



City of San Leandro

Meeting Date: December 1, 2014

Staff Report

File Number: 14-508 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.B.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Lianne Marshall
Assistant City Manager

FINANCE REVIEW: David Baum
Finance Director

TITLE: Staff Report for Resolution Declaring Results of the General Municipal Election Held on Tuesday, November 4, 2014

SUMMARY AND RECOMMENDATION

The City of San Leandro held its General Municipal Election on Tuesday, November 4, 2014. The City's election was consolidated with the Statewide General Election, and was conducted by the Alameda County Registrar of Voters (ROV).

Staff recommends that the City Council adopt a resolution declaring the results of the City of San Leandro's General Municipal Election for Mayor, City Council Districts 1, 3 and 5, and Measures HH and II.

BACKGROUND

On June 16, 2014, the City Council adopted Resolution No. 2014-058, which provided for the holding of the November 4, 2014 General Municipal Election. The election resolution included a request that the Alameda County Board of Supervisors permit the consolidation of the City's General Municipal Election with the Statewide General Election, and that the ROV provide necessary services related to the conduct of the election.

A Ranked Choice Voting (RCV) system was used to comply with the City Charter requirement to elect candidates by a 50% plus one majority. The successful candidates in Council Districts 3 and 5 won election with a 50% plus one majority of first choice votes, so the RCV algorithm was not employed; however, both the District 1 and Mayoral races were decided after eliminating all but the final two candidates.

As required by the California Elections Code, an official canvass was performed by the ROV, and a Statement of Election Results has been submitted to the City. A resolution accepting the Statement of Election Results and declaring the results of the election has been prepared for the City Council's adoption.

Current Agency Policies

Section 225(b) of the Charter of the City of San Leandro requires a successful candidate for elective office to receive at least 50% plus one of the votes cast for that office. In the event that no candidate receives 50% plus one of the votes cast for that office, the Charter requires the City Council to provide for a runoff vote to determine the person elected. The Charter provides that the runoff system may include an instant runoff voting system (i.e., RCV).

Previous Actions

- On April 19, 2010, the City Council passed to print and adopted Ordinance No. 2010-005, providing for the conduct of the General Municipal Election using RCV. The ordinance remains in effect for this election.
- On June 16, 2014, the City Council adopted Resolution No. 2014-058, calling the November 4, 2014 General Municipal Election, requesting the Alameda County Board of Supervisors permit the consolidation of the City's General Municipal Election with the Statewide General Election, and requesting that the ROV conduct the election on the City's behalf.
- On July 7, 2014, the City Council adopted Resolution No. 2014-074, placing Measure HH on the ballot, relating to the enactment of a one-half of one-percent (0.5%) transactions and use (sales) tax for thirty years.
- Also on July 7, 2014, the City Council adopted Resolution No. 2014-075, placing Measure II on the ballot, relating to a Charter Amendment to provide that the Vice Mayor Designation be made at the first regular meeting in January of each year.

Summary of Public Outreach Efforts

- A Candidate Information page was added to the City website, listing the candidates' contact information, ballot designations and ballot statements, and pre-election campaign financial statements. The page was updated daily, or as new information was received.
- On September 8, 2014, City staff conducted a Candidate Orientation for all Mayoral and City Council candidates, and members of the public were invited. The Orientation provided information on City services and projects.
- Outreach/education for Ranked Choice Voting by the ROV and City staff included informational brochures in five languages, community presentations, a smart phone application, online informational videos, information in the Sample Ballot, special mailing to all voters, Public Service Announcements, and special RCV poll worker training.
- On October 8, 2014, a Notice of Nominees for Public Office and Measures to be Voted On was published in the Daily Review newspaper, pursuant to Elections Code Section 12110.
- A webpage for The Notice of Nominees for Public Office and Measures to be Voted On was added to the City's website. A link to the Google Translate website was prominently placed in the upper corner of the page to allow easy translation of the Notice into the four required languages: Spanish, Chinese, Tagalog and Vietnamese.
- An Election Campaign Sign webpage was created, to provide candidates and members of the public with information on the rules governing temporary political campaign signs.

Fiscal Impacts

The cost of the November 4, 2014 election of a Mayor, three City Councilmembers and two ballot measures, is estimated to be \$83,500.

Budget Authority

\$110,000 in the FY 2014-15 General Fund Account 010-11-031-5890 was budgeted for the 2014 election.

ATTACHMENT

Attachment to Related Resolution

Certificate of Election Results and Official Canvass by the Alameda County Registrar of Voters for the following races:

- Mayor
- Member, City Council, District 1
- Member, City Council, District 3
- Member, City Council, District 5
- Measure HH
- Measure II

PREPARED BY: Marian Handa, City Clerk, City Manager's Office



City of San Leandro

Meeting Date: December 1, 2014

Resolution - Council

File Number: 14-514

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Lianne Marshall
Assistant City Manager

FINANCE REVIEW: David Baum
Finance Director

TITLE: RESOLUTION Declaring Results of the General Municipal Election Held on Tuesday, November 4, 2014 (accepts the statement of election results for Mayor, City Council Districts 1, 3 and 5, and Measures HH and II)

Recitals

WHEREAS, a General Municipal Election was held and conducted in the City of San Leandro on Tuesday, the 4th of November, 2014, in consolidation with the Statewide General Election, as required by the California Elections Code, the Charter of the City of San Leandro, and the City of San Leandro Municipal Code; and

WHEREAS, notice of said election was duly and regularly given as required by law, voting precincts were properly established and election officers were duly and regularly appointed and election supplies furnished, and in all respects said election was held and conducted, the votes cast were received and canvassed, and the return thereof made, determined and declared in the time, form and manner required by law regulating and controlling such elections; and

WHEREAS, the qualified electors cast ballots at said election for the following Officials:

Mayor

City Councilmember, District 1

City Councilmember, District 3

City Councilmember, District 5

WHEREAS, the qualified electors cast ballots at said election upon the following two proposed Measures:

Measure HH -To protect/ maintain local services, including: 911 emergency response; neighborhood police patrols/ anti-gang enforcement; library programs for children, adults/

families; after school programs for children/ teens including, homework assistance/ reading programs; school police officers/ crossing guards; repairing potholes/ maintaining residential streets; and other City services, shall the City of San Leandro extend Measure Z and set the sales tax at ½ cent for 30 years, with citizens oversight, annual audits, all funds for San Leandro, no funds for Sacramento?

Measure II - Shall the City of San Leandro Charter be amended to provide that the City Council, at its first regular meeting in January of each year, shall designate one of its members Vice Mayor, to serve for a period of one year and until a successor is elected and qualified?

WHEREAS, a canvass of the returns of said election was made by the Registrar of Voters of Alameda County, a copy of which is attached; and

WHEREAS, the City Council of the City of San Leandro met in the regular meeting place of the Council on the 1st day of December, 2014, to declare the results of said election in compliance with Section 10263 of the California Elections Code; and

WHEREAS, the City Council finds as a result of said canvass that the number of votes cast, the names of the persons voted for, and other matters required by law are as hereinafter stated.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE and declare as follows:

A General Municipal Election was held and conducted in this City on Tuesday, November 4, 2014, at the time and in the form and manner required by law.

There were 54 consolidated precincts established for the purpose of holding said election.

The total number of ballots cast at said election, for the candidates for Mayor; City Council Districts 1, 3 and 5; and upon Measures HH and II; was 17,435.

BE IT FURTHER RESOLVED, that at said election, the following persons were elected to the following offices respectively:

Pauline Russo Cutter, Mayor, for a full term of four years from and after January 1, 2015, and until her successor is elected and qualified.

Deborah Cox, Councilmember, District 1, for a full term of four years from and after January 1, 2015, and until her successor is elected and qualified.

Lee Thomas, Councilmember, District 3, for a full term of four years from and after January 1, 2015, and until his successor is elected and qualified.

Corina N. Lopez, Councilmember, District 5, for a full term of four years from and after January 1, 2015, and until her successor is elected and qualified.

BE IT FURTHER RESOLVED, that Measure HH received a majority of the affirmative

votes cast at said election for said Measure, and is hereby declared to have passed. The approval of Measure HH results in the adoption of an Ordinance of the People of the City of San Leandro, Enacting a Transactions and Use Tax to be Administered by the State Board of Equalization; and

BE IT FURTHER RESOLVED, that Measure II received a majority of the affirmative votes cast at said election for said Measure, and is hereby declared to have passed. The approval of Measure II results in an amendment to section 310 of the Charter of the City of San Leandro, changing the timing of the designation of Vice Mayor to the first regular City Council meeting in January.



