



City of Santa Clara

Meeting Agenda

Charter Review Committee

Wednesday, April 15, 2026

6:00 PM

City Hall - Council Chambers
1500 Warburton Avenue
Santa Clara, CA 95050

**Chair Pat Nikolai will be participating remotely from the following location:
2690 Bear Creek Road, Curtin, Oregon 97424**

The City of Santa Clara is conducting Charter Review Committee meetings in-person and continues to have methods for the public to participate remotely or in-person.

Zoom Link: <https://santaclaraca.zoom.us/j/86127408402>

Webinar ID: 861 2740 8402

Phone: 1-669-444-9171

To submit written public comment before meeting:

Send email to cityattorney@santaclaraca.gov by 10 a.m. one day before the date of the meeting. Emails will be forwarded to Committee members and will be uploaded as post agenda supplemental meeting material.

Note: Emails received as public comment will not be read aloud during the meeting.

CALL TO ORDER AND ROLL CALL

GENERAL BUSINESS

- 1. 26-439** [Action to Approve the March 18, 2026, Charter Review Committee Meeting Minutes and Excuse Absent Members.](#)

Recommendation: Approve the minutes of the March 18, 2026, Charter Review Committee Meeting in the form presented with such modifications/corrections as may be required or requested by the Committee and Excuse absent members.

2. **26-440** [Report Outs from Ad Hoc Subcommittees:](#)
[Group One: Power and Structure of City Government: Rules/Process for Action](#)
[Group Two: City Council: Elections, Powers and Conduct of Meetings](#)
[Group Three: Senior Officials: Duties and Qualifications](#)
[Group Four: Boards and Commissions: Composition, Powers and Duties](#)
[Group Five: Civil Service: General Rules for Classified and Unclassified Employees; Commission Composition and Duties](#)
[Group Six: Fiscal Administration and Procurement](#)

Recommendation: Receive and provide feedback on reports of those Subcommittees reporting.

3. **26-441** [Staff Presentation and Solicitation of Committee Input or Direction Regarding: \(1\) April 7th Report to City Council Regarding Charter Project Progress to Date, Proposed Comprehensive Reorganization Plan and Schedule; \(2\) Comparison and Lessons from Santa Clara's Comprehensive Charter Update from Year 2000; \(3\) Charter Project Work Plan and Scheduling Update.](#)

Recommendation: Hear the report and provide input or direction as appropriate.

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the body on any matter not on the agenda that is within the subject matter jurisdiction of the body. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting.]

STAFF/COMMITTEE MEMBER COMMENTS

ADJOURNMENT

MEETING DISCLOSURES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.



Agenda Report

26-439

Agenda Date: 4/15/2026

REPORT TO CHARTER REVIEW COMMITTEE

SUBJECT

Action to Approve the March 18, 2026, Charter Review Committee Meeting Minutes and Excuse Absent Members.

DISCUSSION

The attached "action" minutes are presented to the Charter Review Committee Board for review and approval.

ENVIRONMENTAL REVIEW

This item does not constitute a "project" under the California Environmental Quality Act ("CEQA") and therefore no environmental review is required.

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

PUBLIC CONTACT

Public contact was made by posting the Charter Review Committee agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the minutes of the March 18, 2026, Charter Review Committee Meeting in the form presented with such modifications/corrections as may be required or requested by the Committee and Excuse absent members.

Reviewed by: Courtney Mohammadi, Legal Executive Assistant, City Attorney's Office

Approved by: Glen Googins, City Attorney

ATTACHMENTS

1. March 18, 2026, Charter Review Committee Meeting Minutes - Draft



City of Santa Clara

Meeting Minutes

Charter Review Committee

03/18/2026

6:00 PM

City Hall - Council Chambers
1500 Warburton Avenue
Santa Clara, CA 95050

Committee Member Mohammad Naveed will be participating remotely from the following location:
2082 Cabrillo Ave, Santa Clara, CA 95050

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Zoom Link: <https://santaclaraca.zoom.us/j/86127408402>

Webinar ID: 861 2740 8402

Phone: 1-669-444-9171

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CALL TO ORDER AND ROLL CALL

Chair Nikolai called the meeting to order at 6:25 p.m. (Technical Issues Delayed Start)

Member Field arrived at 7:00 p.m.

