

Meeting Date: 1/24/12**AGENDA REPORT**

City of Santa Clara, California

Agenda Item # 6B

**Date:** January 19, 2012

**To:** City Council for Action

**From:** City Manager

**Subject:** Charter Review Committee Recommendations to City Council

**EXECUTIVE SUMMARY:**

On August 16<sup>th</sup>, 2011, the City Council appointed a Charter Review Committee to study and make advisory recommendations on whether to propose a Charter amendment to the electorate to change from the at-large election system currently in use to a different manner of electing members to the City Council. (Attachment #1– Excerpt from Charter of the City of Santa Clara: Article VI-The Elective Officers).

Consistent with past practice, the Council established a Committee of 16 members made up of one individual each selected by a Council Member; one selected by the Citizen's Advisory Committee; one member selected by the Chamber of Commerce; and seven at-large members selected by the City Council through an application and public interview process. An extensive outreach to the community was implemented to attract applications for the at-large members, including distribution of a press release to a broad list of media sources, articles in the *Santa Clara Weekly* and *San Jose Mercury News*, City's website, Cable Channel 15, letters to residents who had expressed interest in serving on City Committees/Commissions and reports on other news outlets such as KCBS. (Attachment #2 is a list of members and staff that served on the Committee.)

The Committee held six meetings. Committee Member David DeLozier served as Chair and Teresa O'Neill as Vice Chair. Meeting agendas were posted prior to the meetings and public participation was included at each Committee meeting. Materials presented at the Charter Review Committee were posted on the City's website following the meetings.

There were six election options presented by the Assistant City Attorney to the Charter Review Committee, including:

**AT LARGE BY SEAT (City of Santa Clara current system):**

- Every voter gets 1 candidate vote per numbered seat
- Candidate for the numbered seat that gets the most votes is elected
- No districts

**AT LARGE:**

- Every voter gets 1 candidate vote
- Top vote getters are elected
- If there are 2 or more seats, top 2 or more vote getters win
- No run-off elections
- No districts

**BY DISTRICT:**

- Voters in a geographical area of city vote for particular candidate
- Candidates must live in the geographical area

**FROM DISTRICT:**

- Voters from entire city vote for resident of a particular geographical area

**CUMULATIVE VOTING:**

- Each voter gets as many votes as there are open seats
- Voter can vote for 1 candidate or spread votes around to more than 1
- No districts

**PROPORTIONAL REPRESENTATION:**

- Voters rank candidates in order of preference:
  - ◆ 1<sup>st</sup> choice
  - ◆ 2<sup>nd</sup> choice
  - ◆ 3<sup>rd</sup> choice, etc.
- Candidates win when they reach the “victory threshold”
- Ballots counted in a series of election rounds
- No districts

Numerous presentations were made covering topics related to the election options, with various speakers and City staff reports/presentations. (See Attachment #3 “Charter Review Committee List of Presentations at Committee meetings held in 2011.)

Attachment #4 to this Agenda Report is the Charter Review Committee minutes for November 17, 2011. Five motions passed with recommendations for Council consideration.

A range of options are available to the City Council to consider the advisory recommendations by the Charter Review Committee.

**Charter Review Committee Recommendations:**

- Approve the following five recommendations of Charter Review Committee and refer to City Manager to prepare an implementation plan for Council action:
  - The Committee recommends to the City Council that the Charter be changed to allow At Large elections;
  - The Committee advises the City Council to consider the Proportional Representation voting system by the end of calendar year 2012 and possible implementation by 2014;
  - The Committee recommends that the City Council look at changing Charter section 701 related to term limits for City Council and Mayor;
  - The Committee recommends that the City Council create a program to encourage voter registration among minorities and allocate funds to monitor the system by January 1, 2013, to address voter registration for the 2014 election.

- The Committee recommends that the City Council address the “Barriers to City Council Service” list (attached to November 17, 2011 minutes) with extreme regard to candidate recruitment.

