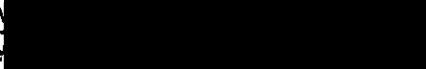


NOV 07 2019

RESOLUTION NO. 2019-103

N  
BY



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY CALLING AND GIVING NOTICE OF THE HOLDING OF A RECALL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2020 FOR THE RECALL OF COUNCILMEMBER HERB PEREZ AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

CITY OF FOSTER CITY

WHEREAS, on June 24, 2019, the City Clerk received a Notice of Intention to Circulate Recall Petition which proposed the recall Councilmember Herb Perez (the "Petition for Recall"); and

WHEREAS, on July 1, 2019, Councilmember Perez filed an Answer to the Notice of Intention; and

WHEREAS, on July 11, 2019, the Petition for Recall form was determined to meet the statutory requirements and approved for the Proponents to begin gathering signatures; and

WHEREAS, Elections Code Section 11221 states the number of requisite signatures for a recall petition must be equal in number to not less than the following percent of registered voters in the electoral jurisdiction: twenty percent (20%) if registration is less than 50,000 but at least 10,000. According to the Report of Registration filed with the Secretary of State, Foster City has 16,568 registered voters, and thus 3,314 verified signatures are required.

WHEREAS, Elections Code Section 11220 states that 120 days are provided to collect the requisite signatures set forth above, and thus the deadline to submit a recall petition is November 8, 2019; and

WHEREAS, on September 18, 2019, the Petition to Recall Councilmember Herb Perez was filed with the City Clerk's Office in accordance with Elections Code Section 11220, *et seq.*; and

WHEREAS, on October 21, 2019 the City Council adopted City Resolution No. 2019-96, accepting the Certificate as to the Sufficiency of Signatures on the Petition to Recall Councilmember Herb Perez and scheduling the call for election to occur on November 4, 2019; and

WHEREAS, California Elections Code Section 11240 requires that the City Council, within 14 days after the meeting at which it accepts the Certificate of Sufficiency, call for an election to be held to determine whether or not the officer named in the petition shall be recalled; and

WHEREAS, California Elections Code Section 11242 requires that the election be held not less than 88, nor more than 125, days from the order calling for the election; and

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Recall Election shall be held on March 3, 2020 to determine whether or not Councilmember Perez shall be recalled; and

WHEREAS, the Recall Election is to be consolidated with the Presidential Primary Election to be held on the same date and the City the precincts, polling places and election officers for the elections be the same, and that the Board of Supervisors of the County of San Mateo canvass the returns of the Recall Election and the election be held in all respects as if there were only one election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foster City, California that:

1. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Foster City on Tuesday, March 3, 2020, a Recall Election to determine whether or not Councilmember Perez shall be recalled from the Office of Councilmember;
2. That the Board of Supervisors is hereby authorized to canvass the returns of the Recall election, and that the Recall Election and the other elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used;
3. That the ballots to be used at the election shall be in the form and content as required by law;
4. The following question in the ballot of the recall election:

Shall Herb Perez be recalled (removed) from the office of Councilmember of the City of Foster City?	YES	
	NO	

5. Voters will decide whether or not to recall the officer and, if there is a candidate, will also choose a successor if the recall is successful. Names of qualified replacement candidates, pursuant to Elections Code Section 11381, should appear on the ballot;
6. That the Board of Supervisors is hereby requested to issue to all officers of the County of San Mateo (the "County") charged with duties pertaining to the other election instructions to take any and all steps necessary for the holding of the consolidated elections. Pursuant to Elections Code

12

✓ Section 10002, the Board of Supervisors of the County is requested to permit the Registrar of Voters and County Clerk as County Elections Official to render all services specified by Elections Code Section 10400, *et seq.* relating to the election, for which services the City agrees to reimburse the County;

- 7. That the consolidated election shall be held and conducted, election officers appointed, vote centers designated, ballots printed, polls opened at 7:00 a.m. and closed at 8:00 p.m. on election day, ballots counted and returned, returns canvassed, and all other proceeding in connection with the election shall be regulated and done by the County Clerk of the County in accordance with the provisions of law regulating the elections so consolidated;
- 8. That the City Clerk is hereby authorized to execute a service agreement with the County to render specified services to the City relating to the March 3, 2020 Election;
- 9. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further additional notice of election, in time, form and manner as required by law; and
- 10. That the City Clerk of the City is hereby directed to file a certified copy of this resolution with the Registrar of Voters of the County as soon as possible and in no event later than 88 days prior to the date set for the elections.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 4th day of November, 2019, by the following vote:

AYES: Councilmembers Awasthi, Gehani, Mahanpour, and Mayor Hindi

NOES: None

ABSENT: Councilmember Perez

ABSTAIN: None

DocuSigned by:  
[Redacted Signature]  
SAM HINDI, MAYOR

ATTEST:

DocuSigned by:  
[Redacted Signature]  
PRISCILLA SCHAUS, CITY CLERK

**Priscilla Schaus, City Clerk of the City of Foster City, does hereby certify that the foregoing is a full, true and correct copy of the document it purports to be, which document is on file in the Office of the City Clerk.**

[Redacted Signature] 11/7/19  
Priscilla Schaus, City Clerk Date