REGISTRAR OF VOTERS

ALAMEDA COUNTY • CALIFORNIA

TIM DUPUIS
REGISTRAR OF VOTERS

CYNTHIA CORNEJO
DEPUTY REGISTRAR OF VOTERS

November 21, 2014

Marian Handa, City Clerk
City of San Leandro
835 East 14th Street
San Leandro, CA 94577

Dear Ms. Handa:

Enclosed is the Certificate of Election Results and a copy of the Official Canvass for the City of San Leandro at the General Election held on Tuesday, November 4, 2014.

If you have any questions, please contact me at (510) 272-6933.

Sincerely,

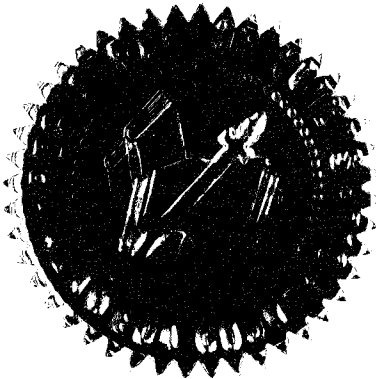
Tim Dupuis
Registrar of Voters
Alameda County

Enclosures

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of San Leandro** at the General Election held on Tuesday, **November 4, 2014**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of San Leandro** for the office of **Mayor**.

I hereby set my hand and my official seal this **21st** day of **November 2014**.



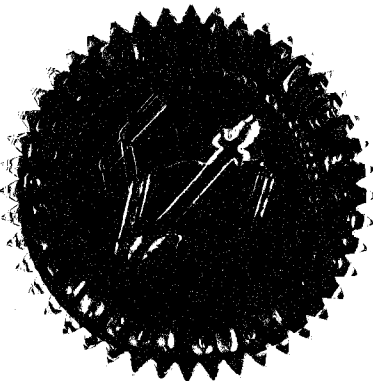
A handwritten signature in black ink, appearing to read 'Tim Dupuis', written in a cursive style.

TIM DUPUIS
Registrar of Voters
Alameda County
State of California

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of San Leandro, District 1** at the General Election held on Tuesday, **November 4, 2014**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of San Leandro, District 1** for the office of **City Council Member, District 1**.

I hereby set my hand and my official seal this **21st** day of **November 2014**.



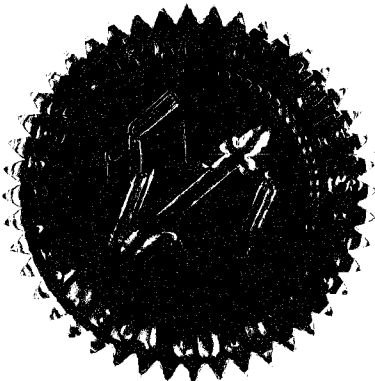
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TIM DUPUIS
Registrar of Voters
Alameda County
State of California

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of San Leandro, District 3** at the General Election held on Tuesday, **November 4, 2014**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of San Leandro, District 3** for the office of **City Council Member, District 3**.

I hereby set my hand and my official seal this **21st** day of **November 2014**.



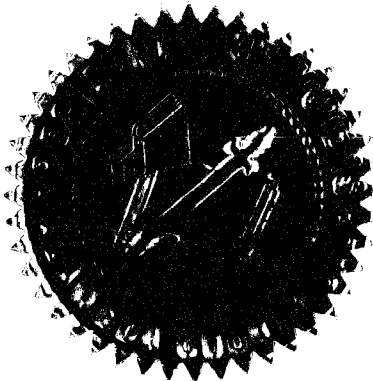
A handwritten signature in black ink, appearing to read 'Tim Dupuis', written in a cursive style.

TIM DUPUIS
Registrar of Voters
Alameda County
State of California

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of San Leandro, District 5** at the General Election held on Tuesday, **November 4, 2014**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for each candidate in the **City of San Leandro, District 5** for the office of **City Council Member, District 5**.

I hereby set my hand and my official seal this **21st** day of **November 2014**.



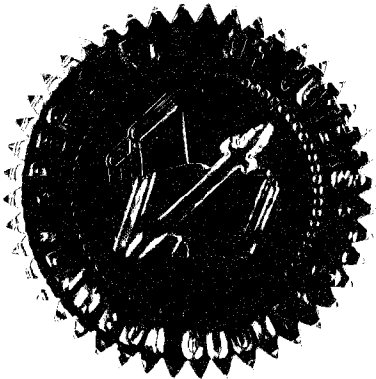
A handwritten signature in black ink, appearing to read 'Tim Dupuis', written in a cursive style.

TIM DUPUIS
Registrar of Voters
Alameda County
State of California

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of San Leandro** at the General Election held on Tuesday, **November 4, 2014**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure II**.

I hereby set my hand and my official seal this **21st day of November 2014**.

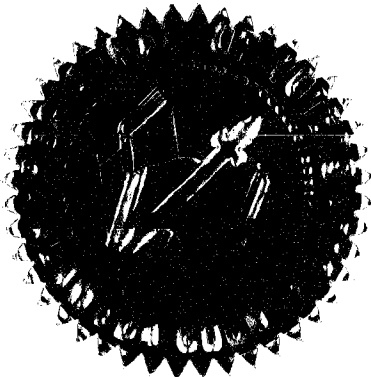


TIM DUPUIS
Registrar of Voters
Alameda County
State of California

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

I, **TIM DUPUIS**, Registrar of Voters for the County of Alameda, State of California, having canvassed the returns of all votes cast in the **City of San Leandro** at the General Election held on Tuesday, **November 4, 2014**, do hereby certify the following to be a full, true and correct Statement of the Results of all the votes cast, to which this certificate is attached, at said election for and against **Measure HH**.

I hereby set my hand and my official seal this **21st** day of **November 2014**.



A handwritten signature in black ink, appearing to read 'Tim Dupuis', written in a cursive style.

TIM DUPUIS
Registrar of Voters
Alameda County
State of California

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

NON-PARTISAN MAYOR - SAN LEANDRO (RCV)														
	Registration	Ballots Cast	Turnout (%)		MAYOR - SAN LEANDRO (RCV) DIANA SOUZA	PAULINE RUSSO CUTTER	DAN DILLMAN	GREGG DALY	Under Vote	Over Vote				
450300 - Vote by Mail Reporting	1009	278	27.55		118	114	33	1	14	0				
450300 - Election Day Reporting	1009	128	12.69		51	33	20	0	14	2				
450400 - Vote by Mail Reporting	1583	398	25.14		158	163	50	2	17	0				
450400 - Election Day Reporting	1583	205	12.95		78	86	26	0	8	4				
450610 - Vote by Mail Reporting	922	281	30.48		131	95	26	2	21	0				
450610 - Election Day Reporting	922	156	16.92		84	41	17	0	13	0				
450800 - Vote by Mail Reporting	955	228	23.87		119	70	28	1	6	0				
450800 - Election Day Reporting	955	101	10.58		53	23	15	0	10	0				
451000 - Vote by Mail Reporting	1421	387	27.23		149	143	67	0	21	2				
451000 - Election Day Reporting	1421	205	14.43		81	65	31	0	19	0				
451510 - Vote by Mail Reporting	1280	273	21.33		122	114	25	0	12	1				
451510 - Election Day Reporting	1280	156	12.19		59	50	25	0	14	2				
451600 - Vote by Mail Reporting	1186	305	25.72		114	137	33	2	12	1				
451600 - Election Day Reporting	1186	165	13.91		48	79	20	0	10	3				
451700 - Vote by Mail Reporting	949	236	24.87		94	99	29	0	10	2				
451700 - Election Day Reporting	949	141	14.86		49	63	18	0	7	1				
452100 - Vote by Mail Reporting	1155	269	23.29		90	128	35	0	10	1				
452100 - Election Day Reporting	1155	152	13.16		56	63	16	0	15	0				
452200 - Vote by Mail Reporting	1588	475	29.91		159	226	56	6	19	0				
452200 - Election Day Reporting	1588	202	12.72		79	82	21	0	19	0				
452400 - Vote by Mail Reporting	1091	234	21.45		78	111	31	0	8	1				
452400 - Election Day Reporting	1091	172	15.77		53	54	33	0	21	0				
452500 - Vote by Mail Reporting	786	145	18.45		53	67	18	1	5	0				
452500 - Election Day Reporting	786	92	11.70		26	33	15	0	12	3				
453100 - Vote by Mail Reporting	973	271	27.85		88	129	38	4	11	0				
453100 - Election Day Reporting	973	179	18.40		57	80	20	0	18	0				
453300 - Vote by Mail Reporting	686	162	23.62		60	78	18	2	4	0				
453300 - Election Day Reporting	686	79	11.52		30	32	9	0	4	0				
453400 - Vote by Mail Reporting	920	218	23.70		84	103	19	0	7	0				
453400 - Election Day Reporting	920	112	12.17		52	35	8	0	14	0				
453500 - Vote by Mail Reporting	1265	285	22.53		116	119	28	1	16	0				
453500 - Election Day Reporting	1265	159	12.57		61	68	15	0	13	1				
453900 - Vote by Mail Reporting	1248	339	27.16		128	149	41	1	9	0				
453900 - Election Day Reporting	1248	152	12.18		59	68	17	0	6	0				
453920 - Vote by Mail Reporting	751	147	19.57		70	55	12	1	4	1				
453920 - Election Day Reporting	751	62	8.26		30	19	5	0	5	1				
454100 - Vote by Mail Reporting	1053	283	26.88		103	120	35	1	17	2				
454100 - Election Day Reporting	1053	101	9.59		35	38	15	0	12	0				
454500 - Vote by Mail Reporting	878	221	25.17		67	110	25	2	13	0				
454500 - Election Day Reporting	878	117	13.33		50	43	15	0	7	0				
455000 - Vote by Mail Reporting	589	117	19.86		49	36	19	0	6	0				
455000 - Election Day Reporting	589	66	11.21		22	22	12	0	7	1				
455100 - Vote by Mail Reporting	729	141	19.34		42	57	26	1	7	0				
455100 - Election Day Reporting	729	81	11.11		36	24	13	0	10	0				
455300 - Vote by Mail Reporting	953	207	21.72		73	97	32	1	6	0				
455300 - Election Day Reporting	953	130	13.64		44	45	27	0	9	0				
455400 - Vote by Mail Reporting	932	253	27.15		91	101	37	1	12	2				
455400 - Election Day Reporting	932	100	10.73		36	41	13	0	9	1				
455500 - Vote by Mail Reporting	558	185	33.15		55	92	26	3	7	2				
455500 - Election Day Reporting	558	83	14.87		21	38	17	0	5	0				
455700 - Vote by Mail Reporting	514	172	33.46		48	84	29	4	6	0				
455700 - Election Day Reporting	514	82	15.95		12	49	13	0	13	0				
455900 - Vote by Mail Reporting	1593	376	23.60		138	139	67	9	17	0				
455900 - Election Day Reporting	1593	276	17.33		85	106	41	0	19	0				
456200 - Vote by Mail Reporting	1041	335	32.18		84	170	53	8	22	0				
456200 - Election Day Reporting	1041	141	13.54		34	72	15	0	11	0				
456500 - Vote by Mail Reporting	710	295	41.55		48	193	43	6	3	1				
456500 - Election Day Reporting	710	154	21.69		29	102	10	0	12	0				
456600 - Vote by Mail Reporting	1044	378	36.21		117	199	40	17	14	0				