Alternate Options:

- Approve some of the recommendations of Charter Review Committee and refer to City Manager to prepare an implementation plan for Council action, or
- Refer to City Manager to schedule a Council Study Session for in-depth discussion of the Charter Review Committee recommendations, or
- Refer the recommendations back to the Charter Review Committee for additional review and discussion, and
- Approve a letter from Mayor and City Council thanking the Charter Review Committee members for their dedication of time and efforts serving on the Committee.

**ADVANTAGES AND DISADVANTAGES OF ISSUE:**


The Charter Review Committee members completed their assignment from the City Council. The issues were thoroughly discussed and advisory recommendations have been provided to Council for consideration. There are no disadvantages.

**ECONOMIC/FISCAL IMPACT:**

Depending on the options the City Council selects, the economic/fiscal impact would include possible election and/or community outreach program costs.

**RECOMMENDATION:**

That the Council consider the Charter Review Committee recommendations and/or alternative options and direct the City Manager to follow up with any implementation steps needed.

  
\_\_\_\_\_  
Jennifer Sparacino  
City Manager

***Documents Related to this Report:***

1. *Attachment #1 – Excerpt from Charter of the City of Santa Clara: Article VI-The Elective Officers*
2. *Attachment #2 – List of Members and Staff that Served on the Charter Review Committee*
3. *Attachment #3 – Charter Review Committee List of Presentations at Committee Meetings held in 2011*
4. *Attachment #4 – Charter Review Committee Minutes for November 17, 2011*

---

**Article VI. The Elective Officers****Sec. 600 City elected officers.**

No person shall be eligible to hold any elective office in the City including Mayor, City Council, Chief of Police Department and City Clerk, unless he or she is a resident and a qualified registered elector of the City.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk shall be elected from the City at large at the times and in the manner provided in this Charter. Except as otherwise herein provided, a person elected to an office for other than an unexpired term, shall serve a term of four years, and shall serve until a successor is elected and qualified. The term shall commence on the date the City Council certifies the canvass of the election returns submitted to it by the County Registrar of Voters.

The person receiving the most votes cast for a particular City office shall be declared duly elected. Ties shall be broken as provided from time to time by ordinance.

The office of Mayor shall be separately voted upon and is a separate office. The person elected at any election to the office designated "Mayor" shall be deemed elected, both as a Mayor and as a member of the Council. Although the Mayor is a Council member, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. Except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any numbered Council seat other than the one which he or she holds. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State Statutes of 2000)

**Sec. 600.01 Municipal elections.**

Commencing with the year 2000, a regular election shall be held in the City of Santa Clara on the first Tuesday following the first Monday in November of even numbered years. The regular election shall be held for the election of each municipal elective officer whose term of office regularly expires at that time, and for such other purposes as the Council may prescribe. Each such regular election shall be known as the general municipal election of the City, and shall be in lieu of all others previously so called. All other municipal elections that may be called under the authority of this Charter, or the California Elections Code, shall be known as special elections. (Amendment ratified 4-5-77; Amendment ratified 11-6-79; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State Statutes of 2000)

**Sec. 600.02 Consolidation of elections.**

Any special election may be consolidated with a general municipal election and any municipal election may be consolidated with any State, County, or School District election held in the City or part thereof, in which case only one ballot need be printed for such consolidated election. (Amendment ratified 4-5-77)

**Sec. 600.1 Time of taking office - Term.**

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State Statutes of 2000)

**Sec. 601 Eligibility.**

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State Statutes of 2000)

**Article VII. The Council**

**Sec. 700 Term - Method of holding elections.**

Except as specifically provided otherwise in this Charter with respect to City elections, the provisions of the State Elections Code, as amended from time to time, are hereby adopted. The City expressly reserves its rights with respect to the conduct of City elections pursuant to Section 5 of Article XI of the California Constitution. Any changes made by the City Council in the City elections procedure shall be by ordinance and shall not be in conflict with any other sections of this Charter.