Present 12 - Member Pat Nikolai, Member Holly Rhea Roberts, Member Bernard Tansey, Member Mohammad Naveed, Member Joseph W. Sosinski, Member Burt Field, Member Steve Kelly, Member Lauren Diamond, Member Eric Jensen, Member Mark Boeckman, Member Susan Peters, and Member John Brooks

Absent 1 - Member Eric Crutchlow

GENERAL BUSINESS

1. [26-285](#) Action to Approve the February 18, 2026, Charter Review Committee Meeting Minutes and Excuse Absent Members.

Recommendation: Approve the minutes of the February 18, 2026, Charter Review Committee Meeting in the form presented with such modifications/corrections as may be required or requested by the Committee and Excuse absent members.

A motion was made by Committee Member Kelly, seconded by Committee Member Sosinski, to approve the minutes of the February 18, 2026, Charter Review Committee Meeting and excuse Member Crutchlow's absence.

Aye: 11 - Member Nikolai, Member Roberts, Member Tansey, Member Naveed, Member Sosinski, Member Kelly, Member Diamond, Member Jensen, Member Boeckman, Member Peters, and Member Brooks

Absent: 2 - Member Crutchlow, and Member Field

2. [26-286](#) Report Outs from Ad Hoc Subcommittees:
Group One: Power and Structure of City Government: Rules/Process for Action
Group Two: City Council: Elections, Powers and Conduct of Meetings
Group Three: Senior Officials: Duties and Qualifications
Group Four: Boards and Commissions: Composition, Powers and Duties
Group Five: Civil Service: General Rules for Classified and Unclassified Employees; Commission Composition and Duties
Group Six: Fiscal Administration and Procurement

Recommendation: Receive and provide feedback on reports of those Subcommittees reporting.

City Attorney Googins made some opening remarks and provided a PowerPoint presentation on Report Outs from Ad Hoc Subcommittees with assistance from Subcommittee members. **Member Nikolai** Group 3; **Member Brooks** Group 6.

Group One:
No meetings since last report out. Scheduled to meet again on April 9th.

Group Two:
Met on March 9th. Correction to add **Member Peters** who also participated.

Group Three:
Met on March 11th - Substantial discussions on expanding description of duties of elected Chief of Police. Stakeholder presentations from **Chief Morgan, City Manager Grogan** and **POA President Schmidt**. Next meeting April 8th.

Group Four:
Met March 12th. Focus on Board of Library Trustees. Stakeholder Presentation from **BOLT President Evans**.

Group Five:
No meetings. Previously approved language being submitted to Labor Groups.

Group Six:
Met March 17th, Focus on Public Works Procurement. Stakeholder presentation from **Public Works Director Mobeck**.

3. [26-287](#) Staff Presentation and Solicitation of Committee Input or Direction Regarding: (1) Pending Report to City Council on Reorganization Plan; (2) Legal Notice Requirements and (3) Project Work Plan and Scheduling update.

Recommendation: Hear the report and provide input or direction as appropriate.

City Attorney Googins provided a presentation and Solicitation of Committee Input or Direction Regarding: (1) Pending Report to City Council on Reorganization Plan; (2) Legal Notice Requirements and (3) Project Work Plan and Scheduling update.

Committee discussion followed.

City Attorney Googins provided comments.

PUBLIC PRESENTATIONS

Qian Huang 30 year Santa Clara Resident and Planning Commissioner presented on his desire for: (1) an Amendment to Charter Measure R to allow telecomm equipment set up in Central Park; and (2) the Police Chief to be appointed.