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

NON-PARTISAN MAYOR - SAN LEANDRO (RCV)														
	Registration	Ballots Cast	Turnout (%)	MAYOR - SAN LEANDRO (RCV) DIANA SOUZA	PAULINE RUSSO CUTTER	DAN DILLMAN	GREGG DALY	Under Vote	Over Vote					
456600 - Election Day Reporting	1044	181	17.34	55	74	22	0	22	0					
456900 - Vote by Mail Reporting	659	263	39.91	81	135	32	5	7	0					
456900 - Election Day Reporting	659	119	18.06	21	63	18	0	13	0					
457100 - Vote by Mail Reporting	780	216	27.69	39	150	19	3	1	0					
457100 - Election Day Reporting	780	172	22.05	42	94	23	0	10	1					
457300 - Vote by Mail Reporting	901	293	32.52	66	190	21	7	10	0					
457300 - Election Day Reporting	901	177	19.64	36	91	21	0	19	0					
457400 - Vote by Mail Reporting	709	294	41.47	62	190	26	5	8	1					
457400 - Election Day Reporting	709	158	22.28	31	99	15	0	11	0					
457500 - Vote by Mail Reporting	1233	334	27.09	100	181	28	7	16	0					
457500 - Election Day Reporting	1233	245	19.87	54	128	39	0	14	0					
457700 - Vote by Mail Reporting	907	271	29.88	65	173	26	7	10	1					
457700 - Election Day Reporting	907	200	22.05	30	130	22	0	5	0					
457900 - Vote by Mail Reporting	791	229	28.95	62	127	28	2	9	0					
457900 - Election Day Reporting	791	112	14.16	32	48	12	0	11	0					
458200 - Vote by Mail Reporting	1001	229	22.88	73	111	35	2	4	0					
458200 - Election Day Reporting	1001	182	18.18	64	69	30	0	16	0					
458300 - Vote by Mail Reporting	1262	323	25.59	126	147	29	2	8	1					
458300 - Election Day Reporting	1262	198	15.69	77	82	26	0	10	0					
458500 - Vote by Mail Reporting	760	198	26.05	95	77	19	1	7	1					
458500 - Election Day Reporting	760	101	13.29	35	39	16	0	8	0					
458800 - Vote by Mail Reporting	947	204	21.54	87	89	22	2	1	0					
458800 - Election Day Reporting	947	100	10.56	36	43	15	0	3	0					
458900 - Vote by Mail Reporting	680	137	20.15	65	47	17	3	4	0					
458900 - Election Day Reporting	680	75	11.03	32	23	14	0	4	0					
9450920 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0					
9450920 - Election Day Reporting	0	0	0.00	0	0	0	0	0	0					
9450930 - Vote by Mail Reporting	4	1	25.00	1	0	0	0	0	0					
9450930 - Election Day Reporting	4	0	0.00	0	0	0	0	0	0					
9451500 - Vote by Mail Reporting	311	109	35.05	46	40	15	1	6	0					
9451500 - Election Day Reporting	311	8	2.57	1	3	1	0	0	0					
9452000 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0					
9452000 - Election Day Reporting	0	0	0.00	0	0	0	0	0	0					
9454220 - Vote by Mail Reporting	35	11	31.43	6	4	1	0	0	0					
9454220 - Election Day Reporting	35	1	2.86	0	0	0	0	1	0					
9454230 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0					
9454230 - Election Day Reporting	0	0	0.00	0	0	0	0	0	0					
9454600 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0					
9454600 - Election Day Reporting	0	0	0.00	0	0	0	0	0	0					
9454700 - Vote by Mail Reporting	355	145	40.85	52	57	23	0	8	0					
9454700 - Election Day Reporting	355	0	0.00	0	0	0	0	0	0					
9455010 - Vote by Mail Reporting	369	122	33.06	49	38	24	0	5	0					
9455010 - Election Day Reporting	369	10	2.71	1	5	0	0	1	0					
9455200 - Vote by Mail Reporting	270	111	41.11	26	46	31	0	7	0					
9455200 - Election Day Reporting	270	5	1.85	0	3	1	0	1	0					
9455410 - Vote by Mail Reporting	169	49	28.99	23	14	10	0	0	0					
9455410 - Election Day Reporting	169	9	5.33	4	2	2	0	0	0					
9456610 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0					
9456610 - Election Day Reporting	0	0	0.00	0	0	0	0	0	0					
Vote by Mail Reporting Totals	42505	11433	26.90	3970	5314	1425	124	447	20					
Election Day Reporting Totals	42505	6002	14.12	1961	2550	799	0	485	20					
District Totals - Absentee														
District Grand Totals														
13th Congressional District	42505	17435	41.02	5931	7864	2224	124	932	40					
9th State Senatorial District	39256	16246	41.38	5515	7385	2026	121	867	39					

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

NON-PARTISAN MAYOR - SAN LEANDRO (RCV)															
	Registration	Ballots Cast	Turnout (%)		MAYOR - SAN LEANDRO (RCV) DIANA SOUZA	PAULINE RUSSO CUTTER	DAN DILLMAN	GREGG DALY	Under Vote	Over Vote					
10th State Senatorial District	3249	1189	36.60		416	479	198	3	65	1					
18th Assembly District	42505	17435	41.02		5931	7864	2224	124	932	40					
2nd Dist, Board of Equalization	42505	17435	41.02		5931	7864	2224	124	932	40					
3rd Supervisorial District	42505	17435	41.02		5931	7864	2224	124	932	40					
ALAMEDA	42505	17435	41.02		5931	7864	2224	124	932	40					
City of San Leandro	42505	17435	41.02		5931	7864	2224	124	932	40					
Grand Totals	42505	17435	41.02		5931	7864	2224	124	932	40					

