

RESOLUTION NO. 09-092

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA RECITING THE FACT OF THE VOTE-BY-MAIL GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2009, AND DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY STATE LAW

WHEREAS, a Vote-by-Mail General Municipal Election was held and conducted in the City of Santa Barbara on Tuesday, November 3, 2009, per the City Charter and as required by law;

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 holding of elections in charter cities; and

WHEREAS, the City Clerk 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, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. Pursuant to the requirements of State Elections Code Sections 10264 and 9269, the results of the City of Santa Barbara's November 3, 2009, Regular General Municipal Election are declared to be the following:

- A. That the whole number of ballots cast in the vote-by-mail precincts was 23,167.
- B. That the names of persons voted for at the City's General Municipal Election for Mayor and Members of the City Council are as follows:

**Mayor:**

Bob Hansen  
Stephen M. Cushman  
Isaac Garrett  
Dale Francisco  
Helene Schneider

**City Council:**

John J. Thyne, III  
Justin Tevis  
Frank Hotchkiss  
Grant House  
Dianne Channing  
Cruzito Herrera Cruz  
John W. Gibbs, Jr.  
Rowland Lane Anderson  
David Pritchett  
Harwood "Bendy" White  
Bonnie Raisin  
Michael Kathleen Self  
Cathie McCammon

C. That the measures voted upon at the City's General Municipal Election are as follows:

**MEASURE B-2009**

**Building Heights**

Shall the City Charter be revised by amending Charter Section 1506 to reduce the maximum allowed building height within the City to forty-five (45) feet generally and forty (40) feet within the El Pueblo Viejo district except for those areas of the City zoned for single-family and two-family homes where the maximum building height will remain at thirty (30) feet?

Yes \_\_\_\_\_

No \_\_\_\_\_

**MEASURE C-2009**

**Parks and Recreation Commission**

Shall the City Charter be revised by amending Charter Section 809 and Charter Section 810 to combine the Board of Park Commissioners with the Recreation Commission to form a new commission called the "Parks and Recreation Commission" and to allow the City Council to appoint a youth member of the new Parks and Recreation Commission?

Yes \_\_\_\_\_

No \_\_\_\_\_

**MEASURE D-2009**

Board of Harbor Commissioners

Shall the City Charter be revised by amending Charter Section 811 to increase the number of Harbor Commissioners from five (5) to seven (7) members and to allow one member of the Commission to be a registered voter within Santa Barbara County and not necessarily just within the City of Santa Barbara as currently required?

Yes \_\_\_\_\_

No \_\_\_\_\_

**MEASURE E-2009**

Architectural Board of Review

Shall the City Charter be revised by amending Charter Section 814 to reduce the number of Members on the Architectural Board of Review (the "ABR") from nine (9) to seven (7) members and to allow the City Council to appoint up to three (3) ABR members from persons registered to vote within Santa Barbara County and not necessarily just within the City of Santa Barbara as currently required?

Yes \_\_\_\_\_

No \_\_\_\_\_

D. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measures were as listed in Exhibit "A" attached.

E. The City Council does declare and determine that Helene Schneider was elected mayor and Grant House, Harwood "Bendy" White and Frank Hotchkiss were elected as Members of the City Council for the full term of four years.

F. In accordance with City Charter Section 503, the City Council does further declare and determine that Michael Kathleen Self was the unelected candidate who received the highest number of votes for election of Member of the City Council and shall serve the remaining two years of the term of Helene Schneider who was elected to the office of Mayor.

G. That as a result of the election, a majority of the voters voting on Measure B-2009 (Building Heights) to reduce the maximum allowed building height within the City did not vote in favor of it, and that the measure was not carried, and shall not be deemed adopted and ratified.

H. That as a result of the election, a majority of the voters voting on Measure C-2009 (Parks and Recreation Commission) to combine the Board of Park Commissioners with the Recreation Commission to form a new commission called the "Parks and Recreation Commission" and to allow the City Council to appoint a youth member of the new Parks and Recreation Commission voted in favor of it, and that the measure carried, and shall be deemed adopted and ratified.