STAFF/COMMITTEE MEMBER COMMENTS

ADJOURNMENT

Meeting adjourned at 7:20 p.m.

MEETING DISCLOSURES

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Agenda Report

26-440

Agenda Date: 4/15/2026

REPORT TO CHARTER REVIEW COMMITTEE

SUBJECT

Report Outs from Ad Hoc Subcommittees:

Group One: Power and Structure of City Government: Rules/Process for Action

Group Two: City Council: Elections, Powers and Conduct of Meetings

Group Three: Senior Officials: Duties and Qualifications

Group Four: Boards and Commissions: Composition, Powers and Duties

Group Five: Civil Service: General Rules for Classified and Unclassified Employees; Commission Composition and Duties

Group Six: Fiscal Administration and Procurement

DISCUSSION

As the date of publication of the agenda for the April 15, 2026 Charter Review Committee Meeting, the following Ad Hoc Subcommittees were able to schedule and hold meetings:

- Group One: Power and Structure of City Government: Rules/Process for Action
 - April 9, 2026
- Group Two: City Council: Elections, Powers and Conduct of Meetings
 - April 13, 2026
- Group Three: Senior Officials: Duties and Qualifications
 - April 8, 2026
- Group Six: Fiscal Administration and Procurement
 - April 6, 2026

City Attorney staff made presentations at each of these meetings. The PowerPoints used for staff's presentations are attached to this report. Minutes from these meetings are still being prepared as of the date of publication and will be uploaded when available. Assigned subcommittee members, with assistance from staff, will report out to the full Charter Review Committee on the substance of these meetings.

Subcommittees that have not met recently may also report out on their progress and required/proposed next steps.

RECOMMENDATION

Receive and provide feedback on reports of those Subcommittees reporting.

Reviewed by: Courtney Mohammadi, Legal Executive Assistant, City Attorney's Office

Approved by: Glen Googins, City Attorney

ATTACHMENTS

1. Charter Review Subcommittee Presentation Group One - 04.09.26
2. Charter Review Subcommittee Presentation Group Three - 04.08.26
3. Charter Review Subcommittee Presentation Group Six - 04.06.26

City of Santa Clara

Charter Review Ad Hoc Subcommittee Group 6

Fiscal Administration & Procurement

April 6, 2026, 6:00 p.m.
Sparacino Conference Room



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

Proposed Meeting Agenda

- Recap/Report Out from March 17, 2026 Subcommittee meeting
- Presentation/discussions regarding proposed update of Article XIII Finance and Budget Issues, including presentation by and Q&A with Director of Finance, Kenn Lee.
- Time permitting, review/identification of other/new issues
- Next Steps

Recap of March 17th Subcommittee Meeting

- Members Jensen, Brooks, Crutchlow in attendance (with noble efforts by Member Field to attend)
- Meeting convened at 6:15 p.m. and adjourned at 8:15 p.m.
- Staff presentation focused a proposed update of Section 1310, “Contracts on public works.”
- Director of Public Works, Craig Mobeck presented and answered questions on existing procurement process, alternative forms of procurement, and why update was needed
- Two primary options presented (including a draft language handout):
 - Wholesale replacement of Section 1310 with principles/guidelines (no dollar amounts) to be implemented by ordinance; or
 - Modifications to existing language with dollar amounts increased.
- Action taken to calendar next meeting (April 6, 2026), with agenda focused on the budget/finance sections, with Director Lee to present if available.
- Report out to full CRC at March 18, 2026 meeting presented by Member Brooks, with supplemental information provided by City Attorney Googins.



Identified Finance Issues

- Changes throughout to allow for “bi-annual” budgeting
- Update/simplify budget preparation and approval process procedures
- Update/simplify provisions for contents of the City budget to eliminate unnecessary detail and outdated terms
- Update provisions for administration of and amendments to the budget, including analysis of the value/legal necessity for five votes to amend budget
- Bond counsel/special finance counsel to review City debt/finance Sections for alignment with current law and best practices.