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

CITY OF SAN LEANDRO															
	Registration	Ballots Cast	Turnout (%)	MEMBER, CITY COUNCIL, DIST. 1 - KENNETH PON	DEBORAH COX	DAVID L. ANDERSON, SR.	MIKE KATZ-LACABE	Under Vote	Over Vote	MEMBER, CITY COUNCIL, DIST. 3 - ALLEN SCHOENFELD	VICTOR AGUILAR	LEE THOMAS	Under Vote	Over Vote	
450300 - Vote by Mail Reporting	1009	278	27.55	67	80	38	73	24	0	24	71	146	38	0	
450300 - Election Day Reporting	1009	128	12.69	31	37	18	15	19	0	20	33	39	28	0	
450400 - Vote by Mail Reporting	1583	398	25.14	89	145	39	82	34	2	55	94	183	59	0	
450400 - Election Day Reporting	1583	205	12.95	36	71	33	39	22	1	16	55	94	35	2	
450610 - Vote by Mail Reporting	922	281	30.48	73	102	25	44	30	1	16	76	133	49	0	
450610 - Election Day Reporting	922	156	16.92	41	50	18	21	24	0	17	36	65	36	0	
450800 - Vote by Mail Reporting	955	228	23.87	61	55	37	50	20	1	20	60	119	25	0	
450800 - Election Day Reporting	955	101	10.58	27	24	15	16	17	0	7	35	40	18	0	
451000 - Vote by Mail Reporting	1421	387	27.23	68	140	52	70	45	5	40	104	166	70	0	
451000 - Election Day Reporting	1421	205	14.43	25	71	23	50	27	0	22	42	89	43	0	
451510 - Vote by Mail Reporting	1280	273	21.33	49	111	24	66	23	1	30	81	127	36	0	
451510 - Election Day Reporting	1280	156	12.19	22	65	24	21	15	3	26	34	60	29	1	
451600 - Vote by Mail Reporting	1186	305	25.72	66	91	31	84	25	2	49	69	133	47	1	
451600 - Election Day Reporting	1186	165	13.91	30	48	25	34	19	4	24	50	51	31	3	
451700 - Vote by Mail Reporting	949	236	24.87	52	72	29	52	24	5	35	64	99	34	0	
451700 - Election Day Reporting	949	141	14.86	20	46	23	34	14	0	28	54	42	14	0	
452100 - Vote by Mail Reporting	1155	269	23.29	57	80	38	68	21	0	37	75	108	43	0	
452100 - Election Day Reporting	1155	152	13.16	26	63	22	16	23	0	18	50	43	39	0	
452200 - Vote by Mail Reporting	1588	475	29.91	104	165	52	106	39	4	64	130	209	66	1	
452200 - Election Day Reporting	1588	202	12.72	44	72	20	25	39	0	13	77	59	51	0	
452400 - Vote by Mail Reporting	1091	234	21.45	51	77	33	49	17	2	26	51	117	34	1	
452400 - Election Day Reporting	1091	172	15.77	26	56	29	19	30	0	22	53	48	37	0	
452500 - Vote by Mail Reporting	786	145	18.45	32	53	14	33	12	0	17	36	73	19	0	
452500 - Election Day Reporting	786	92	11.70	11	21	17	20	16	3	8	27	29	23	0	
453100 - Vote by Mail Reporting	973	271	27.85	44	91	42	68	22	2	33	60	126	49	1	
453100 - Election Day Reporting	973	179	18.40	25	71	26	27	26	0	12	56	67	40	0	
453300 - Vote by Mail Reporting	686	162	23.62	42	47	23	41	8	0	14	51	79	17	1	
453300 - Election Day Reporting	686	79	11.52	12	31	14	12	5	1	7	33	27	7	0	
453400 - Vote by Mail Reporting	920	218	23.70	41	83	18	53	20	1	22	44	125	24	0	
453400 - Election Day Reporting	920	112	12.17	19	42	14	15	16	1	10	29	48	22	0	
453500 - Vote by Mail Reporting	1265	285	22.53	64	83	33	77	26	0	39	85	123	35	0	
453500 - Election Day Reporting	1265	159	12.57	30	53	16	36	21	0	14	48	71	24	1	
453900 - Vote by Mail Reporting	1248	339	27.16	105	99	49	55	24	1	42	79	182	31	1	
453900 - Election Day Reporting	1248	152	12.18	39	42	26	24	18	0	14	39	77	21	0	
453920 - Vote by Mail Reporting	751	147	19.57	40	47	23	21	8	3	19	26	78	16	2	
453920 - Election Day Reporting	751	62	8.26	13	26	6	8	6	0	7	18	21	13	0	
454100 - Vote by Mail Reporting	1053	283	26.88	63	90	36	68	21	0	24	74	147	32	0	
454100 - Election Day Reporting	1053	101	9.59	10	50	13	14	13	0	13	18	51	18	0	
454500 - Vote by Mail Reporting	878	221	25.17	63	55	19	59	22	0	21	53	110	32	0	
454500 - Election Day Reporting	878	117	13.33	30	34	16	23	11	0	6	33	61	15	0	
455000 - Vote by Mail Reporting	589	117	19.86	16	37	20	27	10	0	7	20	62	20	0	
455000 - Election Day Reporting	589	66	11.21	4	23	9	16	10	2	10	18	22	13	1	
455100 - Vote by Mail Reporting	729	141	19.34	22	54	15	29	12	1	16	29	68	18	0	
455100 - Election Day Reporting	729	81	11.11	12	37	6	13	15	0	4	28	27	24	0	
455300 - Vote by Mail Reporting	953	207	21.72	45	60	27	62	14	1	17	51	113	28	0	
455300 - Election Day Reporting	953	130	13.64	21	52	16	18	17	0	13	39	49	25	0	
455400 - Vote by Mail Reporting	932	253	27.15	48	103	22	50	18	3	27	56	129	29	1	
455400 - Election Day Reporting	932	100	10.73	14	38	15	19	14	0	10	26	43	20	0	
455500 - Vote by Mail Reporting	558	185	33.15	41	74	22	32	13	3	17	53	76	36	2	
455500 - Election Day Reporting	558	83	14.87	7	38	14	13	9	0	8	26	31	16	0	
455700 - Vote by Mail Reporting	514	172	33.46	38	57	18	47	11	0	16	47	83	25	0	
455700 - Election Day Reporting	514	82	15.95	11	35	9	13	19	0	6	27	31	23	0	
455900 - Vote by Mail Reporting	1593	376	23.60	60	134	42	102	30	1	35	99	181	51	1	
455900 - Election Day Reporting	1593	276	17.33	50	97	26	47	31	0	20	74	110	47	0	
456200 - Vote by Mail Reporting	1041	335	32.18	67	135	40	58	35	2	39	81	153	61	0	
456200 - Election Day Reporting	1041	141	13.54	13	72	8	23	14	1	15	35	54	27	1	
456500 - Vote by Mail Reporting	710	295	41.55	29	179	22	56	8	2	35	52	149	58	0	
456500 - Election Day Reporting	710	154	21.69	15	108	5	12	12	0	12	37	71	31	0	
456600 - Vote by Mail Reporting	1044	378	36.21	131	121	79	42	14	0	66	86	160	75	0	

