



**SPECIAL MEETING  
AGENDA**

**October 5, 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 Draft Minutes from September 18, 2017 Meeting Committee
  
4. Review and Approval of Revised Draft Charter Amendments Related to Election of City Council Members City Attorney/Committee
  
5. Review & Prioritization of the Following Potential Charter Amendments as received from Community and Committee Members: City Attorney/Committee
  - A. Convert Police Chief from elected to appointed position
  - B. Convert City Clerk from elected to appointed position
  - C. Voting method of elected Mayor, City Clerk, Police Chief
  - D. Convert Mayor from elected to appointed rotating position
  - E. Provide City Officers with duty to report city charter violations, establish complaint process for city staff who report suspected charter violations, provide whistleblower protection for those who report

- F. Require Council Meetings to occur every 30 days and at least 20 meetings per year, separated by 14 days
- G. Revise current value of property (\$500.00) that can be sold by City of Santa Clara according to approved process
- H. Revise the required five-sevenths vote for an emergency ordinance to four-sevenths vote
- I. Require full text of any proposed ordinance to be posted on website at least three days before adoption
- J. Add “commissions” to requirement of City Attorney to attend meetings of and give his/her advice or opinion in writing when requested to do so by City Council, boards or officers
- K. Clarify City Planning Commissioners’ classification
- L. Require city budget to be posted on city website
- M. Revise current value of public works contracts (\$1,000) that requires bidding
- N. Require final audit and report to be posted on city’s website
- O. Require public documents to be posted on city’s website

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

Next meeting: TBD

Chair



**Committee Members Present:** Tino Silva, Chair  
Keith Stattenfield, Vice Chair  
Hazel Alabado  
Markus Bracamonte  
Hosam Haggag  
Mary Hanna-Weir  
Steve Lodge  
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:** None

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1. **Call to Order.** Chair Tino Silva called the meeting to order with a quorum present at 7:07 pm.

**MOTION MADE BY HAGGAG AND SECONDED BY VICE CHAIR STATENFIELD TO ACCEPT MEMBER REX MCINTOSH'S RESIGNATION. MOTION CARRIED UNANIMOUSLY 10:0.**

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

David Kadlec provided comments suggesting reconsideration of Committee's recommended transition, consideration of Instant-Runoff Voting for the Mayor, City Clerk, and Police Chief, and review of options available to allow Ranked Choice Voting (RCV) of Council Members for the November 2018 election. Steve Chessin provided comments on the draft charter amendments attached in the agenda, and distributed and reviewed handouts addressing Proportional Representation, Bottom-Up Ranked Choice Voting, and sample ballots. Pedro Hernandez reviewed and provided handouts of Fair Vote's Ranked Choice Voting Model Statutory Language and a copy of SB 58 language describing RCV. Mohsin Mirza referred to a letter submitted by Asian Americans Advancing Justice Asian Law Caucus and expressed concern for the Committee's recommended election method in 2018 (which is to utilize the existing election method of plurality) and suggested consideration of bottom-up RCV or leasing equipment that would enable the use of RCV by means of Single Transferrable Vote in 2018.

**3. Approval of Revised Minutes from June 26, 2017 Meeting and Draft Minutes from the July 10, 2017 Meeting.**

**MOTION MADE BY HAGGAG AND SECONDED BY BRACAMONTE TO APPROVE REVISED JUNE 26, 2017 MINUTES AND JULY 10, 2017 MINUTES. MOTION CARRIED 9:0 WITH ONE ABSTENTION FROM ALABADO.**

**4. Review and Approval of Draft Charter Amendment Related to Election of City Council Members.**

Interim City Attorney reviewed draft ballot language for the Committee to consider. Committee Members provided suggested revisions. It was suggested to reduce ballot language, provide a short summary of the recommended election method, RCV by means of Single Transferrable Vote (STV), and add language referring to an ordinance that would include detailed explanation of the new election method. Interim City Attorney will consider suggestions and provide revised ballot language for Committee's review at next meeting.

Committee Members discussed the feasibility of conducting the election of Council Members in November 2018 using RCV. Members stated that the Santa Clara County Registrar of Voters expressed the possibility of implementing RCV if it received approval from the Secretary of State and upgraded its software. However, RCV by means of Transferrable Vote would not be possible until 2020. Once City indicates interest in utilizing RCV, the Registrar of Voters can begin to process the request.

City Clerk provided comments regarding the nomination process for elected office and voter outreach education completed in the 2014 election cycle (see handout included in post agenda materials).

**5. Review Suggested Future Workplan Items.** Chair Tino Silva asked the Committee if they were interested in discussing the suggested future workplan items provided by community members or preferred to continue the discussion at the next meeting. Committee Members agreed to continue the item at the next meeting and add additional items. There was a consensus that suggestions received from the community that did not relate to the City Charter were not appropriate for the Charter Review Committee to address.

