

ARGUMENT IN FAVOR OF MEASURE H

You have the opportunity at this election to reform the Santa Clara City Charter for the first time in more than 30 years. Please consider each of these ballot measures in the spirit of continuing to foster an effective City government.

These measures are the work of a blue-ribbon Charter Review Committee, with membership representing the broad and rich elements of the citizenry of Santa Clara. After months of research and discussion, the Committee recommended five revisions to the Charter, the first of which you will find here.

The general language cleanup recommendation will make a number of technical, but vital, changes to the City Charter:

Elimination of Gender Biases: The current Charter uses language such as "Councilman" and consistently refers to individuals as "he". This measure would revise the wording to be gender neutral, like changing to "Council Member" and reflecting "he or she". This terminology is important to reset the old, preconceived notions in our City Charter to reflect modern expectations.

Compliance with the Brown Act: The current Charter has language which is inconsistent with the Brown Act, the State law which protects the public by requiring open meetings, public discussion and proper disclosure. This measure protects the public by bringing the Charter into compliance with the Brown Act, and would allow the flexibility to have neighborhood City Council meetings.

Adoption of General Changes: This measure also updates some general City practices, such as adopting the State Elections Code, eliminating redundancies or sections that have been superseded by State law, codifying the City's current practices for the annual audit and elements of our fiscal administration. Generally, these changes are technical in nature and have the intent of bringing the Charter in line with modern policies and practices.

Other Charter recommendations are Measures I, J, K and L.

ROD DIRIDON, JR.
Santa Clara City Council Member

JUDY REINARTZ
Chairman, Charter Review Committee

JAMIE LEE MATTHEWS
Santa Clara City Council Member

MILES H. BARBER
Member, Charter Review Committee

JUDY NADLER
Mayor, City of Santa Clara

NO ARGUMENT AGAINST MEASURE H WAS SUBMITTED

MEASURE I

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE I

This measure relates to eligibility and qualification requirements for candidates for the elected office of Chief of Police.

Currently, the Santa Clara City Charter only requires that a candidate for Chief of Police be a City resident and a qualified registered voter. The City Charter does not contain any eligibility or qualification requirements for candidates for Chief of Police. This measure would require that candidates meet the minimum eligibility and qualification requirements imposed by State law upon candidates for the elected Office of Sheriff.

The requirements for the Office of Sheriff are set forth in California Government Code Section 24004.3. This section requires that a candidate have either (1) an active or inactive advanced certificate issued by the Commission on Peace Officer's Standards and Training; or (2) meet a specified combination of peace officer experience and education. Less experience as a peace officer is required if a higher level of education has been completed by the candidate.

Therefore, if the candidate does not have the advanced certificate issued by the Commission on Peace Officer's Standards and Training, then the candidate must have at least:

1. One year of full-time, salaried law enforcement experience; plus a master's degree from an accredited college or university; or
2. Two years of full-time, salaried law enforcement experience, plus a bachelor's degree from an accredited college or university; or
3. Three years of full-time, salaried law enforcement experience, plus an associate in arts or associate in science degree, or the equivalent, from an accredited college; or
4. Four years of full-time, salaried law enforcement experience, plus a high school diploma or equivalent.

In all four instances for law enforcement experience, at least a portion of this experience must have been accomplished within five years prior to the date of filing for office.

MICHAEL R. DOWNEY
City Attorney

The above statement is an Impartial Analysis of Measure I. The full text of Measure I is as follows:

COMPLETE TEXT OF MEASURE I

1. City of Santa Clara City Charter Section 701:1 shall be added to the Charter to read as follows:

§ 701.1 Qualifications for Chief of the Police Department.
Candidates for the office of Chief of Police shall meet the minimum eligibility and qualification requirements imposed by state law upon candidates for the office of Sheriff.

ARGUMENT IN FAVOR OF MEASURE I

It may be hard to believe, but any registered voter who lives in the City of Santa Clara can be a candidate for Chief of Police. There are no requirements to have ever served as a police officer; in fact, there is no requirement to have any law enforcement experience at all.

Measure I would change our Charter to adopt the same requirements and minimum qualifications required by the State of California for elected County Sheriffs. The requirements are simply a minimum combination of level of education and law enforcement experience. For instance, if someone has a bachelor's degree from an accredited college or university then he/she must also have at least two years of salaried law enforcement experience (within certain provisions of the Penal Code) within five years prior to entering a race for Police Chief. A master's degree requires one year of experience, and an AA degree requires three years.

Our current and past Police Chiefs have exceeded these qualifications.

This Charter amendment would ensure that Santa Clarans continue to have a choice of qualified, experienced candidates and quality leadership for our Police Department.

DONALD C. FERGUSON
Retired Santa Clara Chief of Police

JAMIE LEE MATTHEWS
Santa Clara City Council Member

FRANK G. VASQUEZ
Retired Santa Clara Chief of Police

JUDY REINARTZ
Chairman, Charter Review Committee

KATHLEEN LOCKWOOD
Member, Charter Review Committee

NO ARGUMENT AGAINST MEASURE I WAS SUBMITTED

MEASURE J

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE J

The current Santa Clara City Charter provides as compensation to each member of the City Council, other than the Mayor, the sum of \$200 per month. Measure J provides that, commencing on July 1, 2000, each member of the City Council, other than the Mayor, would receive as compensation the sum of \$600 per month.

Under the current City Charter, the Mayor receives compensation of \$1,000 per month. This number would not change under Measure J.

Measure J would provide for a cost of living increase in compensation for both the Mayor and Council Members each year starting on July 1, 2001. The increase would be equal to the percentage increase in the preceding calendar year's consumer price index as determined by the U.S. Department of Labor, Bureau of Consumers, for the San Francisco, Oakland, and San Jose area. However, the cost of living increase paid to the Mayor and Council members could not, in any event, exceed five percent per year.

The cost of the compensation increase to the City for the first fiscal year of 2000-2001 would be \$28,800 over the current compensation cost. Thereafter, the annual cost would increase from that figure by the amount of the consumer price index, provided that no annual increase would exceed 5%.

MICHAEL R. DOWNEY
City Attorney

The above statement is an Impartial Analysis of Measure J. The full text of Measure J is as follows:

COMPLETE TEXT OF MEASURE J

1. City of Santa Clara City Charter Section 702 shall be amended to read as follows:
§ 702 Compensation.
Commencing on July 1, 2000, each member of the City Council, other than the Mayor, shall receive as compensation the sum of six hundred dollars (\$600) per month. The Mayor shall receive as compensation the sum of one thousand dollars (\$1,000) per month.

Commencing on July 1, 2001, and annually on July 1 thereafter, the compensation of the Council and Mayor shall increase by a percentage equal to the percentage increase in the preceding calendar year's annual average of the Consumer Price Index as determined by the United States Department of Labor, Bureau of Consumers (CPI-U), San Francisco, Oakland, San Jose subgroup - all items, or successor index. However, the compensation increase shall in no event exceed five percent (5%) per year. The CPI base index year for the adjustment shall be calendar year 1999.

If a member of the City Council, including the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, the compensation to him/her for such month shall be reduced by the sum of twenty-five dollars (\$25.00) for each meeting or study session not attended unless he/she is absent with the consent of or on order of the City Council.

Absence from five consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any member of the City Council so absent.

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