I. That as a result of the election, a majority of the voters voting on Measure D-2009 (Board of Harbor Commissioners) to increase the number of Harbor Commissioners from five (5) to seven (7) members and to allow one member of the Commission to be a registered voter within Santa Barbara County voted in favor of it, and that the measure carried, and shall be deemed adopted and ratified.

J. That as a result of the election, a majority of the voters voting on Measure E-2009 (Architectural Board of Review) to reduce the number of Members on the Architectural Board of Review (the "ABR") from nine (9) to seven (7) members and to allow the City Council to appoint up to three (3) ABR members from persons registered to vote within Santa Barbara County voted in favor of it, and that the measure carried, and shall be deemed adopted and ratified.

SECTION 2. The City Clerk, by preserving a copy of this Resolution in the official records of the City, shall enter on the records of the City Council of the City, a statement of the results of the election, showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) The measure voted upon; (4) For what office each person was voted for; (5) The number of votes given at each precinct to each person, and for and against each measure; (6) The total number of votes given to each person, and for and against each measure as required by State Elections Code Section 10264.

SECTION 3. That, as required by State Elections Code Section 10265, the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected in the manner and at the time so provided in the City Charter.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of the City original resolutions.

SECTION 5. The City Clerk is hereby directed to comply with the requirements of State Government Code Section 34460 regarding the certification and authentication of the text of copies of the City Charter amendments and in providing those copies to the Secretary of State and to the Recorder of Santa Barbara County, along with copies of the other election material required by Government Code Section 34460, all in the manner required by Government Code Section 34460 and 34461.

**EXHIBIT A  
CITY CLERK'S CERTIFICATE OF CANVASS**

I, Cynthia M. Rodriguez, City Clerk Services Manager of the City of Santa Barbara, do certify that I have canvassed the returns of the General Municipal Election held on November 3, 2009, and find that the number of votes given at each precinct and the number of votes given in the City to persons voted for, the respective offices for which the persons were candidates, and for and against Measure B, C, D, and E were as follows:

