



Committee Members Present:

Tino Silva, Chair (7:15 pm)	Hosam Haggag
Keith Stattenfield, Vice Chair	Mary Hanna-Weir
Hazel Alabado	Steve Lodge
Markus Bracamonte	Jodi Muirhead
Saskia Feain	

Staff:

- Deanna J. Santana, City Manager
- Brian Doyle, Interim City Attorney
- Rod Diridon Jr., City Clerk
- Rania Mohsen, Management Analyst (Staff Liaison)

Matters for Council Action: Committee recommends to forward suggested charter amendments items 5(G) through 5(O) to staff to provide input as needed and forward to Council for review and approval.

1. **Call to Order.** Vice Chair Keith Stattenfield called the meeting to order with a quorum present at 7:04 pm.

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

Steve Chessin of Californians for Electoral Reform stated assuming the charter amendment related to the method of election of City Council Members is approved by the Charter Committee and subsequently the Council, and goes to the ballot in November 2018, Californians for Electoral Reform is willing to assist and support a campaign in support of the charter amendment. Fair Vote may also assist and support the campaign for the charter amendment.

3. **Approval of Draft Minutes from September 18, 2017 Meeting.**

MOTION MADE BY HAGGAG AND SECONDED BY HANNA-WEIR TO APPROVE SEPTEMBER 18, 2017 MINUTES. MOTION PASSED 7:0 WITH ONE ABSTENTION FROM FEAIN.

4. **Review and Approval of Draft Charter Amendment Related to Election of City Council Members.** Interim City Attorney provided revised charter amendment language per

suggestions provided at the September 18, 2017 Charter Review Committee meeting. Committee Members suggested further revisions and requested Interim City Attorney to research and provide more information regarding the following options addressing residency requirement:

- Residency requirement prior to running for office;
- Residency requirement for duration of term;
- Provision allowing an elected candidate to move to another district within the City in the middle of his or her term.

City Clerk noted that the City Charter used to include a residency requirement in order to run for elected office but it was struck from the Charter.

Relating to residency requirement and per interest expressed by Committee Members, Interim City Attorney suggested bringing back a new amendment to the Charter that addresses abandonment, or when an elected officer moves out of the City, how abandonment is determined and what happens when the office becomes vacant due to abandonment.

Committee Members noted that it's important to ensure proposed charter amendments remain valid and in alignment with the California Voting Rights Act (CVRA) and the definition of "by district" elections.

5. Review & Prioritization of the Following Potential Charter Amendments as received from Community and Committee Members:

- 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**

Chair Tino clarified Committee is to prioritize the suggested amendments according to preference. Committee Members and staff provided the following comments and options for consideration:

- Review the items according to subject matter, e.g. “election of officers” items 5(A) through 5(D).
- Forward all items for Council to review and approve.
- Be mindful that each charter amendment brought forward as a ballot measure could potentially cost about \$70,000.
- Be mindful of the single-subject requirement for each ballot measure.
- Some of the items require subject matter expertise, e.g. Director of Public Works.

MOTION MADE BY VICE CHAIR STATENFIELD AND SECONDED BY HAGGAG TO ELIMINATE FROM LIST OF POTENTIAL CHARTER AMENDMENTS 5(F) OCCURRENCE OF COUNCIL MEETINGS, AND FORWARD ITEMS 5(G) THROUGH 5(O) TO STAFF TO PROVIDE INPUT AS NEEDED, AND FORWARD TO COUNCIL FOR REVIEW. MOTION PASSED UNANIMOUSLY 9:0.

Members of the public provided comments on motion. A member of the public (name unknown) recommended for Committee to consider resources and staff’s time when evaluating items 5(G) through 5(O) of the potential charter amendments and forwarding to Council for review. David Kadlecek suggested considering forming a permanent Charter Review Committee. Gautam Barve recommended for Police Chief and City Clerk to remain elected at-large. A member of the public (name unknown) recommended for Mayor, City Clerk, and Police Chief to remain elected and through Ranked Choice Voting (RCV), similar to the Committee’s recommended method for election of Council Members.

Motion made by Haggag and seconded by Bracamonte to eliminate from list of potential charter amendments items 5(a), 5(b), and 5(d), which propose to convert police chief, city clerk, and mayor from elected to appointed positions.

Committee Members noted and discussed:

- validity of elimination and prioritization of items off the list of suggested potential charter amendments;
- adding the qualifications of Police Chief as a discussion item for the next Agenda;
- adding the merit of an elected Fire Chief as a discussion item for the next Agenda;

Motion amended by Haggag and seconded by Bracamonte to review each item separately and to eliminate item 5(a), convert police chief from elected to appointed position, from further consideration.

Committee Member comments included:

- The requirement of an elected police chief reduces the pool of candidates eligible to run for Police Chief; however, because there has not yet been a problem with having an elected police chief, there is no need to change it.
- City of Santa Clara has a standard for public safety that needs to be maintained through the election of a Police Chief who must meet the required qualifications outlined in the Charter

in order to run for office; however, ensuring accountability is also important but difficult with an elected official.

Members of the public provided comments on the motion. In his capacity as resident of the City of Santa Clara, Brian Doyle stated elected officers do not have accountability. There is no citizen oversight of the Police Chief except for disciplinary hearings conducted by the Civil Service Commission. Steve Silva expressed support for the roles of Police Chief and City Clerk remaining as elected officials but suggested to consider establishing mechanisms of accountability and oversight through the City Manager just like other employees of the City.

Committee Members made the following suggestions as future agenda items:

- Include presentations on current mechanisms of accountability and oversight of elected officers for discussion.
- Discuss other mechanisms for accountability and oversight of the elected offices of Police Chief and City Clerk.
- Include presentations regarding the roles of Police Chief and City Clerk and details about the accountability of their performances from Committee Member Steve Lodge and a representative from the City Clerk's Office as appropriate.

Motion on the floor was withdrawn by Haggag.

MOTION MADE BY MUIRHEAD AND SECONDED BY VICE CHAIR STATENFIELD TO EXTEND THE MEETING TO 9:15 PM. MOTION PASSED 7:2 WITH OPPOSITION FROM HAGGAG AND BRACAMONTE.

MOTION MADE BY HAGGAG AND SECONDED BY BRACAMONTE TO ELIMINATE FROM LIST OF POTENTIAL CHARTER AMENDMENTS 5(D) CONVERT MAYOR FROM ELECTED TO APPOINTED ROTATING POSITION. MOTION PASSED UNANIMOUSLY 9:0.

Public Comments on motion received from David Kadlecek and included suggestion to further reconsider converting the Mayor from an elected position to a rotating appointment.

6. Public Comment on Agenda Items.

Steve Chessin suggested further revisions regarding the revised charter amendments and addressed the question of the single-subject requirement for ballot initiatives; it is not a requirement when placed by the legislative body. David Kadlecek addressed the question of elected officials being drawn out of districts, stated that a one-year residency requirement for elected office is in violation of the U.S. Constitution, and addressed the concern about elected officials continuing to represent their district should they move out of the district.

Meeting adjourned at 9:10 pm.

MOTION TO ADJOURN MEETING MADE BY HAGGAG AND SECONDED BY HANNA-WEIR. MOTION PASSED UNANIMOUSLY 9:0.

Prepared by:

RAANIA MOHSEN
Management Analyst, City Manager's Office

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