

DEC 18 2023

City Clerk's Office  
City of Santa Clara

MEASURE B  
CITY OF SANTA CLARA PROPOSED CHARTER AMENDMENT  
CITY ATTORNEY'S IMPARTIAL ANALYSIS

**Ballot Measure Summary**

Under the City of Santa Clara Charter, the Chief of Police is an elected position with a four-year term. The City Council placed this measure on the ballot for 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 Chief of Police position will become a position appointed by the City Manager.

A "no" vote means the Chief of Police will remain an elected position.

**Current Provisions in the Charter**

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

As with other elected positions, the Charter requires an elected Chief of Police to be a city resident and a registered voter. [Charter Section 600] The Charter further requires that candidates for Chief of Police meet minimum eligibility requirements imposed under state law upon candidates for sheriff. [Charter Section 701.1] Elected sheriff requirements are set forth in California Government Code Section 24004.3.

The powers and responsibilities of the Chief of Police are specified in the Charter as follows: (1) preserve the public peace; (2) execute and return all "process" (i.e., subpoenas) issued by legal authority; and (3) exercise all powers now or hereafter conferred upon sheriffs and police officers by state law. [Charter Section 906]

**Proposed Revisions to the Charter**

If approved, the proposed Charter amendments would remove provisions making the Chief of Police an elected position and replace them with provisions requiring that future Chiefs of Police be appointed by the City Manager. As a result, existing Charter provisions requiring City's elected officials be City residents and registered voters, would no longer apply. Existing Charter provisions that impose minimum eligibility requirements are proposed to be deleted. Instead, 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. This new job specification would be added to the City's existing employee compensation and classification systems. Existing Charter provisions specifying Chief of Police powers and responsibilities would remain. The City Manager would have the authority to add to, but not contradict, these powers and responsibilities. As a City Manager appointee, the Chief of Police would be "at will" serving at the discretion of the City Manager.

If the proposed measure passes by majority vote, future Chiefs of Police will be appointed by the City Manager. In transition, the current Chief 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 Chief.

If the proposed measure does not pass by majority vote, the Chief of Police position will remain elected

/s/

Glen R. Googins

City Attorney, City of Santa Clara