

7-18-2017

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City of Santa Clara
The Center of What's Possible

**CHARTER REVIEW COMMITTEE
MINUTES**

Central Park Library, Margie Edinger Room
2634 Homestead Road
Santa Clara, CA 95050
Monday, May 22, 2017, 7:00 p.m.

Committee Members

Present:

Tino Silva, <i>Chair</i>	Rex McIntosh
Keith Stattenfield, <i>Vice Chair</i>	Jodi Muirhead
Hazel Alabado	Teresa Sulcer
Markus Bracamonte	
Saskia Feain	
Steve Lodge	
Hosam Haggag	

Absent:

Chris Horton	Beverly Silva
Mary Hanna-Weir	

Staff:

Brian Doyle, Interim City Attorney
Rod Diridon Jr., City Clerk
Raania Mohsen, Management Analyst (Staff Liaison)

Matters for Council Action: None

1. **Call to Order.** Chair Silva called the meeting to order with a quorum present at 7:05 pm. Chair announced and distributed Committee Member Hanna-Weir's handout on a recommendation for multi-member districts: three districts divided according to geography with two representatives per district.

MOTION TO EXCUSE MEMBERS BEVERLY SILVA AND MARY HANNA-WEIR WAS MADE BY CHAIR SILVA AND SECONDED BY HAGGAG. MOTION CARRIED UNANIMOUSLY 9:0.

2. **Public Presentations on any matter not on the agenda.**

Committee Members were advised to review criteria in addition to pros and cons of election systems and voting methods. Recommended criteria included 1) Election method that represents all Santa Clara; 2) Resolution of CVRA lawsuit; and 3) Prevention of future CVRA lawsuits.

3. Approval of Minutes from May 8, 2017 Meeting

Amendment in Minutes to Item 3(b) was recommended as follows: revise "Committee Members could not provide direction in favor of by-district voting at this time" to "Committee Members did not provide direction."

MOTION MADE BY VICE CHAIR STATTFIELD AND SECONDED BY BRACAMONTE TO APPROVE MAY 8, 2017 MINUTES WITH AMENDMENT. MOTION CARRIED 8:0 WITH ONE ABSTENTION FROM LODGE

4. Pros and Cons Analysis of Voting Methods. Management Analyst/Staff Liaison provided overview of Election Systems and Voting Methods based on the California Municipal Democracy Index of 2016 prepared by California Common Cause. Handouts were also provided and included a depiction of the four election systems (by-district, at-large, at-large from district, and at-large by district), and questions to the Committee as follows:

- 1) Is there any election system or voting method the Committee would consider eliminating as an option?
- 2) Are there any election systems/voting methods that the Committee would like to delay considering until after a presentation from the Santa Clara County Registrar of Voters?
- 3) Of the remaining options, does the Committee have preliminary thoughts or recommendations?

Interim City Attorney noted the objective of the task at hand is to remove impediments that prevent minority candidates from getting elected and to prevent future lawsuits citing violation of the CVRA.

Member Haggag noted Single Transferrable Vote (STV) allows all votes to get counted, while in Instant Runoff Voting (IRV), votes can be eliminated.

Motion to eliminate cumulative voting and proportional representation as options to be considered was made by Sulcer and seconded by Muirhead. Committee Members discussed the motion and expressed opposition to the motion; Interim City Attorney advised the Committee that they could wait until they hear from the Santa Clara County Registrar of Voters about their feasibility before taking action on the motion. Sulcer rescinded the motion without a vote by the Committee.

Member of the public provided and reviewed handout on Proportional Representation.

MOTION TO EXTEND MEETING FOR 15 MINUTES WAS MADE BY HAGGAG AND SECONDED BY BRACAMONTE. MOTION CARRIED UNANIMOUSLY 10:0.

5. District Election Method

a) Multi-Member Districts

Interim City Attorney reviewed the option of transitioning to by-district and having more than one representative for each district (multi-member) in the following examples:

- 1) 6 districts with one representative for each district plus Mayor elected at-large;
- 2) 3 districts with two representatives for each district plus Mayor elected at-large;
- 3) 2 districts with three representatives plus mayor elected at-large.

Attorney also noted that the city has three Council Members who are in the midst of their terms, and Council Members' terms cannot be cut short when transitioning to a new system. A separate committee will be assigned to draw districts according to the CVRA.

MOTION TO ELIMINATE THE AT-LARGE FROM DISTRICT ELECTION SYSTEM AS AN OPTION FOR THE COMMITTEE TO RECOMMEND WAS MADE BY BRACAMONTE AND SECONDED BY HAGGAG. MOTION CARRIED 9:1 WITH OPPOSITION FROM LODGE.

Interim City Attorney provided the following comments to questions from Vice Chair Stattenfield:

- Amending the charter to provide Council with the authority to pass an ordinance establishing by-district election system is not the ideal approach; it's better for a change in an election system to come from its citizens or the adopted charter.
- If the city establishes safe harbor, it will allow the lawsuit to continue without the City having to pay for the plaintiff's attorney fees; it is unlikely for a Judge to order a charter city to amend its charter without a vote of the people.
- Regarding whether or not multi-member districts suffice the lawsuit, it is hard to speculate what the plaintiff will do; it is important to focus on recommending districts that will most likely allow election of minority candidates.
- Increasing the number of council seats is also an option.
- It's important to ensure that the districts make sense.

Member Haggag expressed opposition to districts of one representative and recommended districts with at least two or three representatives with at least two candidates who run for election at the same time. Three-member districts could allow the proportional representation voting method. Voting for at least two seats within a district per election would increase the likelihood of a minority candidate being elected. If one seat in a district is available per election, then it's not much different than what is implemented today. Committee expressed interest in exploring this suggestion further. Transition can be vetted later.

Member Feain expressed interest in allowing citizens to vote for all available district seats (at-large from district).

MOTION TO RE-ADD AT-LARGE FROM DISTRICT AS AN OPTION FOR COMMITTEE TO RECOMMEND WAS MADE BY VICE CHAIR STATENFIELD AND SECONDED BY HAGGAG. MOTION CARRIED 9:1 WITH OPPOSITION FROM BRACAMONTE.

6. **Future Agenda Topics.** Santa Clara County Registrar of Voters is scheduled to come and present to Committee at the upcoming June 12, 2017 meeting to discuss feasibility of voting methods.

7. **Next Meeting Scheduled June 12, 2017, City Council Chambers.** In response to Committee Member's question, Interim City Attorney announced that the next court date on the current CVRA lawsuit is on July 28, 2017 and thus a recommendation from the Committee by that date would be helpful.

8. **Public Presentations on any matter on the agenda.** Members of the public reviewed concept of voter threshold and that it decreases when using at-large voting methods, e.g. proportional; effects of size of districts on campaigning; geographical districts; benefits of proportional representation.

9. **Adjournment.** The meeting adjourned at 9:40 pm.

MOTION TO ADJOURN THE MEETING MADE BY VICE CHAIR STATENFIELD AND SECONDED BY HAGGAG. MOTION CARRIED UNANIMOUSLY 10:0.

Prepared by:



RAANIA MOHSEN
Management Analyst, City Manager's Office

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