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

CITY OF SAN LEANDRO																
	Registration	Ballots Cast	Turnout (%)		MEMBER, CITY COUNCIL, DIST. 1 - KENNETH PON	DEBORAH COX	DAVID L. ANDERSON, SR.	MIKE KATZ-LACABE	Under Vote	Over Vote		MEMBER, CITY COUNCIL, DIST. 3 - ALLEN SCHOENFELD	VICTOR AGUILAR	LEE THOMAS	Under Vote	Over Vote
456600 - Election Day Reporting	1044	181	17.34		59	53	35	11	14	1		20	51	60	41	0
456900 - Vote by Mail Reporting	659	263	39.91		71	117	31	35	6	0		33	41	134	51	0
456900 - Election Day Reporting	659	119	18.06		29	49	13	9	15	0		12	38	35	30	0
457100 - Vote by Mail Reporting	780	216	27.69		29	99	19	52	11	1		31	50	90	37	2
457100 - Election Day Reporting	780	172	22.05		28	71	23	29	20	0		24	38	70	36	0
457300 - Vote by Mail Reporting	901	293	32.52		43	109	13	93	35	2		35	79	125	55	1
457300 - Election Day Reporting	901	177	19.64		24	73	8	34	28	1		18	38	63	48	0
457400 - Vote by Mail Reporting	709	294	41.47		40	174	13	41	23	0		34	58	139	62	0
457400 - Election Day Reporting	709	158	22.28		25	89	6	21	14	1		13	45	61	37	0
457500 - Vote by Mail Reporting	1233	334	27.09		40	171	15	76	30	0		37	78	153	62	0
457500 - Election Day Reporting	1233	245	19.87		28	109	35	33	31	1		20	73	87	54	0
457700 - Vote by Mail Reporting	907	271	29.88		46	125	27	56	26	2		25	72	137	47	0
457700 - Election Day Reporting	907	200	22.05		33	82	19	36	17	0		22	42	79	43	0
457900 - Vote by Mail Reporting	791	229	28.95		34	90	29	47	28	1		33	58	96	39	0
457900 - Election Day Reporting	791	112	14.16		17	40	10	20	17	0		12	23	43	26	0
458200 - Vote by Mail Reporting	1001	229	22.88		36	97	21	60	10	1		22	84	89	29	0
458200 - Election Day Reporting	1001	182	18.18		24	75	18	32	30	0		26	52	60	41	0
458300 - Vote by Mail Reporting	1262	323	25.59		56	134	24	77	20	0		15	84	160	50	0
458300 - Election Day Reporting	1262	198	15.69		21	102	27	24	19	0		15	59	89	31	0
458500 - Vote by Mail Reporting	760	198	26.05		47	70	13	57	13	0		20	61	92	27	0
458500 - Election Day Reporting	760	101	13.29		12	45	14	14	13	0		9	28	42	19	0
458800 - Vote by Mail Reporting	947	204	21.54		54	61	33	40	13	0		25	71	88	15	1
458800 - Election Day Reporting	947	100	10.56		18	37	19	12	11	0		11	31	34	20	0
458900 - Vote by Mail Reporting	680	137	20.15		28	43	21	40	5	0		17	46	69	2	1
458900 - Election Day Reporting	680	75	11.03		15	25	12	16	6	0		11	30	23	10	0
9450920 - Vote by Mail Reporting	0	0	0.00		0	0	0	0	0	0		0	0	0	0	0
9450920 - Election Day Reporting	0	0	0.00		0	0	0	0	0	0		0	0	0	0	0
9450930 - Vote by Mail Reporting	4	1	25.00		0	0	0	1	0	0		0	0	1	0	0
9450930 - Election Day Reporting	4	0	0.00		0	0	0	0	0	0		0	0	0	0	0
9451500 - Vote by Mail Reporting	311	109	35.05		20	37	8	31	11	1		16	27	50	14	1
9451500 - Election Day Reporting	311	8	2.57		1	1	1	2	0	0		0	1	4	0	0
9452000 - Vote by Mail Reporting	0	0	0.00		0	0	0	0	0	0		0	0	0	0	0
9452000 - Election Day Reporting	0	0	0.00		0	0	0	0	0	0		0	0	0	0	0
9454220 - Vote by Mail Reporting	35	11	31.43		3	5	0	3	0	0		3	6	2	0	0
9454220 - Election Day Reporting	35	1	2.86		0	0	0	0	1	0		0	0	0	1	0
9454230 - Vote by Mail Reporting	0	0	0.00		0	0	0	0	0	0		0	0	0	0	0
9454230 - Election Day Reporting	0	0	0.00		0	0	0	0	0	0		0	0	0	0	0
9454600 - Vote by Mail Reporting	0	0	0.00		0	0	0	0	0	0		0	0	0	0	0
9454600 - Election Day Reporting	0	0	0.00		0	0	0	0	0	0		0	0	0	0	0
9454700 - Vote by Mail Reporting	355	145	40.85		28	48	22	28	15	0		15	36	61	29	0
9454700 - Election Day Reporting	355	0	0.00		0	0	0	0	0	0		0	0	0	0	0
9455010 - Vote by Mail Reporting	369	122	33.06		13	45	14	37	6	0		16	29	59	11	0
9455010 - Election Day Reporting	369	10	2.71		1	3	2	0	1	0		0	1	4	2	0
9455200 - Vote by Mail Reporting	270	111	41.11		25	32	21	22	9	1		17	26	47	19	0
9455200 - Election Day Reporting	270	5	1.85		0	2	0	2	1	0		1	1	1	2	0
9455410 - Vote by Mail Reporting	169	49	28.99		6	23	6	11	0	2		11	15	21	1	0
9455410 - Election Day Reporting	169	9	5.33		1	5	0	1	1	0		0	2	4	2	0
9456610 - Vote by Mail Reporting	0	0	0.00		0	0	0	0	0	0		0	0	0	0	0
9456610 - Election Day Reporting	0	0	0.00		0	0	0	0	0	0		0	0	0	0	0
Vote by Mail Reporting Totals	42505	11433	26.90		2347	4200	1292	2531	891	54		1307	2878	5370	1707	18
Election Day Reporting Totals	42505	6002	14.12		1000	2334	748	939	761	20		616	1683	2279	1213	9
District Totals - Absentee																
District Grand Totals																
13th Congressional District	42505	17435	41.02		3347	6534	2040	3470	1652	74		1923	4561	7649	2920	27
9th State Senatorial District	39256	16246	41.38		3105	6158	1884	3198	1541	68		1802	4261	7096	2733	26

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

CITY OF SAN LEANDRO																
	Registration	Ballots Cast	Turnout (%)		MEMBER, CITY COUNCIL, DIST. 1 - KENNETH PON	DEBORAH COX	DAVID L. ANDERSON, SR.	MIKE KATZ-LACABE	Under Vote	Over Vote		MEMBER, CITY COUNCIL, DIST. 3 - ALLEN SCHOENFELD	VICTOR AGUILAR	LEE THOMAS	Under Vote	Over Vote
10th State Senatorial District	3249	1189	36.60		242	376	156	272	111	6		121	300	553	187	1
18th Assembly District	42505	17435	41.02		3347	6534	2040	3470	1652	74		1923	4561	7649	2920	27
2nd Dist. Board of Equalization	42505	17435	41.02		3347	6534	2040	3470	1652	74		1923	4561	7649	2920	27
3rd Supervisorial District	42505	17435	41.02		3347	6534	2040	3470	1652	74		1923	4561	7649	2920	27
ALAMEDA	42505	17435	41.02		3347	6534	2040	3470	1652	74		1923	4561	7649	2920	27
City of San Leandro	42505	17435	41.02		3347	6534	2040	3470	1652	74		1923	4561	7649	2920	27
Grand Totals	42505	17435	41.02		3347	6534	2040	3470	1652	74		1923	4561	7649	2920	27

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

NON-PARTISAN MEMBER, CITY COUNCIL, DIST. 5 - SAN LEANDRO (RCV)															
	Registration	Ballots Cast	Turnout (%)		MEMBER, CITY COUNCIL, DIST. 5 - LEAH HALL	MIA OUSLEY	CORINA LOPEZ	Under Vote	Over Vote						
450300 - Vote by Mail Reporting	1009	278	27.55		63	53	130	34	1						
450300 - Election Day Reporting	1009	128	12.69		27	22	46	25	0						
450400 - Vote by Mail Reporting	1583	398	25.14		81	71	181	57	1						
450400 - Election Day Reporting	1583	205	12.95		36	24	105	35	2						
450610 - Vote by Mail Reporting	922	281	30.48		42	40	153	40	0						
450610 - Election Day Reporting	922	156	16.92		26	34	63	31	0						
450800 - Vote by Mail Reporting	955	228	23.87		42	44	109	29	0						
450800 - Election Day Reporting	955	101	10.58		19	20	43	19	0						
451000 - Vote by Mail Reporting	1421	387	27.23		71	70	177	64	0						
451000 - Election Day Reporting	1421	205	14.43		37	41	77	41	0						
451510 - Vote by Mail Reporting	1280	273	21.33		61	52	128	32	1						
451510 - Election Day Reporting	1280	156	12.19		39	24	58	28	1						
451600 - Vote by Mail Reporting	1186	305	25.72		66	64	127	42	1						
451600 - Election Day Reporting	1186	165	13.91		23	31	74	28	3						
451700 - Vote by Mail Reporting	949	236	24.87		41	36	130	27	0						
451700 - Election Day Reporting	949	141	14.86		33	23	67	15	0						
452100 - Vote by Mail Reporting	1155	269	23.29		52	41	135	35	0						
452100 - Election Day Reporting	1155	152	13.16		24	20	72	34	0						
452200 - Vote by Mail Reporting	1588	475	29.91		75	99	236	55	3						
452200 - Election Day Reporting	1588	202	12.72		21	32	103	44	0						
452400 - Vote by Mail Reporting	1091	234	21.45		46	41	109	32	1						
452400 - Election Day Reporting	1091	172	15.77		34	22	66	37	0						
452500 - Vote by Mail Reporting	786	145	18.45		38	26	62	19	0						
452500 - Election Day Reporting	786	92	11.70		19	6	45	18	0						
453100 - Vote by Mail Reporting	973	271	27.85		48	64	114	44	0						
453100 - Election Day Reporting	973	179	18.40		39	26	79	31	0						
453300 - Vote by Mail Reporting	686	162	23.62		38	20	86	17	0						
453300 - Election Day Reporting	686	79	11.52		18	11	37	9	0						
453400 - Vote by Mail Reporting	920	218	23.70		35	38	114	27	0						
453400 - Election Day Reporting	920	112	12.17		25	20	46	18	0						
453500 - Vote by Mail Reporting	1265	285	22.53		47	66	135	34	0						
453500 - Election Day Reporting	1265	159	12.57		28	26	79	24	1						
453900 - Vote by Mail Reporting	1248	339	27.16		74	39	184	35	0						
453900 - Election Day Reporting	1248	152	12.18		29	18	80	23	0						
453920 - Vote by Mail Reporting	751	147	19.57		27	22	70	20	3						
453920 - Election Day Reporting	751	62	8.26		12	7	30	11	0						
454100 - Vote by Mail Reporting	1053	283	26.88		56	35	153	33	1						
454100 - Election Day Reporting	1053	101	9.59		24	11	48	17	0						
454500 - Vote by Mail Reporting	878	221	25.17		42	26	119	31	0						
454500 - Election Day Reporting	878	117	13.33		27	20	53	15	0						
455000 - Vote by Mail Reporting	589	117	19.86		21	16	55	17	0						
455000 - Election Day Reporting	589	66	11.21		10	8	32	12	2						
455100 - Vote by Mail Reporting	729	141	19.34		28	28	62	14	0						
455100 - Election Day Reporting	729	81	11.11		13	12	39	19	0						
455300 - Vote by Mail Reporting	953	207	21.72		48	28	102	30	1						
455300 - Election Day Reporting	953	130	13.64		19	19	66	22	0						
455400 - Vote by Mail Reporting	932	253	27.15		49	42	124	27	1						
455400 - Election Day Reporting	932	100	10.73		19	13	51	16	0						
455500 - Vote by Mail Reporting	558	185	33.15		39	33	85	26	2						
455500 - Election Day Reporting	558	83	14.87		23	12	33	13	0						
455700 - Vote by Mail Reporting	514	172	33.46		26	51	76	18	0						
455700 - Election Day Reporting	514	82	15.95		11	11	45	20	0						
455900 - Vote by Mail Reporting	1593	376	23.60		70	81	175	40	1						
455900 - Election Day Reporting	1593	276	17.33		45	46	117	43	0						
456200 - Vote by Mail Reporting	1041	335	32.18		63	87	128	59	0						
456200 - Election Day Reporting	1041	141	13.54		35	19	53	23	2						
456500 - Vote by Mail Reporting	710	295	41.55		60	74	115	45	0						
456500 - Election Day Reporting	710	154	21.69		38	25	63	26	0						
456600 - Vote by Mail Reporting	1044	378	36.21		86	84	156	59	1						

