



Committee Members in attendance:

Beverly Silva, Chair	Jeannie Mahan
Steve Lodge, Vice Chair	Howard Myers
Mario Bouza	Ahmad Rafah
Saskia Feain	Stephen Ricossa
Hosam Haggag	Tino Silva
Mary Elizabeth Hanna-Weir	Joe Sweeney

Absent:

Robin Burdick	Jodi Muirhead
Brian Lowery	Noelani Sallings

Staff in attendance:

Rajeev Batra, Acting City Manager	Sheila Tucker, Assistant City Manager
Rod Diridon, Jr., City Clerk	Yvonne Felix Galletta, Management Analyst to the City Manager
Richard (Ren) Nosky, Jr., City Attorney	

Matters for Council Action: None.

1. **Call to Order.** Chair Silva called the meeting to order at 5:30 p.m. and verified a quorum was present. The Chair introduced Acting City Manager Rajeev Batra. Mr. Batra provided general remarks and thanked the Committee Members for giving their time to participate in the review of the city's Charter.
2. **Approval of Minutes from March 17, 2016 Meeting.** Committee Member Tino Silva abstained from the vote.

***IT WAS MOVED, SECONDED AND PASSED BY 10-0-1 VOTE WITH ONE
ABSTENTION THAT:
Committee approve the Minutes of March 17, 2016.***

3. **Committee Discussion to Set a Salary for Mayor & Council with a Recommendation to the City Council.** Chair Silva recapped the Committee's request to review the salaries for Mayor and Council to be proposed for this year and for years to come with the possible establishment of a Salary Review Commission. The Chair distributed an analysis of the Council and Mayor's salaries which compared budget figures prepared by the Chair and another Committee Member. The Chair reviewed the basis for the analysis with the Committee (see attachment to minutes). The City Attorney noted that the budget figures had a wide margin of error from budget figures presented at an earlier meeting. The Chair acknowledged the

correction, and noted that the comparison provided a starting point for the Committee to develop the rationale for setting the Council and Mayor's salaries. The Chair opened up the floor to the Committee to discuss the analysis and the methodology of how the figures were used to develop salaries for the Council and Mayor.

The Committee discussed the need to state an acceptable salary based on like cities where population is similar and other items, i.e., city of Sunnyvale. A motion was made and seconded proposing that a recommendation be made to the Council to propose a charter amendment to set the monthly salary for Council at \$1,500 and \$2,500 monthly for the Mayor.

The Committee discussed what analysis would be used for the ballot measure language supporting the proposed measure. It was stated that the methodology would be self-explanatory to the elector, and that the language would be relatable to voters. The Committee discussed the need to compensate the Council for additional meetings they attend on behalf of the city which are special authorities. Staff stated that the fee for attendance to special meetings is capped by state law. The Committee reviewed and compared council salaries of local jurisdictions which are similar in population, general fund and city government structure. An amendment was made to the previous motion to increase Council's monthly salary to \$1,500 and the Mayor's monthly salary to \$2,500 based on the average of like local jurisdictions. The Committee stated they wanted to keep the motion simple and to the point. The City Clerk noted that there will be a summary of the Committee's motion that will be presented to the Council along with the Committee's recommendation.

IT WAS MOVED, SECONDED AND PASSED BY 11-1 VOTE THAT:

Committee recommend to the Council to propose a charter amendment to set the City Council's monthly salary at \$1,500 and the Mayor's monthly salary at \$2,500.

4. **Committee Discussion of Salary Setting Commission with a Recommendation to the City Council.** Chair Silva stated the next part is to look forward after this year on how the City Council and Mayor's salaries will be set. The Committee received information from the City Attorney at the last meeting illustrating cities in the region that use their Civil Service Commission to appoint members to a committee to set salaries for their councils every two years. The Committee made reference to the city of San Diego and how the Salary Setting Commission is stated in their Charter. The Committee considered the San Diego language a good model for their review.

The Committee discussed the language application from the City of San Diego to the City of Santa Clara. It was suggested that the Salary Setting Commission conduct its work in odd years from even year elections. It was also suggested that family members of sitting Council Members would be prohibited from appointments. Staff noted that the California conflict of interest laws from the FPPC (Fair Political Practices Commission) has language that addresses the issue of an electorate's family members being appointed to any city position. The Committee discussed the possibility of excluding former mayors, council members, or planning commissioner from being appointed to the Salary Setting Committee. The Committee disagreed due to their experience. The Chair presented the option to the Committee of the possibility to have a third-party firm making salary recommendations which would be unbiased. The process would have the Civil Service Commission choose a firm and the Civil Service Commission would vet the information. The Committee voiced concern about utilizing external consultants to propose salary recommendations to the city. Staff also referred to the city of Modesto and their statement of Salary Setting Commission "Membership Requirements."

The City Attorney stated that a Salary Setting Commission could seek a third party for assistance in setting the salary for Council Members and the Mayor. Also, the Commission could put restrictions as to comparability in regards to benchmarking salaries. The City Attorney also stated that the Commission should be made of five (5) members. The Commission could consult with an outside firm for budget implications when considering recommendations. The Charter could state how the Civil Service Commission would appoint the Salary Setting Commission, and Council's role regarding accepting the Commission's recommendation. The Committee discussed various processes of setting up a Salary Setting Commission.