There are hereby reserved to the electors of the City, the powers of the initiative and referendum and of the recall of municipal elective officers. No primary election shall be held for municipal officers. No error, omission or defect in the notice of elections shall be cause to invalidate any election held under the provisions of this Charter. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State Statutes of 2000)

**Sec. 700.1 Offices separately filled.**

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State Statutes of 2000)

**Sec. 700.1 Elections - Designation of seats.**

For purposes of City Council elections, each Council office shall be designated by an appropriate descriptive designation, as follows: The Council seat which on the effective date of this Section is occupied by the Mayor shall continue to be designated as "Mayor"; each of the other six seats, respectively, shall be designated as "Council Member Seat No. 2," "Council Member Seat No. 3," "Council Member Seat No. 4," "Council Member Seat No. 5," "Council Member Seat No. 6" and "Council Member Seat No. 7" respectively, and shall continue to be designated by the respective designation. The designation so given to each such office shall thereafter be used in all election, nomination papers, certificates of election, and other election papers pertaining or referring to such office, and to designate incumbency in such office. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended and renumbered from § 700.2 by electors at an election held March 7, 2000, Charter Chapter 11 of the State Statutes of 2000)

**Sec. 700.2 Elections: Designation of seats.**

(Section Number Repealed - text amended and renumbered to § 700.1 by electors at an election held March 7, 2000, Charter Chapter 11 of the State Statutes of 2000)

**Sec. 701 Term limits of mayor and council members.**

A member of the Council shall not serve more than two consecutive elective terms as such, and shall be ineligible for reelection or appointment to fill a vacancy in the Council until two years after such service. The office of elected Mayor, to be filled from the City at large, is a separate office from the Council and solely for the purpose of this term limit disqualification, is not a Council office nor the Council. Consequently, time served in such office of elected Mayor is not time served on the Council and time served on the Council is not time served in such office of elected Mayor. (As amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State Statutes of 2000)

List of Members and Staff that Served on the Charter Review Committee

**Committee Members:**

Dave DeLozier, Chair  
Teresa O'Neill, Vice Chair  
Gary Alver  
Raj Chahal  
Karen Hardy  
Yuki Ikezi  
Dr. Mohammed Nadeem  
Mike O'Halloran  
Vilma Pallette  
James Rowen  
Steven Silva  
Ralph Sivilla  
Keith Stattenfield  
Eric Stroker  
Sameena Usman  
Peter Yoon

**Staff Members:**

Jennifer Sparacino, City Manager  
Rod Diridon, Jr., City Clerk/City Auditor  
Julia Hill, Assistant City Attorney  
Cris Evans, Executive Assistant to the City Attorney

Charter Review Committee  
List of Presentations at  
Committee Meetings held in 2011

DISCUSSION TOPIC	PRESENTER
Presentations by Individuals/Organizations	
Presentation on Proportional Representation & Cumulative Voting	Steve Chessin, President, Californians for Elected Reform
District Elections & California Voting Rights Act (CVRA)	Robert Rubin, Lawyers Committee for Civil Rights of the San Francisco Bay Area
At Large Elections by Seat	Dr. Tom Shanks, Consultant
Methods of Voting, Voting Systems, and Costs of Elections	Elaine Larson & Philip Chantri, Santa Clara County, Registrar of Voters Office
Demographic Report from Lapkoff & Gobalet Demographic Research, Inc.	Jeanne Gobalet, Ph. D., Vice President and Principal
Presentations by City Staff	
History of City Charter Provisions for Election of City Council	Rod Diridon, City Clerk
Current Charter Provisions for Election of Council Members	Julia Hill, Assistant City Attorney
Other Methods of Electing Council Members	Julia Hill, Assistant City Attorney
Behavioral Standards for City Committees	Jennifer Sparacino, City Manager
Process for Amending the Charter	Julia Hill, Assistant City Attorney
Laws Affecting Method of Electing Members of Council <ul style="list-style-type: none"> <li>• Federal Voting rights Act (FVRA)</li> <li>• California Voting Rights Act</li> </ul>	Julia Hill, Assistant City Attorney
Results of 2010 Federal Census	Julia Hill, Assistant City Attorney
Existing City Programs Encouraging Participation in City Government & the Election Process "Public Service and Community Engagement"	Rod Diridon, City Clerk Carol McCarthy, Assistant City Manager