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

NON-PARTISAN MEMBER, CITY COUNCIL, DIST. 5 - SAN LEANDRO (RCV)															
	Registration	Ballots Cast	Turnout (%)		MEMBER, CITY COUNCIL, DIST. 5 - LEAH HALL	MIA OUSLEY	CORINA LOPEZ	Under Vote	Over Vote						
456600 - Election Day Reporting	1044	181	17.34		43	34	58	36	0						
456900 - Vote by Mail Reporting	659	263	39.91		43	52	125	40	0						
456900 - Election Day Reporting	659	119	18.06		20	19	45	30	0						
457100 - Vote by Mail Reporting	780	216	27.69		48	72	79	13	0						
457100 - Election Day Reporting	780	172	22.05		52	41	57	19	0						
457300 - Vote by Mail Reporting	901	293	32.52		77	93	103	21	1						
457300 - Election Day Reporting	901	177	19.64		39	46	54	29	0						
457400 - Vote by Mail Reporting	709	294	41.47		68	74	119	29	1						
457400 - Election Day Reporting	709	158	22.28		39	26	72	19	0						
457500 - Vote by Mail Reporting	1233	334	27.09		52	85	148	46	0						
457500 - Election Day Reporting	1233	245	19.87		49	50	97	40	0						
457700 - Vote by Mail Reporting	907	271	29.88		65	79	104	31	0						
457700 - Election Day Reporting	907	200	22.05		55	54	53	24	0						
457900 - Vote by Mail Reporting	791	229	28.95		45	53	95	35	0						
457900 - Election Day Reporting	791	112	14.16		28	21	37	19	0						
458200 - Vote by Mail Reporting	1001	229	22.88		47	49	106	22	1						
458200 - Election Day Reporting	1001	182	18.18		35	33	77	34	0						
458300 - Vote by Mail Reporting	1262	323	25.59		41	56	185	29	0						
458300 - Election Day Reporting	1262	198	15.69		44	27	99	24	0						
458500 - Vote by Mail Reporting	760	198	26.05		42	37	103	18	0						
458500 - Election Day Reporting	760	101	13.29		30	11	41	16	0						
458800 - Vote by Mail Reporting	947	204	21.54		36	35	113	15	1						
458800 - Election Day Reporting	947	100	10.56		16	22	45	14	0						
458900 - Vote by Mail Reporting	680	137	20.15		30	22	79	6	0						
458900 - Election Day Reporting	680	75	11.03		15	14	32	12	1						
9450920 - Vote by Mail Reporting	0	0	0.00		0	0	0	0	0						
9450920 - Election Day Reporting	0	0	0.00		0	0	0	0	0						
9450930 - Vote by Mail Reporting	4	1	25.00		0	0	1	0	0						
9450930 - Election Day Reporting	4	0	0.00		0	0	0	0	0						
9451500 - Vote by Mail Reporting	311	109	35.05		15	21	59	13	1						
9451500 - Election Day Reporting	311	8	2.57		1	0	4	0	0						
9452000 - Vote by Mail Reporting	0	0	0.00		0	0	0	0	0						
9452000 - Election Day Reporting	0	0	0.00		0	0	0	0	0						
9454220 - Vote by Mail Reporting	35	11	31.43		0	2	8	1	0						
9454220 - Election Day Reporting	35	1	2.86		0	0	0	1	0						
9454230 - Vote by Mail Reporting	0	0	0.00		0	0	0	0	0						
9454230 - Election Day Reporting	0	0	0.00		0	0	0	0	0						
9454600 - Vote by Mail Reporting	0	0	0.00		0	0	0	0	0						
9454600 - Election Day Reporting	0	0	0.00		0	0	0	0	0						
9454700 - Vote by Mail Reporting	355	145	40.85		42	20	52	26	0						
9454700 - Election Day Reporting	355	0	0.00		0	0	0	0	0						
9455010 - Vote by Mail Reporting	369	122	33.06		26	18	59	9	0						
9455010 - Election Day Reporting	369	10	2.71		2	2	1	2	0						
9455200 - Vote by Mail Reporting	270	111	41.11		31	21	42	16	0						
9455200 - Election Day Reporting	270	5	1.85		0	1	2	2	0						
9455410 - Vote by Mail Reporting	169	49	28.99		10	9	28	1	0						
9455410 - Election Day Reporting	169	9	5.33		1	0	5	2	0						
9456610 - Vote by Mail Reporting	0	0	0.00		0	0	0	0	0						
9456610 - Election Day Reporting	0	0	0.00		0	0	0	0	0						
Vote by Mail Reporting Totals	42505	11433	26.90		2253	2269	5338	1413	23						
Election Day Reporting Totals	42505	6002	14.12		1222	1004	2549	1020	12						
District Totals - Absentee															
District Grand Totals															
13th Congressional District	42505	17435	41.02		3475	3273	7887	2433	35						
9th State Senatorial District	39256	16246	41.38		3224	3103	7323	2257	32						

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

NON-PARTISAN MEMBER, CITY COUNCIL, DIST. 5 - SAN LEANDRO (RCV)															
	Registration	Ballots Cast	Turnout (%)		MEMBER, CITY COUNCIL, DIST. 5 - LEAH HALL	MIA OUSLEY	CORINA LOPEZ	Under Vote	Over Vote						
10th State Senatorial District	3249	1189	36.60		251	170	564	176	3						
18th Assembly District	42505	17435	41.02		3475	3273	7887	2433	35						
2nd Dist, Board of Equalization	42505	17435	41.02		3475	3273	7887	2433	35						
3rd Supervisorial District	42505	17435	41.02		3475	3273	7887	2433	35						
ALAMEDA	42505	17435	41.02		3475	3273	7887	2433	35						
City of San Leandro	42505	17435	41.02		3475	3273	7887	2433	35						
Grand Totals	42505	17435	41.02		3475	3273	7887	2433	35						