**ELECTION TALLY**

Precinct #	Mayoral Candidates										Council Candidates										Total
	Hansen	Cushman	Garrett	Francisco	Schneider	Thyrne	Tevis	Hotchkiss	House	Channing	Cruz	Gibbs	Anderson	Pritchett	White	Raisin	Self	McCammon			
Precinct 121201	1	26	4	63	60	22	29	67	48	32	9	8	8	40	59	8	69	29	428		
Precinct 121203	19	166	29	337	350	178	126	343	330	225	125	96	45	157	282	50	328	154	2,439		
Precinct 121207	13	37	16	53	167	56	9	160	160	76	24	27	27	62	97	13	46	58	767		
Precinct 121208	8	149	21	400	387	156	160	366	366	265	87	78	30	194	360	29	360	179	2,660		
Precinct 121211	5	66	8	157	180	49	67	162	167	112	21	36	20	106	184	18	152	73	1,167		
Precinct 121215	22	85	31	210	313	124	62	185	273	182	162	70	51	136	205	34	200	134	1,828		
Precinct 121217	9	155	9	433	474	123	155	406	477	360	35	67	39	238	494	42	405	179	3,020		
Precinct 121218	22	216	29	435	719	238	151	393	682	492	124	84	79	393	648	75	404	229	3,992		
Precinct 121221	31	137	28	256	647	184	100	237	552	327	179	89	96	341	438	57	261	139	3,010		
Precinct 121232	19	107	24	150	426	152	89	216	451	273	94	77	78	277	435	54	231	120	2,547		
Precinct 121235	47	45	8	68	194	53	31	72	139	98	96	41	25	118	137	19	75	56	1,953		
Precinct 122218	13	68	13	60	165	67	36	75	147	108	37	38	27	87	144	14	59	58	956		
Precinct 222095	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	1	0	3		
Precinct 222201	31	89	8	148	151	98	45	151	156	111	31	46	31	101	156	16	141	76	1,161		
Precinct 222202	9	92	12	140	257	86	56	165	227	161	41	58	41	146	200	11	148	70	1,410		
Precinct 222203	25	325	36	646	599	327	247	668	551	437	109	199	126	369	505	67	590	286	4,479		
Precinct 222208	7	65	6	116	317	60	29	112	297	162	50	20	39	205	261	12	117	65	1,429		
Precinct 222209	15	242	43	427	654	240	170	406	614	414	115	118	102	399	579	48	395	247	3,847		
Precinct 222214	19	177	9	442	410	137	145	423	420	328	54	87	48	202	391	43	436	261	2,985		
Precinct 222215	16	163	23	272	418	171	98	282	389	255	52	104	57	220	338	39	304	145	2,452		
Precinct 222217	10	58	9	95	206	51	53	86	179	105	45	37	45	112	152	21	95	56	1,039		
Precinct 222221	2	135	9	270	458	116	81	254	437	284	68	57	53	207	367	32	275	143	2,414		
Precinct 222223	10	237	11	513	526	179	186	513	535	393	55	146	47	269	523	44	463	212	3,595		
Precinct 222226	27	393	38	1,025	978	347	328	1,032	926	700	119	225	121	483	813	83	1,059	480	6,825		
Precinct 222232	21	237	26	542	610	269	203	542	560	442	111	136	81	318	537	51	533	249	4,032		
Precinct 222235	7	89	21	177	269	106	55	177	231	204	53	68	42	128	207	17	188	114	1,581		
Precinct Subtotal	420	3,696	484	7,684	10,433	3,753	2,765	7,560	9,679	6,765	2,068	2,072	1,414	5,680	8,893	926	7,513	3,912	62,930		
% Of Votes	1.85%	16.27%	2.13%	33.82%	45.93%	5.96%	4.39%	12.01%	15.38%	10.75%	3.33%	3.29%	2.25%	8.87%	14.13%	1.47%	11.94%	6.22%			

CITY CLERK'S CERTIFICATE OF CANVASS (CONT'D.)

ELECTION TALLY

Precinct #	Measure B		Measure C		Measure D		Measure E		Total	Reg. Voters	Ballots Cast	Turnout %
	Yes	No	Yes	No	Yes	No	Yes	No				
Precinct 121201	80	73	120	31	94	57	105	41	148	336	156	46.43%
Precinct 121203	428	473	641	223	455	395	549	306	855	1,845	917	47.15%
Precinct 121207	116	176	223	66	154	127	197	84	281	761	283	38.50%
Precinct 121208	517	452	711	209	490	409	568	327	915	1,776	982	55.28%
Precinct 121211	179	243	319	86	243	152	274	128	402	712	426	59.83%
Precinct 121215	311	364	501	149	321	314	410	224	634	1,807	681	37.69%
Precinct 121217	524	555	824	200	611	392	846	361	1,007	1,788	1,088	60.48%
Precinct 121218	627	807	1,105	259	810	514	894	451	1,345	2,838	1,447	48.25%
Precinct 121221	487	639	819	213	564	440	667	346	1,013	2,827	1,124	39.76%
Precinct 121224	352	555	695	169	520	323	667	281	948	2,010	919	45.72%
Precinct 121232	274	458	583	140	380	307	442	246	688	1,909	735	38.50%
Precinct 121235	103	163	204	56	141	115	171	86	257	1,208	397	32.86%
Precinct 122218	127	198	268	47	174	133	225	82	307	1,089	332	30.49%
Precinct 222095	1	0	0	1	0	1	0	1	1	12	1	8.33%
Precinct 222201	168	189	281	58	180	153	220	112	332	1,139	485	40.83%
Precinct 222202	243	271	391	94	277	209	324	168	492	1,064	520	48.87%
Precinct 222203	803	833	1,153	423	831	714	963	588	1,551	3,256	1,658	50.92%
Precinct 222208	197	316	390	93	282	195	347	136	483	975	520	53.33%
Precinct 222209	652	743	1,050	285	744	580	875	444	1,319	2,554	1,406	55.05%
Precinct 222214	546	509	806	213	576	418	671	337	1,008	1,747	1,074	61.48%
Precinct 222215	415	483	684	172	492	350	589	263	852	1,715	906	52.83%
Precinct 222217	148	233	304	63	219	142	252	108	360	911	385	42.26%
Precinct 222221	357	520	669	166	501	319	553	269	820	1,611	883	54.81%
Precinct 222223	597	710	944	286	681	538	791	435	1,229	2,248	1,313	58.41%
Precinct 222226	1,277	1,187	1,838	489	1,301	990	1,482	827	2,309	4,384	2,489	57.00%
Precinct 222232	676	773	1,048	317	755	589	886	475	1,344	2,881	1,462	51.10%
Precinct 222235	257	314	417	125	305	228	338	195	533	1,124	578	51.42%
<b>Precinct Subtotal</b>	<b>10,444</b>	<b>12,237</b>	<b>16,969</b>	<b>4,633</b>	<b>12,101</b>	<b>9,104</b>	<b>14,026</b>	<b>7,321</b>	<b>21,347</b>	<b>46,718</b>	<b>23,167</b>	<b>49.59%</b>
<b>% Of Votes</b>	<b>46.05%</b>	<b>53.95%</b>	<b>78.55%</b>	<b>21.45%</b>	<b>57.07%</b>	<b>42.93%</b>	<b>65.70%</b>	<b>34.30%</b>				

