



## **AGENDA**

**September 18, 2017, 7:00 p.m.**

### **Committee Members**

Tino Silva, Chair  
Keith Stattenfield, Vice Chair  
Hazel Alabado  
Markus Bracamonte  
Saskia Feain  
Mary Hanna-Weir  
Hosam Haggag  
Chris Horton  
Steve Lodge  
Jodi Muirhead  
Beverly Silva  
Teresa Sulcer

### **Staff**

Interim City Attorney, Brian Doyle  
Management Analyst (Staff Liaison), Raania Mohsen

1. Call to Order and Roll Call Chair
  
2. Public Presentations  
*This portion of the meeting is reserved for persons to address the Committee on any matter not on the agenda that is within the subject matter jurisdiction of the Committee. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The Committee or staff may briefly respond to statements made or questions posed and may request staff to report back at a subsequent meeting. Please limit your remarks to 3 minutes.*
  
3. Approval of Revised Minutes from the June 26, 2017 Meeting and Draft Minutes from the July 10, 2017 Meeting Committee
  
4. Review and Approval of Draft Charter Amendment Related to Election of City Council Members City Attorney/Committee
  
5. Review Suggested Future Work Plan Items City Attorney/Committee
  
6. Public Comment on Agenda Items  
*Public may comment before any vote taken by the Committee. This time is reserved for persons to address the Committee on any matter on the agenda for which a vote was not taken.*
  
7. Adjournment Chair  
Next meeting: TBD



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**CHARTER REVIEW COMMITTEE  
REVISED MINUTES  
CITY COUNCIL CHAMBERS  
1500 Warburton Avenue  
Santa Clara, CA 95050  
Monday, June 26, 2017, 7:00 p.m.**

**Committee Members Present:**

Tino Silva, Chair	Mary Hanna-Weir
Keith Stattenfield, Vice Chair	Rex McIntosh
Hazel Alabado	Jodi Muirhead
Markus Bracamonte	Beverly Silva
Saskia Feain	Teresa Sulcer
Steve Lodge	
Hosam Haggag	

**Staff:**

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

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**Matters for Council Action:** Committee recommends that the Charter be changed as follows: elect City Council Members by two (2) districts (e.g. District A and District B) with three (3) Council Members representing each district.

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1. **Call to Order.** Chair Tino Silva called the meeting to order with a quorum present at 7:03 pm.

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

Steve Chessin addressed Limited Voting, its constitutionality, and its use in 164 jurisdictions across the nation. David Kadlecsek addressed the point that electing a city council is to get competent, able, honest, articulate people who represent the various interests of the city and discuss issues sharing different points of views.

3. **Approval of Minutes from June 12, 2017 Meeting**

**MOTION MADE BY VICE CHAIR STATENFIELD AND SECONDED BY MEMBER BEVERLY SILVA TO APPROVE JUNE 12, 2017 MINUTES. MOTION CARRIED 11:0 WITH ONE ABSTENTION FROM BRACAMONTE.**

4. **Brief Discussion on City Demographic Report 2011.** Chair noted the report has been provided for the Committee's information and to be referred to during discussion throughout the meeting as needed.

**5. Direction on By-District Election Options.** Interim City Attorney reviewed attached staff memo and recommended the Committee consider and take action on the following:

1. Recommend if the City should go to districts.
2. If yes, recommend to the City Council that they place on the June 2018 ballot a Charter amendment that would elect City Council Members by either 2, 3, or 6 districts.
3. Recommend that any changes to the system of election that the Committee might recommend, such as cumulative or ranked-choice, be a separate ballot measure that would not go into effect until at least the November 2020 election.

Regarding limited voting, according to advice from the City's outside counsel, limited voting is not recommended; for example, if there are three open seats, it is unlikely that voters of the City of Santa Clara would appreciate having only one vote amongst the three open seats or likely votes.

Interim City Attorney provided the following information to questions from Committee Members:

- The Committee has been tasked with making a recommendation on by-district elections for the City of Santa Clara; the lines of districts will not be drawn by the Committee.
- Once by-districts is approved, the City will start preparing for that transition from now to ensure the process is completed in time for the 2018 elections.

Committee Members discussed the option of six, three, or two districts; Vice Chair Stattenfield and Committee Members Haggag and McIntosh reviewed their proposals (attached).

Poll Question from Chair: Who prefers 6, 3, 2, or no districts?

Answer: 1 Member prefers 6 districts; 6 Members prefer 3 districts; 4 Members prefer 2 districts.