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

CITY OF SAN LEANDRO

	Registration	Ballots Cast	Turnout (%)	MEASURE HH - CITY OF SAN				MEASURE II - CITY OF SAN			
				YES	NO	Under Vote	Over Vote	YES	NO	Under Vote	Over Vote
450300 - Vote by Mail Reporting	1009	278	27.55	146	128	9	0	182	72	29	0
450300 - Election Day Reporting	1009	128	12.69	68	51	9	0	69	40	19	0
450400 - Vote by Mail Reporting	1583	398	25.14	224	152	21	1	250	101	46	1
450400 - Election Day Reporting	1583	205	12.95	117	71	17	0	115	54	36	0
450610 - Vote by Mail Reporting	922	281	30.48	183	75	23	0	171	61	49	0
450610 - Election Day Reporting	922	156	16.92	98	50	8	0	89	38	29	0
450800 - Vote by Mail Reporting	955	228	23.87	155	61	11	0	135	60	32	0
450800 - Election Day Reporting	955	101	10.58	62	32	7	0	62	20	19	0
451000 - Vote by Mail Reporting	1421	387	27.23	217	146	21	3	232	103	50	2
451000 - Election Day Reporting	1421	205	14.43	116	67	24	0	98	68	41	0
451510 - Vote by Mail Reporting	1280	273	21.33	166	95	12	1	181	67	26	0
451510 - Election Day Reporting	1280	156	12.19	94	47	15	0	87	41	28	0
451600 - Vote by Mail Reporting	1186	305	25.72	170	117	18	0	181	85	39	0
451600 - Election Day Reporting	1186	165	13.91	88	68	9	0	80	61	24	0
451700 - Vote by Mail Reporting	949	236	24.87	144	84	8	0	152	63	21	0
451700 - Election Day Reporting	949	141	14.86	81	50	10	0	75	44	22	0
452100 - Vote by Mail Reporting	1155	269	23.29	143	116	11	0	148	83	41	0
452100 - Election Day Reporting	1155	152	13.16	70	65	17	0	71	52	29	0
452200 - Vote by Mail Reporting	1588	475	29.91	298	166	10	0	345	85	42	2
452200 - Election Day Reporting	1588	202	12.72	127	59	18	0	124	39	41	0
452400 - Vote by Mail Reporting	1091	234	21.45	141	83	11	0	140	63	32	0
452400 - Election Day Reporting	1091	172	15.77	89	53	27	0	81	51	37	0
452500 - Vote by Mail Reporting	786	145	18.45	100	41	4	0	91	33	21	0
452500 - Election Day Reporting	786	92	11.70	59	26	7	0	48	29	14	1
453100 - Vote by Mail Reporting	973	271	27.85	171	81	22	0	166	64	44	0
453100 - Election Day Reporting	973	179	18.40	114	49	15	1	114	30	35	0
453300 - Vote by Mail Reporting	686	162	23.62	100	56	6	0	108	38	16	0
453300 - Election Day Reporting	686	79	11.52	48	23	6	0	49	20	8	0
453400 - Vote by Mail Reporting	920	218	23.70	150	52	16	1	150	43	26	0
453400 - Election Day Reporting	920	112	12.17	80	21	11	0	70	23	19	0
453500 - Vote by Mail Reporting	1265	285	22.53	152	111	20	0	169	72	42	0
453500 - Election Day Reporting	1265	159	12.57	88	57	14	0	86	40	32	1
453900 - Vote by Mail Reporting	1248	339	27.16	184	129	23	0	201	86	48	1
453900 - Election Day Reporting	1248	152	12.18	88	53	11	0	73	49	30	0
453920 - Vote by Mail Reporting	751	147	19.57	87	47	12	0	88	34	24	0
453920 - Election Day Reporting	751	62	8.26	36	19	6	1	34	14	13	1
454100 - Vote by Mail Reporting	1053	283	26.88	177	89	18	0	183	57	44	0
454100 - Election Day Reporting	1053	101	9.59	67	28	6	0	58	21	22	0
454500 - Vote by Mail Reporting	878	221	25.17	133	71	16	0	135	48	37	0
454500 - Election Day Reporting	878	117	13.33	66	45	7	0	78	26	14	0
455000 - Vote by Mail Reporting	589	117	19.86	74	32	11	0	68	30	19	0
455000 - Election Day Reporting	589	66	11.21	49	10	7	0	41	9	16	0
455100 - Vote by Mail Reporting	729	141	19.34	98	29	11	1	84	27	28	0
455100 - Election Day Reporting	729	81	11.11	58	16	8	0	49	17	16	0
455300 - Vote by Mail Reporting	953	207	21.72	132	72	5	0	128	55	26	0
455300 - Election Day Reporting	953	130	13.64	80	32	17	1	75	27	28	0
455400 - Vote by Mail Reporting	932	253	27.15	154	74	21	0	169	42	38	0
455400 - Election Day Reporting	932	100	10.73	68	23	10	0	56	24	21	0
455500 - Vote by Mail Reporting	558	185	33.15	92	80	12	0	117	37	30	0
455500 - Election Day Reporting	558	83	14.87	44	29	10	0	34	33	16	0
455700 - Vote by Mail Reporting	514	172	33.46	88	76	9	0	103	41	28	1
455700 - Election Day Reporting	514	82	15.95	42	38	4	0	42	28	14	0
455900 - Vote by Mail Reporting	1593	376	23.60	245	103	29	0	230	81	66	0
455900 - Election Day Reporting	1593	276	17.33	179	79	18	0	161	66	49	0
456200 - Vote by Mail Reporting	1041	335	32.18	179	139	17	1	194	91	51	0
456200 - Election Day Reporting	1041	141	13.54	77	51	13	0	74	37	30	0
456500 - Vote by Mail Reporting	710	295	41.55	175	104	16	0	203	47	45	0
456500 - Election Day Reporting	710	154	21.69	95	43	16	0	106	26	22	0
456600 - Vote by Mail Reporting	1044	378	36.21	213	149	16	0	236	87	55	0

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

CITY OF SAN LEANDRO														
	Registration	Ballots Cast	Turnout (%)	MEASURE HH - CITY OF SAN				MEASURE II - CITY OF SAN						
				YES	NO	Under Vote	Over Vote	YES	NO	Under Vote	Over Vote			
456600 - Election Day Reporting	1044	181	17.34	95	70	17	0	104	38	40	0			
456900 - Vote by Mail Reporting	659	263	39.91	143	103	14	1	159	63	39	0			
456900 - Election Day Reporting	659	119	18.06	71	38	10	0	71	23	25	0			
457100 - Vote by Mail Reporting	780	216	27.69	135	69	13	0	142	45	30	0			
457100 - Election Day Reporting	780	172	22.05	95	58	18	1	94	49	29	0			
457300 - Vote by Mail Reporting	901	293	32.52	193	90	11	0	195	49	49	1			
457300 - Election Day Reporting	901	177	19.64	101	48	28	0	84	43	50	0			
457400 - Vote by Mail Reporting	709	294	41.47	176	103	13	1	196	64	33	0			
457400 - Election Day Reporting	709	158	22.28	88	47	23	0	100	20	38	0			
457500 - Vote by Mail Reporting	1233	334	27.09	200	108	21	3	203	76	53	0			
457500 - Election Day Reporting	1233	245	19.87	159	67	18	0	159	42	43	0			
457700 - Vote by Mail Reporting	907	271	29.88	185	65	19	0	168	49	52	0			
457700 - Election Day Reporting	907	200	22.05	121	65	15	0	125	48	28	0			
457900 - Vote by Mail Reporting	791	229	28.95	145	70	15	0	145	53	32	0			
457900 - Election Day Reporting	791	112	14.16	65	38	9	0	62	30	20	0			
458200 - Vote by Mail Reporting	1001	229	22.88	139	77	11	2	151	54	24	0			
458200 - Election Day Reporting	1001	182	18.18	105	59	18	0	101	44	37	0			
458300 - Vote by Mail Reporting	1262	323	25.59	212	95	15	0	208	70	44	0			
458300 - Election Day Reporting	1262	198	15.69	112	64	22	0	112	40	46	0			
458500 - Vote by Mail Reporting	760	198	26.05	139	45	15	1	136	33	30	1			
458500 - Election Day Reporting	760	101	13.29	72	19	10	0	62	17	22	0			
458800 - Vote by Mail Reporting	947	204	21.54	117	72	12	0	123	50	28	0			
458800 - Election Day Reporting	947	100	10.56	55	34	11	0	50	32	18	0			
458900 - Vote by Mail Reporting	680	137	20.15	97	36	4	0	73	42	21	1			
458900 - Election Day Reporting	680	75	11.03	44	27	5	0	39	28	9	0			
9450920 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0	0	0			
9450920 - Election Day Reporting	0	0	0.00	0	0	0	0	0	0	0	0			
9450930 - Vote by Mail Reporting	4	1	25.00	1	0	0	0	0	1	0	0			
9450930 - Election Day Reporting	4	0	0.00	0	0	0	0	0	0	0	0			
9451500 - Vote by Mail Reporting	311	109	35.05	69	37	3	0	73	18	18	0			
9451500 - Election Day Reporting	311	8	2.57	2	4	2	0	4	2	2	0			
9452000 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0	0	0			
9452000 - Election Day Reporting	0	0	0.00	0	0	0	0	0	0	0	0			
9454220 - Vote by Mail Reporting	35	11	31.43	6	4	1	0	8	3	0	0			
9454220 - Election Day Reporting	35	1	2.86	0	0	1	0	0	0	1	0			
9454230 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0	0	0			
9454230 - Election Day Reporting	0	0	0.00	0	0	0	0	0	0	0	0			
9454600 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0	0	0			
9454600 - Election Day Reporting	0	0	0.00	0	0	0	0	0	0	0	0			
9454700 - Vote by Mail Reporting	355	145	40.85	82	47	14	0	84	34	25	0			
9454700 - Election Day Reporting	355	0	0.00	0	0	0	0	0	0	0	0			
9455010 - Vote by Mail Reporting	369	122	33.06	77	39	6	0	71	37	14	0			
9455010 - Election Day Reporting	369	10	2.71	6	2	2	0	5	2	3	0			
9455200 - Vote by Mail Reporting	270	111	41.11	63	37	9	0	60	29	20	0			
9455200 - Election Day Reporting	270	5	1.85	4	1	0	0	3	1	1	0			
9455410 - Vote by Mail Reporting	169	49	28.99	36	10	3	0	31	11	7	0			
9455410 - Election Day Reporting	169	9	5.33	3	3	3	0	4	2	3	0			
9456610 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0	0	0			
9456610 - Election Day Reporting	0	0	0.00	0	0	0	0	0	0	0	0			
Vote by Mail Reporting Totals	42505	11433	26.90	6906	3865	638	16	7164	2637	1614	10			
Election Day Reporting Totals	42505	6002	14.12	3546	1899	559	4	3378	1488	1139	3			
District Totals - Absentee														
District Grand Totals														
13th Congressional District	42505	17435	41.02	10452	5764	1197	20	10542	4125	2753	13			
9th State Senatorial District	39256	16246	41.38	9724	5400	1103	19	9827	3850	2556	13			