**CHARTER REVIEW COMMITTEE**  
**Minutes for November 17, 2011, at 5:30 p.m.**

**In Attendance:** Gary Alver, Committee Member  
Raj Chahal, Committee Member  
Karen Hardy, Committee Member  
Yuki Ikezi, Committee Member  
Dr. Mohammed Nadeem, Committee Member  
Mike O'Halloran, Committee Member  
Teresa O'Neill, Vice Chair, Committee Member  
Wilma Palette, Committee Member  
James Rowen, Committee Member  
Steven Silva, Committee Member  
Ralph Sivilla, Committee Member  
Keith Stattenfield, Committee Member  
Eric Stroker, Committee Member  
Sameena Usman, Committee Member  
Peter Yoon, Committee Member  
Rod Diridon, Jr., City Clerk  
Cris Evans, Executive Assistant to the City Attorney  
Julia Hill, Assistant City Attorney  
Jennifer Sparacino, City Manager

---

**Absent:** Dave DeLozier, Chair, Committee Member

---

**Guests:** Elaine Larson, Registrar of Voters, Santa Clara County  
Philip Chantri, Election Services Coordinator, Santa Clara County

---

**Matters for Council Action:**

***IT WAS MOVED, SECONDED AND PASSED BY A VOTE OF 11 TO 4 THAT: The Committee recommends to the City Council that the Charter be changed to allow At Large elections.***

~~~~~

***IT WAS MOVED, SECONDED AND PASSED BY A VOTE OF 13 TO 1 (ONE MEMBER ABSTAINED) THAT: The Committee advises the City Council to consider the Proportional Representation voting system by the end of calendar year 2012 and possible implementation by 2014.***

~~~~~

***IT WAS MOVED, SECONDED AND PASSED BY A VOTE OF 10 TO 5 THAT: The Committee recommends that the City Council look at changing Charter section 701 related to term limits for City Council and Mayor.***

~~~~~

***IT WAS MOVED, SECONDED AND PASSED BY A VOTE OF 9 TO 6 THAT: The Committee recommends that the City Council create a program to encourage voter registration among minorities and allocate funds to monitor the system by January 1, 2013, to address voter registration for the 2014 election.***

~~~~~

**IT WAS MOVED, SECONDED AND PASSED BY UNANIMOUS VOTE THAT: The Committee recommends that the City Council address the “Barriers to City Council Service” list (attached and incorporated by this reference) with extreme regard to candidate recruitment.**

1. **Call to Order.** The meeting was called to order by Vice Chair O’Neill at 5:35 p.m.
2. **Approval of Minutes from October 27, 2011.** Motion was made, seconded and passed to approve the Minutes of October 27, 2011.
3. **Review of Agenda/Follow-up to Questions from October 27, 2011, Meeting.** The City Manager discussed recommendations of the Charter Review Committee related to voting systems and barriers to City Council service. She reiterated that the Committee serves in an advisory capacity and the City Council is the decision making body. She informed the Committee that because of other pressing issues coming up on the City Council’s agendas, January 24, 2012, would probably be the earliest meeting that the Committee’s recommendations would be able to be heard, with sufficient time for questions and answers. She also mentioned that if the Committee does not finish its work tonight, Thursday, December 1<sup>st</sup> might be a potential open date to schedule another meeting. She noted that the Registrar of Voters representatives had a brief presentation regarding the three voting systems the Committee would be reviewing: At Large by Seat, At Large and Proportional Representation.

