



**AGENDA
SPECIAL MEETING
SARATOGA CITY COUNCIL
DECEMBER 2, 2008**

**SPECIAL MEETING – 7:00 P.M. – CIVIC THEATER/COUNCIL CHAMBERS
AT 13777 FRUITVALE AVENUE**

PLEDGE OF ALLEGIANCE – LED BY TROOP 535

ROLL CALL

REPORT OF CITY CLERK ON POSTING OF AGENDA

(Pursuant to Gov't. Code 54954.2, the agenda for this meeting was properly posted on November 26, 2008)

COMMUNICATIONS FROM COMMISSIONS & PUBLIC

Oral Communications on Non-Agendized Items

Any member of the public will be allowed to address the City Council for up to three (3) minutes on matters not on this agenda. The law generally prohibits the Council from discussing or taking action on such items. However, the Council may instruct staff accordingly regarding Oral Communications under Council Direction to Staff.

Communications from Boards and Commissions

The City Council will receive reports from the Boards and Commissions listed below and may provide direction regarding matters to be considered by those Boards and Commissions. Recommendations from Boards and Commissions requiring City Council approval are considered as independent agenda items.

Oral Communications - Council Direction to Staff

Instruction to Staff regarding actions on current Oral Communications.

NEW BUSINESS

1. Remarks from outgoing Mayor Waltonsmith
2. Remarks from outgoing Councilmember Kao
3. Presentation to Mayor Waltonsmith and Councilmember Kao
4. Certification for November 4, 2008 General Municipal Election results and Canvas of returns from the County Registrar of Voters for Council Candidates

Recommended action:

Adopt resolution and direct the City Clerk to Administer the Oath of Office to the new Councilmembers.

ADJOURNMENT

In accordance with the Ralph M. Brown Act, copies of the staff reports and other materials provided to the City Council by City staff in connection with this agenda are available at the office of the City Clerk at 13777 Fruitvale Avenue, Saratoga, California 95070. Note that copies of materials distributed to the City Council concurrently with the posting of the agenda are also available on the City website at www.saratoga.ca.us. Any materials distributed by staff after the posting of the agenda are made available for public review at the office of the City Clerk at the time they are distributed to the City Council.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the City Clerk at (408) 868-1269. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

Certificate of Posting of Agenda:

I, Ann Sullivan, City Clerk for the City of Saratoga, declare that the foregoing agenda for the meeting of the City Council of the City of Saratoga was posted on November 26, 2008 at the office of the City of Saratoga, 13777 Fruitvale Ave., Saratoga, CA 95070 and was available for public review at that location. The agenda is also available on the City's website at www.saratoga.ca.us

Signed this 26th day of November 2008 at Saratoga, California.

*Ann Sullivan, CMC
City Clerk*

SARATOGA CITY COUNCIL

MEETING DATE: December 2, 2008 **AGENDA ITEM: _____**

ORIGINATING DEPT: City Manager **CITY MANAGER: Dave Anderson**

PREPARED BY: Ann Sullivan, City Clerk **DEPT HEAD: Dave Anderson**

SUBJECT: Certification of November 4, 2008 General Municipal Election Results and Canvas of Returns from the County Registrar of Voters for Council Candidates

RECOMMENDED ACTION:

Adopt resolution and direct the City Clerk to Administer the Oath of Office to the new Councilmembers.

REPORT SUMMARY:

This report reflects the official results of the November 4, 2008 General Municipal Election for City Councilmembers. The Santa Clara Registrar of Voters completed the official canvass of returns and has certified the votes cast. The City Council is required to declare the results of the election by resolution. The top three candidates will fill two open seats on the City Council for a four (4) year term.

<u>CANDIDATE</u>	<u>VOTES</u>	<u>PERCENT</u>
Howard Miller	8,029	31.08%
Susie Nagpal	7,247	28.05%
Aileen Kao	5,954	23.05%
Emily Lo	4,605	17.82%

FISCAL IMPACTS:

The final cost of the General Municipal Election for four candidates on the ballot has yet to be determined by the Registrar of Voters.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

The General Municipal Election would not be certified and results would be invalid.

ALTERNATIVE ACTION:

N/A

FOLLOW UP ACTION:

City Clerk to send certified copy of resolution to the Secretary of State, Registrar of Voters and the Board of Supervisor.

ADVERTISING, NOTICING AND PUBLIC CONTACT:

N/A

ATTACHMENTS:

Attachment A – Resolution

Attachment B – Certificate of Election Results (to be delivered on December 2, 2008)

Attachment C – Precinct Report (to be delivered on December 2, 2008)

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SARATOGA DECLARING THE RESULTS
OF THE GENERAL MUNICIPAL ELECTION OF
MEMBERS TO THE CITY COUNCIL OF
NOVEMBER 4, 2008**

WHEREAS, a General Municipal Election for members of the City Council of the City of Saratoga was conducted on November 4, 2008; and

WHEREAS, the results of that election are duly certified by the Santa Clara County Registrar of Voters, a copy of the official canvass of ballots cast in the election being attached hereto as Exhibit A; and

WHEREAS, the City Council now meets to declare the results of the canvass of ballots.

NOW, THEREFORE, BE IT RESOLVED, that the City of Saratoga hereby declares elected to full terms of office the following members of the City Council:

**Howard Miller
Susie Nagpal**

BE IT FURTHER RESOLVED, that the City Council determines the results of the election to be as shown on Exhibit A attached to and made part of this resolution, and that the City Clerk is directed to enter these results in the official records of the City of Saratoga.

The above and foregoing resolution was passed and adopted at a special meeting of the Saratoga City Council held on the 2nd day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor

Ann Sullivan, City Clerk