

**SECTION 4:** The County Registrar of Voters of the County of Santa Clara is authorized to canvass the returns of said election, and said elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used, and the precincts, polling places and officers of election shall be the same as those established and designated for said primary election by the Registrar of Voters.

**SECTION 5:** The City of Santa Clara recognizes that additional costs will be incurred by the County of Santa Clara by reason of this consolidation and agrees to reimburse the County of Santa Clara for all costs.

**SECTION 6:** The City Council does hereby further resolve that it requests the Board of Supervisors of Santa Clara County for the consolidation of said special election with the said statewide election and hereinafter sets forth the exact form of the following measure to be voted upon at such consolidated election, as same is to appear on the ballot, to wit:

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**CITY OF SANTA CLARA MEASURE**

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<b>A</b>	<b>CHARTER AMENDMENT--CHIEF OF POLICE.</b> Amends the Charter of the City of Santa Clara to provide for the appointment of the Chief of Police by the City Manager rather than selection of the Chief of Police by the current election process.	YES _____ NO _____
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**MEASURE B  
CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE B**

Overview

A "yes" vote would amend the City Charter and make the Chief of Police a City Manager appointed position.

A "no" vote would leave the City Charter provisions providing for an elected Chief of Police unchanged.

The City Charter

Since 1953, the City Charter has provided that the Chief of Police is an elected position. The City Charter designates the City Manager as the chief executive officer of the City and the head of the administrative branch of the City government. Among the City Manager's current administrative responsibilities is the authority to appoint and remove, subject to the provisions of the City Charter, all employees of the City who are not elected or appointed by the City Council. This authority to appoint and remove city employees includes all members of the Police Department other than the Chief of Police. The Chief of Police is elected and not subject to the City Manager's personnel authority to appoint and remove.

This City Charter amendment would make the Chief of Police position an appointive office. The City Manager would be authorized to make the appointment, and the City Manager would also have the authority to remove the appointed Chief of Police from the position.

MICHAEL R. DOWNEY  
City Attorney

The above statement is an impartial analysis of Measure B. The full text of Measure B is as follows:

**MEASURE B**

A Measure on motion of the City Council to amend the Charter of said City to provide for the appointment of the Chief of Police by the City Manager rather than selection of the Chief of Police by the current election process. If this measure passes, the City Charter would be amended as follows:

- a) The second paragraph of Section 600 of the City Charter will read as follows:  
"The City Clerk shall be elected from the city at large, at the time and in the manner provided in this Charter for election of the members of the City Council to Seat Numbers 3, 4, 6, and 7, and the City Clerk shall serve for a term of four years, except as otherwise provided in this charter."
- b) The first paragraph of Section 701 of the City Charter would be deleted. The first paragraph of Section 701 currently reads as follows:  
"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 shall be a qualified elector, and shall have been a resident of the City for at least three years next preceding the date of his election or appointment to such office."
- c) The first paragraph of Section 703 of the City Charter will read as follows:  
"A vacancy in any elective office of the City, from whatever cause, shall be filled by appointment by the City Council by a majority vote of the remaining members."

**BALOTA OFICIAL  
CONDADO DE SANTA CLARA  
OFICINAS NO PARTIDARIOS** 7 de junio de, 1994

**CONDADO**

Tasador	Vote por Uno
VIRGIL ATENCIO Evaluador II del Condado	107
PETE MC HUGH Alcalde/Contador Jubilado	108
NORMAN JOHN SHASKEY Contador Publico Certificado	109
JOHN R. SANFILIPPO Ingeniero	110
LARRY STONE Hombre de Negocios/Ejecutivo de Finanzas	111
D. EDWARD "DON" REEVES Evaluador de Bienes y Raices	112
ERNEST KONNYU Hombre de Negocios/Contador	113
GENE VAN HORN Tasador Certificado/Hombre de Negocios	114

Fiscal	Vote por Uno
GEORGE W. KENNEDY Fiscal del Distrito Judicial, Condado de Santa Clara	116

Alguacil	Vote por Uno
CHARLES P. GILLINGHAM Sheriff, Condado de Santa Clara	118
ARMAND JOSEPH TIANO Teniente, Deputado Sheriff	119

