

DEC 18 2023

MEASURE A
CITY OF SANTA CLARA PROPOSED CHARTER AMENDMENT

City Clerk's Office
City of Santa Clara

CITY ATTORNEY'S IMPARTIAL ANALYSIS

Ballot Measure Summary

Under the City of Santa Clara Charter, the City Clerk is an elected position with a four-year term. The City Council placed this measure on the ballot for city voters to determine if the Charter should be amended to change the position from an elected position to a position appointed by the City Manager.

A "yes" vote on this measure means the City Clerk position will become a position appointed by the City Manager.

A "no" vote means the City Clerk will remain an elected position.

Current Provisions in the Charter

Since 1953, the City's Charter has provided that the City Clerk is to be elected by the voters for a term of four (4) years. [Charter Section 600] There is no limit on the number of four-year terms the elected City Clerk can serve.

As with other elected positions, the Charter requires an elected City Clerk to be a city resident and a registered voter. [Charter Section 600] The Charter provides no additional eligibility requirements for the elected City Clerk.

The powers and responsibilities of the City Clerk include the following: (1) maintain accurate records of Council meetings; (2) publish, certify and maintain all ordinances and resolutions; (3) maintain all written agreements and official bonds; (4) make records available for public inspection; (5) be the custodian of the city seal; (6) administer oaths of office; and (7) have charge of all city elections. [Charter Section 903]

The City Charter authorizes the City Council to appoint another City employee to perform duties of the City Clerk. The Council has exercised this authority through provisions in City Code Sections 2.20.020 and .030. Pursuant to these sections, the elected City Clerk retains responsibilities as custodian of the City seal and as the City's elections official; however, the Assistant City Clerk is assigned the duty to perform all other City Clerk responsibilities.

Proposed Revisions to the Charter

If approved, the proposed Charter amendments would remove provisions that make the City Clerk an elected position and replace them with provisions requiring the City Manager to appoint future City Clerks. As a result, existing Charter provisions requiring City's elected officials be city residents and registered voters, would no longer apply. Existing provisions specifying certain City Clerk powers and duties would remain. The City Manager would have the authority to supplement, but not contradict, these powers and responsibilities.

Consistent with the City Manager's role as the appointing authority for department heads, it is expected that the City Manager will develop new job qualifications and standards for the appointed City Clerk position. This new job specification would be added to the City's existing employee compensation and classification system. As a City Manager appointee, the City Clerk would be "at will" serving at the discretion of the City Manager.

If the proposed measure passes by majority vote, future City Clerks will be appointed by the City Manager. In transition, the current City Clerk will serve the remainder of his term through December 17, 2024. Thereafter, or if a vacancy occurs before December 17, 2024, the City Manager will appoint the new Clerk.

If the proposed measure does not pass by majority vote, the City Clerk position will remain elected.

/s/

Glen R. Googins
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