***IT WAS MOVED, SECOND AND PASSED BY A UNANIMOUS VOTE THAT:
Committee approved the City Attorney drafting the language for the Committee to review a proposed charter amendment to convene a Salary Setting Commission with five (5) members meeting every odd year, and to be appointed by the Civil Service Commission. The Civil Service Commission would select the Salary Setting Commission similar to the current city process of any other Commission, and they would serve on a rotating basis.***

5. Committee Review of Extending the Ending Time for Currently Scheduled Meetings.

Chair Silva stated that several Committee Members had requested that the time allotment for the currently scheduled meetings of the Committee need to be extended to assist in the discussions regarding districting and other items that the Committee is tasked to review in regards to the Charter. The Committee stated that there is a need to extend the meetings for either 30 minutes to one hour, or to leave the time as set and to be efficient with the allocated time. Several Committee Members stated that they need to work more efficiently as a Committee.

Chair Silva stated that the Committee needs to honor the meeting time. Several Committee members asked the Committee as a whole to be flexible with the time allocation, and if needed, such as, a presentation at a meeting, leave it to the Chair to make recommendations to the Committee for additional time. The Committee asked that there be a vote requesting to extend the time when needed. The Committee discussed that it is good for the members to have discussion, and that the Committee has been entrusted to conduct full due diligence on the items tasked to complete.

***IT WAS MOVED, SECONDED AND PASSED BY 8-4 VOTE THAT:
Committee extend the meeting time an additional 30 minutes to 7:30 p.m., and to take effect at the next meeting.***

Chair Silva made reference to information received from several Committee Members on a Supreme Court action concerning districting. The Chair indicated that the City Attorney wanted to speak to the topic with the Committee tonight. The City Attorney made reference to a Supreme Court decision in Texas on districting at the state level; essentially, challenging the principal "one-person-one-vote" which means that some states and local jurisdictions create districts based on total population as opposed to eligible voters. Supreme Court unanimously upheld the concept of creating districts based on total population versus voting eligible residents. The City Attorney indicated assurance that there would be additional challenges to the "one-person-one-vote," but for now Texas' basis for drawing districts is based on total population like California.

6. **Topics for Future Meetings.** Chair Silva asked for the following items to be on the agenda for the next meeting:

- Verbiage for a Salary Setting Commission.
- Demographer proposal presentation by Lapkoff & Gobalet Demographic Research, Inc.
- District Voting: Discuss voting concerns and Santa Clara County's Voter Registrar's needs
- Staff Presentation of Alternative Voting Systems
- List of names of possible presenters/resources
- Speakers to present alternative Voting Systems

The City Attorney discussed the demographer, Jeanne Gobalet, and that by the next meeting the city will be under contract with Ms. Gobalet's firm. The City Attorney also stated in 2011 and 2012 it was determined that the city could create only one majority/minority district based on the city's size and demographics. Jeanne, as the demographer, will be able to review the elections we have had since the last time and determine if polarized voting exists in Santa Clara. This will be important for the Committee to determine if we need to proceed further with districting. The City attorney stated to the Committee that the city needs to determine that there is a legal problem and determine if we have polarized voting. Currently, there is no legal urgency to change the voting system. If the voting system is changed, then district lines will need to be drawn.

The Committee discussed the need to have a tutorial of all the voting systems. Staff pointed out that there are two separate decisions before the Committee; redistricting and voting systems. At the 2011 Charter Review Committee, the City Attorney's Office made a presentation of the different voting systems. Several of the voting systems were not supported by the Santa Clara County Voter Registrar's Office. At the time of the 2011 Committee, the Voter Registrar's Office made a presentation of voting systems that were not supported by their office. Currently, the Voter Registrar's Office is looking at alternative voting systems for the future. The Committee discussed placing the idea of a general item on the ballot to determine if voters agree to look at different systems. Currently, the cost is \$65,000 to \$67,000 per ballot item.

The Committee would like to bring more than one presenter on different voting systems and to look at whether or not to place it as a ballot measure. Staff noted that the Committee's review is independent of the mechanics of setting up the voting system and whether it can be supported by the Voter Register's Office.

7. **Committee Review of Charter Elements Relevant to:**

- i. **Compliant with Current Laws**
- ii. **Considered Best Practices:**

Chair Silva responded that twelve Committee Members responded to the request for ideas from the members about what should be changed/updated in the Charter and a summary of how that could be accomplished or a justification. The list will be compiled by staff according to categories. The Chair stated that the Committee cannot address all issues noted in the responses she received in the amount of time allotted to the Committee to present a recommendation to the Council for this year's ballot. At the next meeting, the Committee can start looking at the areas of concern. One option is to focus on the top 2-3 issues that a

majority of members support verses discussing all aspects of the charter. Another option is to extend

discussion to additional areas of the charter in consideration and preparation for the next election cycle.

The Chair stated that review of current laws being reflected in the Charter is a legal opinion. The City Attorney stated that at this point, the Committee is looking at everything in the Charter whether it is compliant with current law or best practices. Currently, it is determined that there is nothing in the Charter that is not reflective of California law with the possible exception of our voting system. Everything that the group wants to look at it is assumed to be on the list that the Chair has at this time.

8. **Public Presentations.** David Kadlecsek made reference “Safe Harbor” being discussed at the legislative level not in the courts. He also stated that there is a relationship between voting and the method of voting. He stated that even though they are looked at separately one influences the other.

9. **Adjournment.** The meeting adjourned at 7:00 p.m.

Prepared by: _____
YVONNE FELIX GALLETTA
Management Analyst to the City Manager

Attachment