



Committee Members in attendance:

Mario Bouza	Howard Myers
Robin Burdick	Ahmad Rafah
Hosam Haggag	Stephen Ricossa
Steve Lodge	Joe Sweeney
Brian Lowery	Beverley Silva
Jeannie Mahan	Tino Silva
Jodi Muirhead	Kathy Watanabe

Absent:

Saskia Feain	Noelani Sallings
Mary Elizabeth Hanna-Weir	

Staff in attendance:

Julio Fuentes, City Manager	Yvonne Felix Galletta, Management Analyst to the City Manager
Rod Diridon, Jr., City Clerk	
Richard (Ren) Nosky, Jr., City Attorney	

Guest: Deborah Bress

Matters for Council Action: None

1. **Welcome/Introductions; Orientation to Committee Process**

A. **Role of Committee:** The City Manager called the meeting to order at 5:30 p.m. Committee Members were welcomed and city staff was introduced. Committee Members proceed to introduce themselves to the group.

Staff reviewed the support that will be provided to the Committee in preparing reports, researching questions and bringing forward informational data. The role of Committee Members was highlighted:

- The direction of the City Council;
- Three items to be reviewed: election process, Council compensation and Charter review of items that are no longer in compliance with current laws or best practices;
- Advisory role only; City Council has ultimate decision making authority;
- Agenda Report to be written by staff and presented to City Council at a meeting;
- It is a privilege to serve on the Committee and members should retain their objectivity and conscientiously work on the issues at hand; and

- Majority (9 votes) of the Committee is needed to make a recommendation to City Council.

B. Review of Binder Materials: Committee Members were each provided with a binder that was reviewed.

2. Review of Brown Act. The City Attorney gave a brief overview of the Brown Act, noting that meetings are open and public; agendas are published and posted prior to the meetings; and, discussion should take place at the meetings, not behind closed doors or in e-mail communications. He responded that a majority of Committee Members can attend a City Council meeting as observers, and that social gatherings are not a violation. Committee Members asked questions pertaining to other communication avenues which the City Attorney responded that violations only occur if a majority of the Committee Members were to have a conversation or input either in person or in writing. He did note the Committee can choose to appoint a subcommittee for additional discussion on a specific item.

3. Election of Chair and Vice Chair. The City Clerk indicated that Robert's Rules of Order would be followed and explained the role of Chair and Vice Chair. The City Clerk accepted nominations. The Committee Members voted on a nominee for each position.

IT WAS MOVED, SECONDED AND PASSED BY A UNANIMOUS VOTE THAT:
Beverly Silva as the Chair, and Steve Lodge as Vice Chair.

4. Review of Council Direction to the Charter Review Committee. The City Attorney reviewed the three items requested by the Council to be referred to the Charter Review Committee: Election method for Council, Council compensation, and illegal or obsolete provisions in the Charter. Committee Members discussed review of the full Charter and the Committee review of Charter sections that the majority would like to review. The Committee was advised that the items outlined by the Council are complex and will require the Committee to be focused.

Committee Members discussed the procedure to bring Committee recommendations to the Council. The City Attorney noted that the Council will review the recommendations and have final decision to approve.

5. History of City Charter Provisions for Election of City Council. The City Clerk reviewed the memo he distributed at the meeting dated 2/4/16 regarding the history of the City Charter and election provisions, including the election process history. He also reviewed the timeline to request an item on the November 2016 ballot which would require the Charter Review Committee to complete their work by late June. A ballot measure would need to be submitted by August 12, 2016. He also reviewed the prior Charter Review Committee history and timelines outlined in the memo. During his review, there were questions by Committee Members and answers were provided. Several questions

were asked by Committee Members related to the history of elections, timeline for the Charter Review Committee to complete their work, and how the items will be listed on the ballot.

Chair Silva asked if the Committee could provide recommendations for one or two Charter items, and then do a recommendation later on an additional section of the Charter. City Clerk stated the Committee was constituted by the Council to have a finite lifespan and would then be de-constituted. He advised the Committee to focus their discussions in an efficient manner to build momentum to finish their review. The City Attorney stated Charter amendments would have to go to a statewide general election which is this November per the Election Code and the California Voting Rights act.

6. **Current Charter Provisions for Election of Council Members.** The City Attorney reviewed Charter sections 600 and 700.1, and discussed the "at large by seat" election process the City now uses. He stated that the Mayor is elected by the voters. He discussed section 700 regarding term limits that specify neither the mayor nor the council members will serve more than two consecutive terms. He stated council members can sit out on election cycle that then resets their term limits as council member and mayor.

The City Attorney discussed at-large system and how it interplays with the Federal Voting Rights Act, but more so with the California Voting Rights Act. Many cities have changed their systems to a district voting system. The City Attorney will provide an electronic copy of the California Voting Rights Act.

The City Attorney gave background to the Committee in regards to the City's election process being challenged several years ago. He stated that the City Council chose not to act on the district elections. Committee Members asked questions and received answers.

The City Attorney stated the City of Santa Clara has not been sued, but that several cities have been challenged on their at-large voting and that it has been devastating to those cities. California Voting Rights Act allows cities to self-correct before going into a court action. He also stated that the courts cannot impose a charter change, but can mandate district elections. Committee Members asked questions pertaining to what the law would require as a voting system, and how would the mayor be elected. It was stated that the Committee would review these issues when the voting rights act is reviewed at a future meeting.

7. **Current Charter Provisions of Council Compensation.** The City Attorney reviewed Charter section 702 and noted that compensation is adjusted by CPI. He reviewed the current salary for Council Members and the Mayor. The City Attorney noted that comparable salaries in other cities will be provided at a future meeting. Committee Members asked questions pertaining to other types of compensation in city charters, and how is compensation set for the elected City Clerk and Chief of Police.

8. **Review of process for review of possible updates to the City Charter.** The City Attorney stated that Charter amendments that come forward from the Committee must be

decided at a November general election. The June Primary would not be available due to the fact that the ballot measure would have had to have been submitted in February. The City Council would then take the step to put it on a general election. The Committee asked about reviewing the entire Charter. The City Clerk referred to the Council direction noted on in the agenda report presented at the October 27, 2015 Council meeting. The Committee discussed the interpretation of the Council concerning review of "best practices," setting up subcommittees for the three topics referred by the Council, and the role of City staff in assisting the Committee. Staff responded to each of their concerns.

9. **Next Meeting Scheduled February 18, 2016**

A. **Topics for Future Meetings.** Committee Members discussed the following items for the agenda with Chair Silva:

1. Synopsis of the voter rights act;
2. Committee voting procedure;
3. Proxy for appointed committee members;
4. Council compensation;
5. Ad hoc open agenda item;
6. Develop work plan for reviewing the Council's direction; and
7. Running the items parallel at each meeting.

10. **Public Presentations.** Chair Silva opened up public presentations and called on David Kadlecek. Mr. Kadlecek addressed the Committee on voting elections. Mr. Vartan addressed the Committee regarding the Brown Act relating to Facebook comments by Committee Members. City Attorney stated that the mere act of posting something on a Facebook account is not a violation of the Brown Act, but if the majority of the Committee Members responded to a post on Facebook then the comments are considered concurrent communication and could be a violation of the Brown Act.

11. **Adjournment.** The meeting adjourned at 7:38 p.m.

Prepared by:


YVONNE FELIX GALLETTA
Management Analyst to the City Manager