Miembro, Junta de Supervisores, Distrito 4	Vote por Uno
THEODORE PATRICK "TED" MC ELHONE Hombre de Negocios del Condado de Santa Clara	121
EVERETT N. (EDDIE) SOUZA Alcalde de Santa Clara	122
JIM BEALL Miembro del Consejo de la Ciudad	123

**DISTRITO**

**DISTRITO DE AGUAS DEL VALLE DE SANTA CLARA**

Director, Distrito 4	Vote por Uno
WILLIAM A. GISSLER Tasador por Nombramiento	125
LARRY WILSON Superintendente de Agua Subterranea Jubilado	126

NVR-005-0065

**BALOTA OFICIAL  
CONDADO DE SANTA CLARA**

7 de Junio de, 1994

**OFICINAS NO PARTIDARIOS**

**JUDICIAL DE JUEZ**

Juez del Tribunal Superior, Cargo No. 10	Vote per Uno
THOMAS WM. CAIN Juez del Tribunal Municipal	79
DOUGLAS B. ALLEN Abogado	80
RENE NAVARRO Juez del Tribunal Municipal	81

**ESCUELA**

Superintendente Estatal de Instrucción Pública	Vote per Uno
GLORIA MATTA TUCHMAN Docente/Sindico Escolar	83
MAUREEN G. DIMARCO Secretario del Gabinete de Educación	84
DELAINE EASTIN Docente - Miembro de la Asamblea	85
DAVID L. KILBER	86
CAROL S. KOPPEL Juez Jubilado	87
LEWIS S. KEIZER Docente	88
PERRY L. MARTIN Ingeniero	89
FRANK JOSEPH ANTHONY MELE Ingeniero Investigador	90
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WILBERT SMITH Empresario, Docente	92
ROBERT "ROB" STEWART Docente	93
HAL RIE E Profesor de Escuela Secundaria	94

**ARGUMENT IN FAVOR OF MEASURE B**

Santa Clara is one of the last two cities in California electing their Police Chief. The only requirements for this critical and demanding position are that the candidate be:

- 1) a resident of the city, and
- 2) a registered voter.

It seems inconceivable that the city has such stringent requirements for entry level police officers, including education, mental and physical health, background checks, and psychological testing, yet no similar requirements for an elected police chief.

Some seem to believe a qualified Santa Clara officer will always run for the position. There are several valid arguments against this assumption. First, more than half of the officers live outside the city and are therefore ineligible to run; second, only a few officers have the administrative or command experience coupled with the advanced education in the administration of criminal justice so necessary for the complexity of the position; third, private citizens with no law enforcement background could run and win.

The election process has disturbing negative effects on the police candidate and the police department. Candidates who are police officers find fundraising particularly degrading and unprofessional. Many officers become politically involved on and off duty causing dissention among the personnel and a reduction in departmental effectiveness.

It is time for Santa Clarans to take the politics out of the police department and the Police Chief's office by allowing the City Manager to appoint the highest qualified professional available in the law enforcement field to lead the Santa Clara Police Department through the challenging years ahead.

A YES vote on Measure B will allow the City Manager to set high qualification requirements for the position of Police Chief and open the position to any and all qualified Santa Clara Police Officers.

DONALD "MANNY" FERGUSON  
Santa Clara Police Chief - Retired

KERI L. PROCUNIER  
Santa Clara City Councilperson

TIM JEFFRIES  
Santa Clara City Councilperson

**REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B**

Entry-level police officer requirements exceed the minimums for an elected police chief...for city council members...county, state, and federal representatives...even the President of the United States. So what!

Measure B's proponents believe that greater wisdom resides in the city manager than in all Santa Clara's voters combined. That's what's inconceivable! Not one qualified candidate for police chief? That's what's inconceivable, particularly since voters can seek out qualified candidates, can write in candidates, and more.

Yes, the elective process can hurt morale, but so can the appointive process — particularly when appointees come from other police departments. Lengthy selection processes hurt morale, too. Witness the recent out-of-area appointments for San Jose's troubled Fire Department. It took 14 months to appoint a new chief, at tremendous cost to morale.

Anyone who thinks appointments remove politics from the police department is living in Fantasyland. Politics are a part of every personnel selection — appointed or elected.

