



AGENDA

November 6, 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 October 23, 2017 Meeting Committee

4. Review of Potential Charter Amendments & Recommendations Committee
 - a) Voting Method of elected Mayor, City Clerk, Police Chief
 - b) 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

5. 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.

6. Adjournment Chair



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

**CHARTER REVIEW COMMITTEE
DRAFT MINUTES**
CITY COUNCIL CHAMBERS
1500 Warburton Avenue
Santa Clara, CA 95050
Monday, October 23, 2017, 7:00 p.m.

Committee Members Present:

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

Staff:

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

Matters for Council Action: Committee approved recommendation to maintain the roles of Police Chief and City Clerk as elected positions.

1. **Call to Order.** Chair Tino Silva called the meeting to order with a quorum present at 7:02 pm.

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

David Cary distributed a memo, which provided information and recommendations regarding draft charter amendments covering the following topics (Charter Section 600): district and city residency requirements for City Council members, including existing provisions in state law (Charter Section 700.2); using limited voting (single non-transferable vote) as the interim election method (Charter Section 700.1); avoiding ambiguity about electing the City Council by district rather than from the district; and other minor wording improvements (Charter Section 700.2)

Steve Chessin distributed a memo and reviewed additional suggestions to include in the revised charter amendment related to the election of council members.

3. **Approval of Draft Minutes from October 5, 2017 Special Meeting.**

MOTION MADE BY VICE CHAIR STATENFIELD AND SECONDED BY HANNA-WEIR TO APPROVE OCTOBER 5, 2017 MINUTES. MOTION PASSED 9:0 WITH THREE ABSTENTIONS FROM HORTON, SILVA, AND SULCER.

4. Review and Approval of Revised Draft Charter Amendment Related to Election of City Council Members. Interim City Attorney provided revised charter amendment language per suggestions provided at the October 5, 2017 Charter Review Committee Special Meeting. Committee Members suggested further revisions.

MOTION MADE BY VICE CHAIR STATENFIELD AND SECONDED BY HAGGAG TO APPROVE THE REVISED CHARTER AMENDMENT AND INCLUDE CHANGES MADE AND DISCUSSED WITH INTERIM CITY ATTORNEY INCLUDING THE ADDITION OF LANGUAGE TO ALLOW COUNCIL MEMBERS TO HOLD OFFICE WHERE REDISTRICTING RESULTS IN THEM NO LONGER LIVING IN THE DISTRICT TO WHICH THEY WERE ORIGINALLY ELECTED AND RECOMMEND TO COUNCIL AS A BALLOT MEASURE FOR THE JUNE PRIMARY ELECTION 2018. MOTION PASSED UNANIMOUSLY 12:0.

David Cary addressed the issue of residency requirement. Steve Chessin noted the importance of avoiding ambiguity in the ballot language. A member of the public (name unknown) noted that in 2018 District 2 does not get a vote while District 1 gets to vote for two council members, and then in 2020 voters get to elect three council members in District 2 and one council member in District 1.

Interim City Attorney addressed the two items of residency requirement and moving out of the district while in office (office abandonment) as requested by the Committee at its October 5, 2017 Charter Review Meeting. Residency requirement is included in the City Charter and requires any candidate running for office to be a resident and registered elector. According to a California Supreme Court ruling, the City of Santa Clara may not impose a residency requirement of more than 30 days. In addition, it is not recommended to include the concept of office abandonment in the proposed charter amendment because of its potential to complicate the electorate's understanding of the new election procedures. The current Charter already states that an elected candidate or officer must be a resident and registered elector; however, it does not provide direction on how to address office abandonment should it occur. The current procedures available to address office abandonment include recall election or a challenge through the courts. Interim City Attorney offered to provide more research and information should the Committee express further interest.

5. Discussion of Potential Charter Amendments:

- 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**

Committee Members discussed and evaluated pros and cons of having an elected police chief. Committee Member Lodge provided some input as a former Police Chief for the City of Santa Clara.

MOTION MADE BY BRACAMONTE AND SECONDED BY HAGGAG TO MAINTAIN ROLE OF POLICE CHIEF AS AN ELECTED POSITION. MOTION PASSED UNANIMOUSLY 12:0.

MOTION MADE BY MUIRHEAD AND SECONDED BY HAGGAG TO EXTEND THE MEETING TO 9:15 PM. MOTION PASSED UNANIMOUSLY 12:0.

Staff reviewed the informational memo regarding future presentations and agenda reports and noted that there is an option for the committee to seek independent review of elected positions for a comprehensive and objective analysis.

Committee Members continued to discuss role of City Clerk as an elected role. Interim City Attorney advised that it would appear to be a conflict of interest if the City Clerk provided comments as a current elected official but would be welcome to provide comments as a member of the public.

Committee Members continued to discuss validity of hearing directly from City Clerk.

Motion made by Feain and seconded by Horton to table the discussion to a future meeting.

Motion was withdrawn by Feain.

Motion was made by Bracamonte and seconded by Lodge to maintain the role of City Clerk as an elected position.

The City Clerk recused himself from the discussion and left the Council Chambers.

Committee Members reviewed the job description of City Clerk as noted in the City Charter.

Motion on the floor was withdrawn by Bracamonte.

Motion made by Vice Chair Stattenfield to receive information at the next meeting about the role and duties of the City Clerk by someone independent of the City Clerk's Office. Motion was not seconded.

Committee Members continued to discuss the role and value of an elected City Clerk and determined to focus on the subject of an elected versus an appointed City Clerk.

MOTION MADE BY HAGGAG AND SECONDED BY BRACAMONTE TO EXTEND THE MEETING TO 9:45 PM. MOTION PASSED UNANIMOUSLY 12:0.

MOTION MADE BY BRACAMONTE AND SECONDED BY LODGE TO MAINTAIN THE ROLE OF CITY CLERK AS AN ELECTED POSITION. MOTION PASSED UNANIMOUSLY 12:0.

6. Informational Memo addressing Future Presentations & Agenda Items

Memo was reviewed and noted earlier in the meeting.

7. Public Comment on Agenda Items

No Comments provided.

8. Adjournment

Future agenda items at next meeting to include discussion of the following items:

- Voting Method of elected Mayor, City Clerk, and Police Chief
- Provide City Officers with duty to report city charter violations, establish complaint process for city staff who report suspected charter violations, provide whistle blower protection for those who report

The next meeting is tentatively scheduled for November 6, 2017 in the City Council Chambers and will be confirmed and properly noticed by staff.

Meeting adjourned at 9:49 pm.

**MOTION MADE BY VICE CHAIR STATENFIELD AND SECONDED BY HORTON TO
ADJOURN MEETING. MOTION PASSED UNANIMOUSLY 12:0.**

Prepared by:

RAANIA MOHSEN
Management Analyst, City Manager's Office

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