**MOTION MADE BY VICE CHAIR STATENFIELD AND SECONDED BY HAGGAG TO DISCUSS SUGGESTED FUTURE WORKPLAN ITEMS AT NEXT MEETING AND ADD VOTING METHOD FOR THE MAYOR, CITY CLERK, AND POLICE CHIEF AS AN ADDITIONAL ITEM TO DISCUSS. MOTION PASSED 9:1 WITH OPPOSITION RECEIVED FROM LODGE.**

**MOTION MADE BY VICE CHAIR STATENFIELD AND SECONDED BY HAGGAG FOR COMMITTEE MEMBERS AND THE PUBLIC TO PROVIDE FURTHER SUGGESTIONS THAT RELATE DIRECTLY TO THE CITY CHARTER AT THE NEXT MEETING. MOTION CARRIED 9:1 WITH OPPOSITION RECEIVED FROM BRACAMONTE.**

**MOTION MADE BY VICE CHAIR STATENFIELD AND SECONDED BY MUIRHEAD TO EXTEND THE MEETING TO 9:15 PM. MOTION CARRIED UNANIMOUSLY 10:0.**

**6. Public Comment on Agenda Items.**

Pedro Hernandez provided comments regarding leasing equipment in order to implement Bottom-up RCV in November 2018. Steve Chessin and David Kadlecek provided comments regarding the use of an ordinance to address the new election method.

Meeting adjourned at 9:27 pm.

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

Prepared by:

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RAANIA MOHSEN  
Management Analyst, City Manager's Office

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## **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 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.

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**

Members of the City Council, other than the Mayor, shall be elected from two districts to be known as Districts 1 and 2 with elections to be conducted as follows:

- a. Each district shall be represented by three Council Members.
- b. In the election to be held in November 2018 the voters of District 1 shall nominate and elect two Council Members for four year terms each.
- c. In the election to be held in November 2020, the voters of District 1 shall nominate and elect one Council Member for a two year term; and the voters of District 2 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 1 shall nominate and elect three (3) Council Members for four year terms each.
- e. In each election held in or after November 2024, City Council members shall be elected for a four year term.
- f. The method by which Districts are to be drawn and redrawn 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. Members of the City Council other than the Mayor shall be elected by ranked choice voting, also known as single transferable vote. The City Council shall, by ordinance, establish the ballot format and the rules for casting and counting the vote.
- b. Ranked choice voting 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 2020, then the City shall use the method of election provided for in the Elections Code until the Registrar of Voters is able to implement ranked-choice voting.



Charter Amendment Suggestions		Related Charter Section(s)
1	Convert Chief of Police to be appointed (versus elected) either by City Council or City Manager	Section 600 City elected officers
2	Convert the City Clerk position to be appointed (versus elected).	Section 600 City elected officers
3	Voting Method of Elected Mayor, City Clerk, Police Chief	Section 600 City elected officers
4	Convert the Mayor from a directly elected position to a rotating role amongst seven elected Council Members.	Section 600 City elected officers
5	Section 707 requires two regular meetings each month. In practice, Council takes the month of July off. Amend section 707 to require at least one meeting every 30 days and at least 20 meetings per year, separated by 14 days.	Section 707 Regular Meetings
6	Provide that certain city officers (city council, city clerk, chief of police, city manager, and city attorney) have a duty to report when they know of a violation of the City Charter. Create complaint process for city staff who report suspected City Charter violations. Provide whistleblower protections for those who report. In the interest of good government, penalties without a reporting/enforcement mechanism are not effective.	Section 712 Proceedings Section 807 Prohibition against Councilmanic interference Section 1107 Prohibitions Section 1801 Violations
7	Section 714 states that no property exceeding \$500.00 in value shall be sold without first publishing notice of intention to sell in an official newspaper....” Amend so value is appropriate and includes automatic increase based on inflation.	Section 714 Power to lease, sell, or convey City property
8	Consider revising the required five-sevenths vote for an emergency ordinance to four-sevenths vote should one or two council members not be available.	Section 811 Emergency ordinances





Charter Amendment Suggestions		Related Charter Section(s)
9	Require proposed ordinances to be available on city's website at least three days before adoption, including the full text of the ordinance. Currently the Charter requires a proposed ordinance to be posted at least three days prior to its adoption in three public spaces. In addition, prior to the final ordinance adoption, a single publication of the ordinance must be provided in an official newspaper, including the title, date of its introduction, a brief summary, and a list of the places where copies of the full text of the proposed ordinance are posted.	Section 812 Publication of ordinances Section 813 Codification of ordinances Section 814 Adoption of printed building codes Section 815 Publishing of legal notices
10	Section 908(c) requires that the City Attorney "attend all meetings of the City Council and give his/her advice or opinion in writing whenever requested to do so by the City Council, or by any of the boards or officers of the City." Amend to include commissions.	Section 908 City Attorney
11	Charter Section 1006 states that all City Planning Commissioners shall not hold any paid office or employment in the City government; but Section 1101 declares all members of boards or commissions are members of the unclassified service.	Section 1006 Planning Commission – Generally Section 1101 Classified Service
12	Amend to require complete city budget to be posted on the city website.	Section 1302 Budget – Submission to City Council
13	Charter requires that every public works contract that involves an expenditure of more than \$1,000 "shall be let to the lowest responsible bidder after notice by publication in an official newspaper...." Adjust value to be appropriate and automatically adjust based on inflation.	Section 1310 Contracts on Public Works
14	Charter requires three copies of final audit and report to be available for public inspection. Amend to require posting on city's website.	Section 1319 Independent Audit
15	In general, amend Charter to include "to the extent possible, the full materials prepared before public meetings in addition to the agenda shall be available on the city's website in addition to the three public places such information is posted. "	