

6-6-2017

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**City of  
Santa Clara**  
The Center of What's Possible

**CHARTER REVIEW COMMITTEE MINUTES**

City Hall Council Chambers  
1500 Warburton Avenue  
Santa Clara, CA 95050  
Monday, April 24, 2017, 7:00 p.m.

**Committee Members in attendance:**

Hazel Alabado  
Markus Bracamonte  
Saskia Feain  
Mary Hanna-Weir  
Hossam Haggag  
Chris Horton  
Steve Lodge

Jodi Muirhead  
Beverly Silva  
Tino Silva  
Keith Stattenfield  
Teresa Sulcer

**Absent:**

Rex McIntosh

**Staff in attendance:**

Rajeev Batra, City Manager  
Rod Diridon, Jr., City Clerk  
Brian Doyle, Interim City Attorney

Raania Mohsen, Management Analyst (Staff  
Liaison)

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**Matters for Council Action:** None

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

The City Manager called the meeting to order at 7:00 p.m. Committee Members were welcomed and city staff was introduced. Committee Members proceeded to introduce themselves to the group.

City Manager thanked the Committee Members for their service and reviewed the staff support that will be provided to the Committee in preparing agendas, reports, researching questions and bringing forward informational data. Historically, since 1952, the City has brought forward over 40 measures amending the City's Charter for various topics; 24 of them have passed. Last year, in the November 2016 election, four measures were proposed and passed:

- o Measures O: Setting of salaries of Mayor and City Council
- o Measure P: Mayor and City Council Term Limits
- o Measure Q: Filling vacancies in city elected offices
- o Measure R: Protection of Parkland and Open Space

City Manager also reviewed:

- a) **Role of Committee:** To evaluate the City's at-large election method of Council Members and to make a recommendation to Council regarding district or other methods of election in time for the June 2018 primary election.
- b) **Binder Materials & City Code of Ethics:** A binder of materials was provided to each Committee Member and includes the City Code of Ethics & Values, Summary

of Robert's Rules of Order, and a Guide to the Ralph M. Brown Act. Staff reviewed the Code of Ethics & Values adopted by the City to promote and maintain the highest standards of personal and professional conduct; all elected and appointed officials, city employees, volunteers, and others who participate in the city's government are required to practice.

## **2. Review of Brown Act & Robert's Rules of Order**

City Attorney provided 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. 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 (7) were to arrange a vote in person or in writing. Members suggested providing an email that can be used to receive information from members of the public and that can be forwarded to all Committee Members. Staff volunteered to request an email account to be managed by the staff liaison.

City Attorney briefly reviewed the summary of Robert's Rules of Order, provided to each Committee Member, which are the standard for facilitating discussions and group decision-making. Robert's Rules are designed to ensure that everyone has a chance to participate and to share ideas in an orderly manner through the leadership of the Chair and Vice Chair if Chair is not present.

## **3. Election of Chair and Vice Chair**

The Committee Members voted on a nominee for each position.

**Committee Members appointed Tino Silva as Chair with 6 votes for Tino Silva, 3 votes for Keith Stattenfield, and 3 abstentions.**

**IT WAS MOVED, SECONDED AND PASSED BY A 12:0 Vote to appoint Keith Stattenfield as Vice Chair.**

**Upon the Chair's appointment, IT WAS MOVED, SECONDED AND PASSED BY A 12:0 Vote to excuse Committee Member Rex McIntosh from the meeting.**

## **4. Review of Council Direction to the Charter Review Committee.**

The Interim City Attorney reviewed and advised the Charter Committee regarding the sole task of the Committee and the recent lawsuit accusing the City of violating the California Voting Rights Act. In order to avoid current and future liability for lack of diversity on the Council, it has been recommended to evaluate voting methods of Council Members other than at-large and consider the district voting method. The current Committee is advised to provide a recommendation to Council in approximately three months.

**5. City's At-Large Election Method versus District Elections; Other Possible Updates to the Charter**

Interim City Attorney clarified that the Committee is to provide a recommendation on voting method. In response to Committee Members' questions, it was clarified that if voting by-district was recommended, the Committee would not be responsible for drawing City districts. Committee members discussed evaluating voting methods other than voting by-districts as options to consider. Interim City Attorney emphasized that voting by-districts would protect the City most from future litigation; however, the California Voting Act can be violated in other ways and other litigations could arise.

**6. The Next Meeting Scheduled May 8, 2017**

A discussion on schedule and frequency of meetings proceeded and it was concluded to meet approximately every two weeks, depending on holidays, beginning May 8, 2017. All meetings will be live-streamed and recorded. Staff will provide an amended schedule to accommodate the Committee's request by Friday, April 28, 2017.

Per the Committee's request, staff will also ensure all agendas, attachments, and videos of the meetings are available on the city's website and the Charter Review Committee designated web page. In addition, draft minutes of each meeting will be distributed and posted prior to approval at the next scheduled meeting.

**a) Schedule of Meetings; Workplan–**

**IT WAS MOVED, SECONDED AND PASSED BY A 12:0 VOTE to meet 7:00 – 9:00 pm and to extend meetings by 30-45 minutes upon Committee approval.**

**IT WAS MOVED, SECONDED, AND PASSED BY A 12:0 VOTE to amend the proposed schedule with meetings approximately every two weeks.**

Committee Members discussed and requested the following items be included in future agendas:

- Pros and cons of district elections;
- City's likelihood of being sued for lack of diversity despite voting by district for Council Members;
- Synopsis of the California Voting Act
- Voting Methods
- Santa Clara County Registrar of Voting and Supported Methods
- Workplan

At 9:15 pm, **IT WAS MOVED, SECONDED, AND PASSED BY A 12:0 VOTE to extend meeting for 15 more minutes.**

Committee Members requested the following of staff:

- Provide Demographic Report for City of Santa Clara
- Provide Charter Review Recommendation to Council of 2011
- Add "Future Agenda Items" as an item on the Agenda
- Clarify that "Public Presentation" on the agenda is for items not on the current Agenda
- Add "Old Business" as an item on the agenda if needed

**7. Public Presentations**

Mr. Steve Chessin addressed the Committee regarding the lawsuit filed against the City of Santa Clara citing violation of the California Voting Rights Act of 2001 and suggested for Committee Members to evaluate other methods in addition to district-based elections.

**8. Adjournment**

The meeting adjourned at 9:30 p.m.

Prepared by:



RAANIA MOHSEN

Management Analyst, City Manager's Office