The Registrar of Voters representatives, Elaine Larson and Philip Chantri, began their presentation with a PowerPoint, entitled “Methods of Voting, November 17, 2011” attached and incorporated by this reference. They did not specifically cover At Large by Seat since they inferred that the Committee was familiar with the current voting system of Santa Clara, but instead used their time to speak to At Large and Proportional Representation. The Registrar of Voters again emphasized that their systems currently in place could not support the Proportional Representation voting system and the cost to be the “investing jurisdiction” would be approximately \$1-3 million dollars. There was discussion between the Committee and the Registrar of Voters regarding the Sequoia/Dominion Voting Systems’ (current contractor for the County of Santa Clara Registrar of Voters) ability to support the three voting systems currently being discussed and who would be responsible for paying for different costs associated with expanding their system.

The City Clerk stated that every city in the County contracts with the Registrar of Voters to perform their elections. He referred to a memo (distributed to the Committee dated 11/6/09, entitled “Directly Elected and At-Large City Council Seats”) which he drafted for the Ethics Committee when it was reviewing voting systems. He discussed the drop off of voters and informed the Committee that new data was available from 2010 and 2011, which might be of value in future discussions. There was discussion regarding candidates pulling papers for multiple seats and the City Clerk explained that the current process allows candidates to pull papers for one seat, rescind those, and then pull papers for another seat. The City Clerk asked the Committee to consider a tiered recommendation to the City Council.

4. **Committee Discussion of Options.**

- A. **Continue Committee Development of Recommendation to City Council from October 27, 2011, Committee Meeting.** There was discussion about the focus on voter registration and the rate of registration for minorities being very low in comparison to other groups. Questions about outreach plans for voter registration for minorities were directed to the City Clerk and he spoke about voter registration drives and other methods of outreach currently in place. The process for voter registration via “grassroots” efforts was discussed and the City Clerk responded that the Registrar of Voters tracks the registration process. The Registrar of Voters also mentioned that there will be extensive outreach programs in 2012 regarding voter registration and education. It was noted that a higher proportion of ethnic voters would create a higher percentage of representation. The City Clerk noted that candidate recruitment is as important as voter registration.

The Vice Chair discussed reconsideration of By District voting system, which would help in getting minorities elected. The discussion focused on the districts that might be drawn given the Demographer’s data.

The following motions were made and voted on after discussion by the Committee.

---

*IT WAS MOVED, SECONDED AND FAILED BY A VOTE OF 6 TO 9 THAT: The Committee re-open discussion regarding District elections.*

~~~~~

*IT WAS MOVED, SECONDED AND FAILED BY A VOTE OF 4 TO 11 THAT: The Committee recommends to the City Council that they preserve the current At Large by Seat voting system.*

~~~~~

*IT WAS MOVED, SECONDED AND PASSED BY A VOTE OF 11 TO 4 THAT: The Committee recommends to the City Council that the Charter be changed to allow At Large elections.*

~~~~~

*IT WAS MOVED, SECONDED AND PASSED BY A VOTE OF 13 TO 1 (ONE MEMBER ABSTAINED) THAT: The Committee advises the City Council to consider the Proportional Representation voting system by the end of calendar year 2012 and possible implementation by 2014.*