Distribution, Review and Discussion of Revised Finance Language



Other Discussion Items?



Next Steps

- Calendar next Committee meeting
- Discuss next meeting agenda and any required actions for committee members/staff to prepare. Proposed agenda, at a minimum to include:
 - Proposed “final” language for all Sections**
- Responsibility for preparing and presenting report out to CRC at upcoming April 15th meeting

City of Santa Clara

Charter Review Ad Hoc Subcommittee Group 6

Fiscal Administration & Procurement

April 6, 2026, 6:00 p.m.
Sparacino Conference Room



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

City of Santa Clara

**Charter Review Ad Hoc Subcommittee
Group 3**

**Senior Officials: Duties and
Qualifications**

April 8 2026, 6:00 p.m., Sparacino
Conference Room



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

Proposed Meeting Agenda

- Recap/Debrief of March 11, 2026 meeting
- Presentations/discussion re Director of Finance, City Attorney and City Auditor Provisions
- Time permitting, review/identification of other/new issues
- Next Steps

Recap of March 11th Meeting

- Staff presentation on: (1) recap of January 12th meeting, which included initial briefing on Committee focus/logistics, (2) presentation by current elected City Clerk, Bob O’Keefe, regarding the evolution of the position, the current duties of the City Clerk versus the Assistant City Clerk, followed by discussions regarding need to update the Charter to reflect current practices, as outlined in the City Code, with some modifications and clarifications; and (3) action to appoint Member Tansey as Chair, Diamond as Vice Chair, and Nikolai as Secretary, with report out duties at next CRC meeting assigned to Diamond/Googins.
- Staff preliminary presentation on Charter Section 906, powers and duties of the Elected Chief which included: (1) preserve the peace, (2) execute and return all “process,” and (3) exercise all powers conferred on sheriffs and police officers under state law.
- Presentations by existing Chief Morgan, City Manager Grogan and POA president Schmidt regarding appropriate updates to this, with language from Chief Morgan.

Chief of Police [Section 906]

Sec. 906 Chief of the Police Department.

The Chief of Police shall have power and be required to:

- (a) Preserve the public peace;
- (b) Execute and return all process issued to him/her by legal authority; and
- (c) Exercise all the powers that are now or may hereafter be conferred upon sheriffs and other police officers by the laws of the State.



Status of Internal Discussions

- Agreement that additional language should be added to expand on/clarify Chief of Police powers and duties.
- At a minimum, designation of the Chief of Police is the “Director” of the Police Department with some examples of what that entails (e.g., development/implementation of administrative/operational policies, supervise and direct deployment/allocation of resources, development/recommendations of department budget, supervision of staff, compliance with legal obligations/requirements).
- Further discussions/analysis needed to resolve a perceived “overlap” of authority regarding appointment, promotion, termination and discipline of police officers, with possible different outcomes/consideration for ranking officers versus patrol officers.

Group Debrief on Duties of Chief

- Agreement that additional language should be added to expand on/clarify Chief of Police powers and duties.
- At a minimum, designation of the Chief of Police is the “Director” of Department with some examples of what that entails (e.g., development/implementation of administrative/operational policies, supervise and direct deployment/allocation of resources, development/recommendations of department budget, supervision of staff, compliance with legal obligations/requirements). **Chief’s language under review**
- Further discussions/analysis needed to resolve CM/Chief disagreement over ultimate authority for appointment/discipline/removal.
- On discipline, current process has the Chief as the “Skelly Officer” but the CM as the final authority. Chief thinks the Chief should be the final authority.
- Ultimately, ideally, one or the other should be designated, with the obligation to “consult” with the other. What “consult” means to be left to the Council/CM/Chief.
- If agreement not reached, or even if it is, this might be a “Level Three” item