CITY CLERK'S CERTIFICATE OF CANVASS (CONT'D.)

ELECTION TALLY

I have also conducted a manual tally of 1% of the precincts in accordance with 15360 of the Election Code. The results of the manual tally are as follows:

Precinct #	Office/Candidate	Machine Tally	Manual Tally	Differences	If discrepancy, how resolved
2217	Mayor				
	Hansen	10	10		
	Cushman	58	58		
	Garrett	9	9		
	Francisco	95	95		
	Schneider	206	206		
2217	City Council				
	Thyne	47	51	4	Machine malfunction on Election night.
	Tevis	42	53	11	Complete machine recount resulting in a match.
	Hotchkiss	73	88	15	
	House	152	179	27	
	Channing	96	105	9	
	Cruz	38	45	7	
	Gibbs	31	37	6	
	Anderson	40	45	5	
	Pritchett	95	112	17	
	White	134	152	18	
	Raisin	17	21	4	
	Self	80	95	15	
	McCammon	43	56	13	
2217	Measure B				
	Yes	147	148	1	Machine malfunction on Election night.
2217	No	233	233		Complete machine recount resulting in a match.
	Measure C				
2217	Yes	304	304		
	No	63	63		
2217	Measure D				
	Yes	182	219	37	Machine malfunction on Election night.
2217	No	122	142	20	Complete machine recount resulting in a match.
	Measure E				
2217	Yes	215	252	37	Machine malfunction on Election night.
	No	93	108	15	Complete machine recount resulting in a match.

Dated: \_\_\_\_\_

Cynthia M. Rodriguez, CMC  
City Clerk Services Manager






RESOLUTION NO. 09-092

STATE OF CALIFORNIA                    )  
  )  
COUNTY OF SANTA BARBARA         ) ss.  
  )  
CITY OF SANTA BARBARA                )

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on November 24, 2009, by the following roll call vote:

- AYES:                    Councilmembers Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams; Mayor Marty Blum
- NOES:                   None
- ABSENT:                None
- ABSTENTIONS:       None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on November 25, 2009.

  
*Cynthia M. Rodriguez*  
\_\_\_\_\_  
Cynthia M. Rodriguez, CMC  
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on November 25, 2009.

*Marty Blum*  
\_\_\_\_\_  
Marty Blum  
Mayor