**MOTION TO RECOMMEND THREE DISTRICTS OF TWO COUNCIL MEMBERS EACH WITH ELECTION OF A COUNCIL MEMBER IN EACH DISTRICT ALTERNATING EVERY 2 YEARS MADE BY HANNA-WEIR AND SECONDED BY LODGE.**

Committee discussed motion.

**MOTION TO EXTEND MEETING UNTIL 9:30 PM OR UNTIL ALL AGENDA ITEMS ARE ADDRESSED MADE BY VICE CHAIR STATTFIELD AND SECONDED BY MUIRHEAD. MOTION CARRIED UNANIMOUSLY 12:0.**

**MOTION TO AMEND RECOMMENDATION NOT TO INCLUDE SCHEDULE OF COUNCIL MEMBER ELECTIONS MADE BY HANNA-WEIR AND SECONDED BY LODGE.**

Committee discussed amended motion and members of the public Pedro Hernandez, Jeremy Macaluso, and Steve Chessin provided comments.

**MOTION FAILED 5:7.**

**MOTION TO RECOMMEND TWO DISTRICTS WITH THREE COUNCIL MEMBERS EACH MADE BY HAGGAG AND SECONDED BY BEVERLY SILVA.**

Committee discussed motion and member of the public Steve Chessin provided comments.

**MOTION PASSED 7:5.**

**6. Direction on Alternative Voting Methods.** Chair recommended discussion of voting methods (Agenda Item 6) for the next meeting.

**7. Future Agenda Topics.** Committee recommended including transition and voting methodology as agenda topics for the next meeting. Chair noted there are two more meetings remaining: July 10 and July 24. The July 10 meeting will take place at the Central Park Library, Marie Edinger Meeting Room and the July 24 meeting has been relocated from the Council Chambers to the Central Park Library, Redwood Meeting Room.

**8. Adjournment.** The meeting adjourned at 10:00 pm.

**MOTION TO ADJOURN THE MEETING MADE BY HAGGAG AND SECONDED BY HANNA-WEIR. MOTION CARRIED UNANIMOUSLY 12:0.**

Prepared by:

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RAANIA MOHSEN  
Management Analyst, City Manager's Office

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**CHARTER REVIEW COMMITTEE  
DRAFT MINUTES**  
CENTRAL PARK LIBRARY  
MARGIE EDINGER ROOM  
2635 Homestead Road  
Santa Clara, CA 95051  
Monday, July 10, 2017, 7:00 p.m.

**Committee Members Present:** Tino Silva, Chair  
Keith Stattenfield, Vice Chair  
Markus Bracamonte  
Saskia Feain  
Steve Lodge  
Hosam Haggag  
Mary Hanna-Weir  
Rex McIntosh  
Jodi Muirhead  
Beverly Silva  
Teresa Sulcer

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

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**Matters for Council Action:** The Committee recommends that the Charter be changed as follows (including recommendation approved at June 26, 2017 meeting):

1. Elect City Council Members by two districts (e.g. District A and B) with three Council Members representing each district (approved at June 26, 2017 meeting);
2. Elect the three Council Members at the same time per district alternating/staggering between gubernatorial and presidential election years;
3. Utilize Ranked Choice Voting by means of Single Transferrable Vote as soon as the Santa Clara County Registrar of Voters Office can support such a system; continue with the City's current voting method (plurality) until the County can support the new voting method.
4. Transition to include:
  - In 2018 elect two members to four-year terms in District A;
  - In 2020 elect one member to a two-year term in District A and three members to four-year terms in District B.

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1. **Call to Order.** Chair Tino Silva called the meeting to order with a quorum present at 7:05 pm.

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

Steve Chessin addressed Committee's proposed two 3-member council election districts. David Kadlecek suggested switching the orders of Agenda items 4 and 5.

**3. Approval of Minutes from June 26, 2017 Meeting**

**MOTION MADE BY HAGGAG AND SECONDED BY VICE CHAIR STATENFIELD TO APPROVE JUNE 26, 2017 MINUTES WITH AMENDMENT TO CORRECT COMMITTEE MEMBER NAME “WEIR” TO “HANNA-WEIR”. MOTION CARRIED UNANIMOUSLY 11:0.**

Chair Silva announced goal of meeting is to complete recommendations to Council.

**4. Recommendation on Voting Method for Two 3-Member Districts.** Committee Members discussed the options of at-large, cumulative, and limited voting, which are feasible in 2018; and ranked choice voting (RCV) and single transferrable vote (STV), which are feasible in 2020, according to Santa Clara County Registrar of Voters Office. Members noted consideration of RCV and STV in order to increase the likelihood of minority representation on Council in the recommended two three-member districts.