NVR-004-0035

## OF MEASURE B

...the electing their Police Chief. The only position are that the candidate be:

...requirements for entry level physical health, background checks, requirements for an elected police chief

...officer will always run for the position. Assumption. First, more than half of the are ineligible to run; second, only a few experience coupled with the advanced degree so necessary for the complexity of enforcement background could run and

...effects on the police candidate and the police officers, find fundraising particularly problematic politically involved on and off street and a reduction in departmental

...out of the police department and the Manager to appoint the highest qualified person field to lead the Santa Clara Police ahead.

...City Manager to set high qualification level and open the position to any and all

**ERI L. PROCUNIER**  
Santa Clara City Councilperson

## IN FAVOR OF MEASURE B

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...rule, but so can the appointive process — other police departments. Lengthy selection process out-of-area appointments for San Jose's as to appoint a new chief, at tremendous cost

...the politics from the police department is living and personnel election — appointed or elected.

H SC 672-698

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B — CONTINUED

If appointed, the chief will owe direct allegiance to the city manager. But an elected chief owes allegiance directly to the citizens. Every four years, the chief must stand before the citizens and be evaluated for the department's performance. Under the elective system, the chief must know Santa Clara and respond to what Santa Clarans want. The city manager doesn't need more control over how or what things get done—the citizens do. Let's not give away our power over so important a function as law enforcement. VOTE NO on Measure B.

**DAN TEXERA**  
Former Santa Clara City Councilman

**LULLIAN CIFELLI**  
37-year Santa Clara Resident

**VERN DETO**  
Former Santa Clara City Councilman

**JOANNE SANFILIPPO**  
Santa Clara Civil Service Commissioner

**MR. LEONARD GEORGE**  
Native Santa Claran

## ARGUMENT AGAINST MEASURE B

Santa Clarans have elected their police chief for at least five decades. (In the mid-1950s the city charter was amended and a police chief appointed, but that didn't last long. The citizens were so dissatisfied, they voted within two years to return to electing their police chief.)

Unlike many neighboring residents, Santa Clarans are satisfied with the quality of their police services. Unlike some of its neighbors, Santa Clara has never needed a citizen police review board. Why? Because the police chief reports directly to the people — not to the city manager and not to the city council. As a result, the police chief and department are extremely sensitive to the wishes of the people — much more so than in neighboring jurisdictions. In San Jose, for example, police no longer report to the scene of non-injury auto accidents. And the people had no say in that decision. Santa Clara Police, on the other hand, do provide that service.

Now, if the people are dissatisfied with their police department, they can simply vote the chief out of office and elect a new one. They can mount a recall campaign, if they wish. But if Measure B passes, the citizens will be removed from directly affecting the department's service quality and priorities.

In a time when government no longer listens to the people, Santa Clarans should reserve their right to control their destiny by continuing to elect their police chief. In the past the voters have elected qualified leaders who have directed a first class police department. Why now is there a move to take that decision from you the voter?

For generations, Santa Clara's Police Department has been among the best, most respected, in America. "If it ain't broke, don't fix it." Vote NO on Measure B.

**LISA M. GILLMOH**  
Santa Clara City Councilwoman

**JIM ASH**  
Santa Clara City Councilman

**DONALD CALLEJON**  
Santa Clara Unified School Board Member

**LARRY FARGHER**  
Former Santa Clara Mayor

**DON VONRAESFELD**  
Former Santa Clara City Manager/  
Councilman

FR 692 693

H SC 672-698

FP 693 693

H SC 672-698

## INSTRUCCIONES A LOS VOTANTES

1. Inserte la Tarjeta Balota en el Dispositivo para Votar.
2. Perfore la Tarjeta Balota con el punzón del Dispositivo para Votar. Nunca use pluma o lápiz para agujerear la tarjeta.
3. Para votar por un candidato cuyo nombre y posición aparezcan en la balota de muestra, busque el número del candidato en el Dispositivo "Poll Star" y perfore la marca a la derecha de la flecha inmediata a ese número.
4. Cuando vayan a elegirse dos o más candidatos para la misma posición siga el procedimiento indicado en 3. para cada candidato por quién usted quiera votar. No vote por más candidatos que la cantidad a elegirse.
5. Para votar por un candidato calificado para ser agregado, use la porción para ser agregado, arriba en la Balota. Escriba el nombre de la posición y el nombre de la persona en los espacios proporcionados para eso fin.
6. Para votar por algún proyecto de ley, busque el número que aparezca al lado de la palabra "SI" o al lado de la palabra "NO" en la balota de muestra. Halle el número en el Dispositivo "Poll Star" y perfore el agujero a la derecha de la flecha al lado de ese número.
7. Se prohíben todas las marcas y borraduras, que inutilizan la balota. Si por error perfore, rompe o desfigura su balota devuélvala al miembro del directivo del recinto y obtenga otra.
8. En las balotas para voto de ausentes, siga las instrucciones para Votantes Ausentes que le darán con su balota.