~~~~~

*IT WAS MOVED, SECONDED AND FAILED BY A VOTE OF 2 TO 13 THAT: The Committee recommends that the City Council review Charter section 702 related to compensation.*

~~~~~

*IT WAS MOVED, SECONDED AND PASSED BY A VOTE OF 10 TO 5 THAT: The Committee recommends that the City Council look at changing Charter section 701 related to term limits for City Council and Mayor.*

---

***IT WAS MOVED, SECONDED AND PASSED BY A VOTE OF 9 TO 6 THAT: The Committee recommends that the City Council create a program to encourage voter registration among minorities and allocate funds to monitor the system by January 1, 2013, to address voter registration for the 2014 election.***

***IT WAS MOVED, SECONDED AND PASSED BY UNANIMOUS VOTE THAT: The Committee recommends that the City Council address the "Barriers to City Council Service" list (attached and incorporated by this reference) with extreme regard to candidate recruitment.***

**B. Types of Elections to be Reviewed via Committee Consensus from October 27, 2011, Meeting.**

1. **At Large (by Seat) Voting System.** Since this voting system is what the City currently uses, and the Committee was familiar with it, it was not discussed in detail.
  2. **At Large Voting System.** This voting system was discussed in terms of creating less negativity and polarization among candidates; and, not favoring incumbents as the At Large by Seat voting system does. It was voted as the best option for the City until the Proportional Representation voting system could be feasibly studied and implemented.
  3. **Proportional Representation Voting System.** This voting system was discussed as one that might encourage more minority representation, but because of limitations of the Registrar of Voters' current system, the City would be responsible for substantial costs of system upgrades and educational outreach as the "investing jurisdiction." Both the Secretary of State and the County Board of Supervisors would need to approve the use of this voting system and the Registrar of Voters confirmed that it would not be feasible to change the systems for the 2012 elections, but might be possible for the 2014 elections.
5. **Public Presentations.** There was public presentation of two minutes per person after every motion was discussed by the Committee and before the vote. Discussion included using a contractor to run the elections (other than the Registrar of Voters); looking at district elections in order to get a majority minority district; and that the Proportional Representation voting system would allow a good opportunity for minorities to participate in future elections.
6. **ACTION ITEM: Committee Recommendation to City Council.** The City Manager noted that the Staff report will be drafted and will convey all Motions passed to the City Council. She noted that in order to have sufficient time for questions and answers, she will forward the report in January 2012.
7. **Adjournment at 7:30 p.m.** The meeting was adjourned at 8:10 p.m.

Prepared by: Chris Evans  
CRIS EVANS  
Executive Assistant to the City Attorney

Approved: Jennifer Sparacino  
JENNIFER SPARACINO  
City Manager

# Charter Review Committee

October 27, 2011

## BARRIERS TO CITY COUNCIL SERVICE

Charts Transcribed

- At Large System currently is a plus:
  - Established candidate can be defeated by a new candidate
- You can come back to serve on the Council
  - “Hiatus term limits”
- Term Limit
  - “True” term limits for service/Off the Council
  - Concern about term limits

- Minorities not coming forward to run for Council
  - How to make it happen
- Preparation – Takes years to prepare for Council
  - Make-up your mind you'll run way ahead of time (of the actual election)
  - Serious preparation/Long & Hard
- Costs are High to run for Council
  - Pay is poor
  - Fundraising difficult

- Jaded by politics
- Perception by residents that Council will do what they want
- Time commitment to run for Council & to serve
- Lower campaign limits for cost to run for Council
- Thankless job to serve

- Outreach to Commissioners
  - Get more involved
- Volunteers to help run a campaign
- Use City facilities to hold Candidate Nights @ Park Bldgs. in neighborhoods
- 10 years as Mayor & Council w/16 years of lifetime limit on service

- Korean/Chinese, etc. come to City Hall
  - Have City mtgs. in neighborhoods
- Need people to be registered voters from all groups (minorities)
  - More interest to serve
  - More minorities to register & vote and they will participate and serve
  - Reach out to enclaves in the City

- Use City facilities to allow candidates to meet the voters
  - Helps keep cost down to run
  - More informal interaction
- “Candidate School” – similar to San Jose Chamber of Commerce
  - Workshop
  - Speakers from the trenches
  - Open to everyone/anyone
  - \$100 cost for attendees

- Don’t legislate “minorities” into the process
- Involve all parties, i.e., City, Council, local media, etc., promote “Candidate School”
- Cannot force people to serve
- Public financing of elections
- Compensation for serving the community
- Educate – voters, candidates



- Commitment for elected/city staff
- Cost to the City to reach out
- Intimidation by incumbents to new entering candidates
- Grassroots involvement enhanced
  - Foster neighborhood associations
- How people are selected for commissions reviewed
  - Discouraging

- Chamber outreach to minority chambers
  - Difficult to get involvement
  - Partnered w/San Jose Chamber
- Involve in homeowner associations
  - Hold candidate forms
  - Community groups involvement

###