**MOTION MADE BY HANNA-WEIR AND SECONDED BY VICE CHAIR STATENFIELD TO RECOMMEND ELECTION OF THE THREE COUNCIL MEMBERS OF EACH DISTRICT AT THE SAME TIME.**

Members of the public Steve Chessin, Pedro Hernandez, Jennifer Pae, Jeremy Macaluso, and Gautam Barve provided comments on motion.

**MOTION AMENDED BY HANNA-WEIR AND SECONDED BY VICE CHAIR STATENFIELD TO INCLUDE THE OCCURRENCE OF EACH DISTRICT ELECTION TO ALTERNATE/STAGGER BETWEEN GUBERNATORIAL AND PRESIDENTIAL ELECTION YEARS. MOTION CARRIED UNANIMOUSLY 11:0.**

**MOTION MADE BY HAGGAG AND SECONDED BY MUIRHEAD TO RECOMMEND ELECTION OF COUNCIL MEMBERS UTILIZING RANKED CHOICE VOTING BY MEANS OF SINGLE TRANSFERRABLE VOTE AS SOON AS THE SANTA CLARA COUNTY REGISTRAR OF VOTERS IS ABLE TO SUPPORT SUCH A SYSTEM; UNTIL THAT TIME, CONTINUE ELECTING COUNCIL MEMBERS USING THE CURRENT PLURALITY METHOD OF VOTING. MOTION CARRIED UNANIMOUSLY 11:0.**

Interim City Attorney noted that staff will be reporting Committee’s recommendation to Council on July 18, 2017.

**MOTION MADE BY CHAIR TINO SILVA AND SECONDED BY VICE CHAIR STATENFIELD TO EXTEND MEETING TO 9:30 PM. MOTION CARRIED UNANIMOUSLY 11:0.**

**5. Recommendation on Transition to Two 3-Member Districts.** Committee Members discussed options of transition to the recommended change in the election of City Council Members.

**MOTION MADE BY HAGGAG AND SECONDED BY BRACAMONTE FOR TRANSITION TO OCCUR AS FOLLOWS:**

- In 2018 elect two members to four-year terms in District A;

- **In 2020 elect one member to a two-year term in District A and three members to four-year terms in District B.**

Members of the public Steve Chessin, Pedro Hernandez, David Kadlecek provided comments on motion.

**MOTION CARRIED UNANIMOUSLY 11:0.**

**6. Future Agenda Topics.** Committee suggested discussing election method of other City Elected Officials (Mayor, Clerk, Police Chief) at July 24, 2017 meeting.

Meeting adjourned at 10:02 pm.

**MOTION TO ADJOURN MEETING MADE BY HAGGAG AND SECONDED BY VICE CHAIR STATTFIELD. MOTION CARRIED UNANIMOUSLY 11:0.**

Prepared by:

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RAANIA MOHSEN  
Management Analyst, City Manager's Office

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**City of  
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City Attorney's Office  
**Memorandum**

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**Date:** September 12, 2017  
**To:** Charter Review Committee  
**From:** Interim City Attorney  
**Subject:** Draft Ballot Language

On July 18, 2017, the City Council directed the City Attorney to draft ballot language to amend the City Charter in accordance with the Committee's recommendation to 1) Elect Council Members by two districts (e.g., District A and District B) with three (3) Council Members representing each district; 2) Elect three (3) Council Members at the same time per district alternating/staggering between gubernatorial and presidential election years; 3) Utilize Ranked Choice Voting by means of Single Transferrable Vote as soon as the Santa Clara County Registrar of Voters Office can support such a system and continue with the City's current voting method until the County can support the new voting method; and, 4) Transition to include: in 2018, elect two (2) Council Members to four year terms in District A; and in 2020, elect one (1) Council Member to a two year term in District A and three (3) Council Members to four year terms in District B.

Attached is the draft ballot language for the Committee to consider.

Following passage of the Charter Amendment, the City Council should amend Section 2.10.010 of the Santa Clara Municipal Code to read as follows:

**2.10.010 Membership – Terms of office and election.**

The City Council is the governing body of the City, whose members shall be elected from the City at large for a term of four years, at the times and in the manner as provided in Section 700 Sections 700.1 and 700.2 of the Charter.



## **Charter Amendment – Council Districts – Method of Election**

1. Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

### **Sec. 600 City elected officers.**

No person shall be eligible to hold any elective office in the City including Mayor, City Council, Chief of the 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 Council seat other than the one which he or she holds.

2. Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

**Sec. 700.1 Elections – City Council ~~Designation of seats.~~**

Members of the City Council shall be elected from two districts to be known as District A and District B, with elections to be conducted as follows:

- (a) Each district shall be represented by three (3) Council Members.
- (b) In the election to be held in November 2018, the voters of District A shall nominate and elect two (2) Council Members for four year terms each.
- (c) In the election to be held in November 2020, the voters of District A shall nominate and elect one (1) Council Member for a two year term; and the voters of District B shall nominate and elect three (3) Council Members for four year terms each.
- (d) In the election to be held in November 2022, the voters of District A shall nominate and elect three (3) Council Members for four year terms each.
- (e) In each election held in or after November 2024, Council Members shall be elected for a four year term.
- (f) The method by which Districts are to be drawn and redrawn and the method of voting for City Council shall be enacted by ordinance of the City Council.

3. Section 700.2 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

**Section 700.2 Method of Elections – City Council.**

- (a) For the purposes of this section: (1) a candidate shall be deemed “continuing” if the candidate has not been eliminated; (2) a ballot shall be deemed “continuing” if it is not exhausted; and, (3) a ballot shall be deemed “exhausted” and not counted in further stages of the tabulation if all of the choices have been eliminated or there are no more choices indicated on the ballot. If a ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted when such multiple rankings are reached. If a voter casts a ranked-choice ballot but skips a rank, the voter’s vote shall be transferred to that voter’s next ranked choice.
- (b) Members of the City Council shall be elected using a ranked-choice, or “instant runoff” ballot. The ballot shall allow voters to rank a number of choices in order of preference equal to the total number of candidates for each office; provided, however, if the voting system, vote tabulation system or similar or related equipment used by the County Registrar of Voters cannot feasibly accommodate choices equal to the total number of candidates running for each office, then the Registrar of Voters may limit the number of choices a voter may rank to no fewer than three. The ballot shall in no way interfere with a voter’s ability to cast a vote for a write-in candidate.
- (c) If a candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority, the candidate who received the fewest first choices shall be eliminated and each vote cast for that candidate shall be transferred to the next ranked candidate on that voter’s ballot. If, after this transfer of votes, any candidate has a majority of the votes from the continuing ballots, that candidate shall be declared elected.
- (d) If no candidate receives a majority of votes from the continuing ballots after a candidate has been eliminated and his or her votes have been transferred to the next-ranked candidate, the continuing candidate with the fewest votes from the continuing ballots shall be eliminated. All votes cast for that candidate shall be transferred to the next-ranked continuing candidate on each voter’s ballot. This process of eliminating candidates and transferring their votes to the next-ranked continuing candidates shall be repeated until a candidate receives a majority of the votes from the continuing ballots.
- (e) If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated simultaneously and their votes transferred to the next-ranked continuing candidate on each ballot in a single counting operation.
- (f) A tie between two or more candidates shall be resolved in accordance with State law.
- (g) The Department of Elections shall conduct a voter education campaign to familiarize voters with the ranked-choice, or “instant runoff” method of voting.

- (h) Any voting system, vote tabulation system, or similar or related equipment acquired by the City and County shall have the capability to accommodate this system of ranked-choice, or "instant runoff" balloting.
- (i) Ranked choice, or "instant runoff" balloting shall be used for the general municipal election in November 2020 and all subsequent elections. If the Registrar of Voters will not be ready to implement ranked-choice balloting in November 2018, then the City shall begin using ranked-choice, or "instant runoff" balloting at the November 2020 general municipal election. If ranked-choice, or "instant runoff" balloting is not used in the November 2018 election, and no candidate for City Council receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a runoff election held on the second Tuesday in December 2018.



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Brian Doyle  
Interim City Attorney



<b>Suggested Future Work Plan Items for Review</b>	
<b>1</b>	Convert Chief of Police to be appointed (versus elected) either by City Council or City Manager.
<b>2</b>	Convert the Mayor from a directly elected position to a rotating role amongst seven elected Council Members.
<b>3</b>	Convert the City Clerk position to be appointed (versus elected).
<b>4</b>	Convert Council Members to be elected by district. (Charter Review Committee has already provided recommendation.)
<b>Other Comments Received</b>	
<b>5</b>	Turn on police traffic motorcycle units on the weekend to ensure enforcement.
<b>6</b>	Our city has deteriorated in appearance due to unkept yards and cars parked on streets preventing street sweepers from cleaning the debris off of the streets.
<b>7</b>	The Planning Commission appointments need to be amended such that no person professionally employed in the real estate industry can be on the Planning Commission.
<b>8</b>	Stop approving high density housing.
<b>9</b>	Concerned that water & utility rates increase every year/every other year.
<b>10</b>	Traffic problems continue to grow.