**ALAMEDA COUNTY Statement of Vote
GENERAL ELECTION**

CITY OF SAN LEANDRO														
	Registration	Ballots Cast	Turnout (%)	MEASURE HH - CITY OF SAN				MEASURE II - CITY OF SAN						
				YES	NO	Under Vote	Over Vote	YES	NO	Under Vote	Over Vote			
10th State Senatorial District	3249	1189	36.60	728	364	94	1	715	275	197	0			
18th Assembly District	42505	17435	41.02	10452	5764	1197	20	10542	4125	2753	13			
2nd Dist, Board of Equalization	42505	17435	41.02	10452	5764	1197	20	10542	4125	2753	13			
3rd Supervisorial District	42505	17435	41.02	10452	5764	1197	20	10542	4125	2753	13			
ALAMEDA	42505	17435	41.02	10452	5764	1197	20	10542	4125	2753	13			
City of San Leandro	42505	17435	41.02	10452	5764	1197	20	10542	4125	2753	13			
Grand Totals	42505	17435	41.02	10452	5764	1197	20	10542	4125	2753	13			



City of San Leandro

Meeting Date: December 1, 2014

Ordinance

File Number: 14-278

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: City Council

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE of the People of the City of San Leandro Enacting a Transactions and Use Tax to Be Administered by the State Board of Equalization (enacts a 0.5% transactions and use tax for 30 years)

WHEREAS, Section 7285.9 of the California Revenue and Taxation Code authorizes cities to levy, increase or extend a transactions and use tax ("sales tax" or "sales and use tax") at a rate of 0.125% (or any multiple thereof) to be expended for general purposes, which transactions and use tax is subject to the approval by a two-thirds majority vote of all the members of the City Council and by a majority vote of the qualified voters of the City voting in an election on the issue; and

WHEREAS, Article XIII C, section 2 of the California Constitution requires that a general tax must be approved by a majority vote of the qualified voters of the City voting in an election on the issue, and that said election shall be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, a majority of the voters of the City of San Leandro approved a one-quarter cent (0.25%) Transactions and Use (Sales) Tax, which expires March 2018; and

WHEREAS, this local funding that cannot be taken by the State has ensured that current service levels for public safety, parks, libraries, and other City services and programs are maintained with a reliable source of voter-approved funding; and

WHEREAS, although this funding maintains current service levels, it does not allow the City to address a growing backlog of unfunded public safety, infrastructure, and other program and service needs; and

WHEREAS, upon expiration of the current sales and use tax measure, the City of San Leandro faces an ongoing budget deficit in the magnitude of approximately \$4 million annually, which would result in drastic reductions in many of the City's existing services, facilities and programs such as cuts to neighborhood patrol officers, fire prevention services,

911 emergency response services, school officers and crossing guards unless additional sources of revenue can be found; and

WHEREAS, thousands of people visit San Leandro every day and existing, voter-approved local funding ensures that those visitors pay their fair share for police, fire, street repair and other services visitors use when they are in San Leandro; and

WHEREAS, any voter-approved funding would continue to include annual audits and oversight by the City's Independent Citizens' Oversight Committee of community members to ensure funds are spent properly; and

WHEREAS, at its July 7, 2014 regular meeting, the City Council considered calling a special election to seek voter approval of a proposed new temporary general transactions and use tax (sales tax), as authorized by Revenue and Taxation Code section 7285.9; and

WHEREAS, at that meeting, the City Council concluded that all of the information presented indicated that to obtain the revenue necessary to maintain and enhance service levels, the City Council should call an election to ask the voters of the City to approve a ballot measure for a local transactions and use (sales) tax extension for thirty (30) years, the revenue from which would be used to support general municipal services, including but not limited to significant City street and road infrastructure projects; and

WHEREAS, on the basis of the foregoing, the City Council determined that it was appropriate to place a measure regarding a temporary general transactions and use (sales) tax before the voters at the November 4, 2014 general election; and

WHEREAS, the tax, if approved, would be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property. The tax rate would be one-half of one percent (0.5%) (i.e. one half-cent for each dollar) of the sales price of tangible personal property. The tax revenue would be collected by the State Board of Equalization and remitted to the City. The tax would be in effect for 30 years, and would then expire automatically, unless extended by the voters. The tax is approved if the measure receives at least a simple majority of affirmative votes of qualified City voters.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SAN LEANDRO AS FOLLOWS:

SECTION 1. AMENDMENT OF CODE

Title 2 of the San Leandro Municipal Code is hereby amended to add a new Chapter 2-19 and shall read as follows:

**“CHAPTER 19
TRANSACTIONS AND USE TAX**

Section 2-19-100. Title.

This ordinance shall be known as the City of San Leandro Transactions and Use Tax Ordinance. The City of San Leandro hereinafter shall be called "City." This ordinance shall

be applicable in the incorporated territory of the City.

Section 2-19-105. Operative Date.

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Section 2-19-110. Purpose.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance, which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

(b) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

(c) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

(d) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 2-19-115. Contract with State.

Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 2-19-120. Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 0.5% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 2-19-125. Place of Sale.

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his

agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 2-19-130. Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 0.5% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 2-19-135. Adoption of Provisions of State Law.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 2-19-140. Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

(a) Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefore. However, the substitution shall not be made when:

(1) The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

(2) The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

(3) In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

(A) Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

(B) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

(4) In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

(b) The word "City" shall be substituted for the word "State" in the phrase "retailer

engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 2-19-145. Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 2-19-150. Exemptions and Exclusions.

(a) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

(b) There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

(2) Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

(A) With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

(B) With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

(3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

(4) A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

(5) For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(c) There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

(1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

(2) Other than fuel or petroleum products purchased by operators of aircraft and

used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

(3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

(4) If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

(5) For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(6) Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

(7) "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

(d) Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 2-19-155. Amendments.

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 2-19-160. Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be

collected.

Section 2-19-165. Citizens Oversight Committee.

There shall be a five-person committee of members of the public to review and report on the revenue and expenditure of funds from the tax adopted by this Chapter. Prior to the operative date, the City Council shall adopt a resolution establishing the composition of the committee and defining the scope of its responsibilities. Also prior to the operative date, the City Council shall appoint at least a quorum of the members of the committee; the City Council shall complete the appointment of members of the committee by the end of fiscal year 2015.

Section 2-19-170. Termination Date.

The authority to levy the tax imposed by this ordinance shall expire on the thirtieth (30th) anniversary of the last day of the calendar quarter following the operative date.”

SECTION 2. ENVIRONMENTAL COMPLIANCE.

The findings for this ordinance in compliance with the California Environmental Quality Act (“CEQA”) are the same as those set forth in the City’s Resolution calling for an election on this Ordinance. The CEQA findings in that Resolution are incorporated herein by reference.

SECTION 3. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 4. EFFECTIVE DATE.

This ordinance relates to the levying and collecting of a City transactions and use tax and shall take effect immediately.

INTRODUCED by Councilmember Prola on this 7th day of July, 2014, and passed to print and approved by the following called vote:

Members of the Council:

- AYES: Councilmembers Cutter, Gregory, Lee, Prola, Souza; Mayor Cassidy (6)
- NOES: None (0)
- ABSENT: Councilmember Reed (1)

APPROVED by the following vote of the People of the City of San Leandro on November 4, 2014:

YES: 10,452

NO: 5,764

ADOPTED by Declaration of the vote at the November 4, 2014 election by the City Council of the City of San Leandro on December ____, 2014:

Members of the Council:

AYES:

NOES:

ABSENT:

ATTEST:

Marian Handa, City Clerk