SIGUE EN LA PAGINA SIGUIENTE

**PARA VOTAR MAS RAPIDAMENTE . . .**

**ANTES DE IR DONDE TIENE QUE VOTAR:**

1. Elija por quienes o qué quiere votar.
2. En la tabla más abajo marque rodeando los nombres de personas o leyes por que quiere votar.

**EN EL LUGAR DONDE DEBA VOTAR:**

1. En el dispositivo en que vá a votar, halle los números que coinciden con sus selecciones.
2. Perfore la tarjeta balota donde está el agujero a la derecha de esos números.

**TABLA**

1	27	53	79	105	131	157	183	209	235	261	287
2	28	54	80	106	132	158	184	210	236	262	288
3	29	55	81	107	133	159	185	211	237	263	289
4	30	56	82	108	134	160	186	212	238	264	290
5	31	57	83	109	135	161	187	213	239	265	291
6	32	58	84	110	136	162	188	214	240	266	292
7	33	59	85	111	137	163	189	215	241	267	293
8	34	60	86	112	138	164	190	216	242	268	294
9	35	61	87	113	139	165	191	217	243	269	295
10	36	62	88	114	140	166	192	218	244	270	296
11	37	63	89	115	141	167	193	219	245	271	297
12	38	64	90	116	142	168	194	220	246	272	298
13	39	65	91	117	143	169	195	221	247	273	299
14	40	66	92	118	144	170	196	222	248	274	300
15	41	67	93	119	145	171	197	223	249	275	301
16	42	68	94	120	146	172	198	224	250	276	302
17	43	69	95	121	147	173	199	225	251	277	303
18	44	70	96	122	148	174	200	226	252	278	304
19	45	71	97	123	149	175	201	227	253	279	305
20	46	72	98	124	150	176	202	228	254	280	306
21	47	73	99	125	151	177	203	229	255	281	307
22	48	74	100	126	152	178	204	230	256	282	308
23	49	75	101	127	153	179	205	231	257	283	309
24	50	76	102	128	154	180	206	232	258	284	310
25	51	77	103	129	155	181	207	233	259	285	311
26	52	78	104	130	156	182	208	234	260	286	312

**REBUTTAL TO ARGUMENT AGAINST MEASURE B**

Quality police services are the result of two things: money and management.

Our police department is among the best paid, most highly educated and trained, and well respected in the State of California. We're not the best because we have an elected police chief. We have earned this reputation because the city council, with recommendations from the City Manager, has provided the money necessary to make it the best. That's why we can still provide the personal service our citizens want and deserve.

Opponents of Measure B say the department won't be responsive to the citizens if we have an appointed chief. That is simply not true. All other department heads, including the fire chief, are appointed by the City Manager. They are the most qualified, experienced individuals, and provide first-class, responsive service to citizens.

Santa Clara has been fortunate to have several excellent chiefs. Two of our finest, retired chiefs Manny Ferguson and Frank Vasquez, support an appointed chief. Why? They know from first-hand experience that law enforcement has changed in the past 50 years, demanding the most qualified individual to head the department- whether that person be found inside or outside the city limits. And they have seen the divisive and destructive effect an election has on the police department. Politics don't belong in the police department.

You, the citizens, have an opportunity to make sure the best police department has the best chief that can be found. Vote YES on Measure B.

**FRANK G. VASQUEZ**  
Santa Clara Police Chief Retired

**PHILIP S. RAINERI**  
Planning Commissioner  
City of Santa Clara

**TILLIE R. GOLDSBERRY**  
Santa Clara PAL Board of Directors

**BILL GISSLER**  
Former City Mayor of Santa Clara

**BETTY HANGS**  
President, Santa Clara  
Chamber of Commerce