CANVASS

MERCED COUNTY, CALIFORNIA
SPECIAL ELECTION
NOVEMBER 8, 2005

RUN DATE: 11/16/05 11:29 AM

MERCED VITAL CITY SERVICES PROTECTION

Vote for no more than 1

	Y E S (NON)	N O (NON)
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0026 26 MER10 - 213	159	67
0027 27 MER11 - 214	281	160
0028 28 MER12 - 215	201	96
0029 29 MER13 - 216	152	68
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0031 31 MER15 - 218	191	96
0032 32 MER17 - 219	173	94
0033 33 MER18 - 220	242	148
0034 34 MER19 - 221	162	88
0035 35 MER20 - 222	302	186
0036 36 MER21 - 223	377	194
0037 37 MER22 - 224	121	59
0038 38 MER27 & MER32 -225-228	528	246
0039 39 MER29 - 226	402	215
0056 56 MER23 - 318	233	134
0057 57 MER24 - 319	100	71
0058 58 MER25 - 320	334	177
0059 59 MER26 & MER31 -321-325	282	151
0060 60 MER28 - 322	419	241
CANDIDATE TOTALS	7200	3991
CANDIDATE PERCENT	64.33	35.66

NAME HEADING CANVASS

MERCED COUNTY,CALIFORNIA
SPECIAL ELECTION
NOVEMBER 8,2005

RUN DATE:11/16/05 11:28 AM

CITY OF MERCED MAYOR

Vote for no more than 1

	R O I S C O K R	W R E W L O L O I T E E N	I T E N (NON)
0011 11 MER01 - 111	225	92	0
0012 12 MER02 - 112	322	183	5
0013 13 MER16 - 113	268	114	2
0019 19 MER03 & MER30 -206-227	222	240	2
0020 20 MER04 - 207	196	256	1
0021 21 MER05 - 208	66	103	0
0022 22 MER06 - 209	179	169	1
0023 23 MER07 - 210	208	241	3
0024 24 MER08 - 211	112	122	2
0025 25 MER09 - 212	101	157	3
0026 26 MER10 - 213	85	138	1
0027 27 MER11 - 214	182	241	4
0028 28 MER12 - 215	121	166	0
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0059 59 MER26 & MER31 -321-325	191	229	2
0060 60 MER28 - 322	319	321	1
CANDIDATE TOTALS	5136	5695	53
CANDIDATE PERCENT	47.18	52.32	.48

CITY OF MERCED CITY COUNCIL MEMBER

Vote for no more than 3

	J C O O E R	B S I P L R	J D S A . A M N	C P A O R L	W R I T E A R D I N (NON)
0011 11 MER01 - 111	257	90	105	100	2
0012 12 MER02 - 112	406	227	238	168	3