Review of issues/language for

- Director of Finance
- City Manager
- City Auditor
- City Attorney



Next Steps

- Calendar next Committee meeting
- Discuss next meeting agenda and any required actions for committee members/staff to prepare. Proposed agenda, at a minimum to include:
 - Proposed final language on all positions
- Responsibility for preparing and presenting report out to CRC at upcoming April 15th meeting



City of Santa Clara

Charter Review Ad Hoc Subcommittee
Group One

**Powers & Structure of City
Government: Rules/Process for
Action**

April 9, 2026 6:00 p.m., Sparacino
Conference Room



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

Proposed Meeting Agenda

- Recap/Update on Progress
- Review Proposed New Language
- Next Steps



Recap/Update

- Three Subcommittee Meetings
 - November 14, 2025 Subcommittee Meeting
 - December 15, 2025 Subcommittee Meeting
 - January 14, 2026 Subcommittee Meeting

Recap/Update (cont'd)

- Issues discussed have included:
 - Thirty-day residency requirement; no substantive change needed, but refer to Clerk for administration (current City Clerk proposal is to add an explicit candidate residency certification form and discontinue the “unofficial” proof of residency policy requirement to align with current standard practices
 - Consolidation of Articles I through V, certain Elected Official Sections, and Meeting Process Sections
 - Overall Charter “reorganization” proposal, Charter “levels” and proposed Charter “conventions” (definitions, subheadings, matrix of history/references, etc.)

Recap/Update (cont'd)

- April 7 Report to Council on Charter Project Progress
 - Ad hoc Subcommittee Formation
 - Consideration and approval of Civil Service language for submittal to potentially impacted labor groups
 - Conceptual approval of description of “levels” in which to categorize proposed Charter changes
 - Conceptual approval of proposed reorganization
 - Expected schedule for Council consideration

Review of latest versions of draft language

- Consolidation of Articles I through V into one Article entitled “Essential Terms”
- Update and Add to Essential Terms Sections
- Initial Update of the “Elective Officers” Sections



Next Steps

- Calendar and set agenda for next Subcommittee meeting
- Proposed agenda to include CAO's proposed revisions for all Group One Sections
- Confirm report out responsibilities for April 15, 2026 CRC meeting





Agenda Report

26-441

Agenda Date: 4/15/2026

REPORT TO CHARTER REVIEW COMMITTEE

SUBJECT

Staff Presentation and Solicitation of Committee Input or Direction Regarding: (1) April 7th Report to City Council Regarding Charter Project Progress to Date, Proposed Comprehensive Reorganization Plan and Schedule; (2) Comparison and Lessons from Santa Clara's Comprehensive Charter Update from Year 2000; (3) Charter Project Work Plan and Scheduling Update.

DISCUSSION

Staff will present to the Committee on the following subjects:

- (1) April 7th Report to City Council Regarding Charter Project Progress to Date, Proposed Comprehensive Reorganization Plan and Schedule;
- (2) Comparison and Lessons from Santa Clara's Comprehensive Charter Update from Year 2000;
and
- (3) Charter Project Work Plan and Scheduling Update.

RECOMMENDATION

Hear the report and provide input or direction as appropriate.

Reviewed by: Courtney Mohammadi, Legal Executive Assistant, City Attorney's Office

Approved by: Glen Googins, City Attorney

Attachments

1. April 7th Report to City Council
2. Underline/Strikeout of the Comprehensive Charter Update from the year 2000.



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
@SantaClaraCity

Agenda Report

26-380

Agenda Date: 4/7/2026

REPORT TO COUNCIL

SUBJECT

Update to Council on Charter Review Committee Progress with its Assigned "Charter Project" Proposed Plan for Charter Reorganization, and Proposed Schedule for City Council Consideration and Action

BACKGROUND

The idea for a comprehensive review and update of the City Charter (now commonly referred to as the "Charter Project") was incorporated into the Governance and Ethics Committee Work Plan in early 2025. An outline for the project was first formally presented to the Governance and Ethics Committee on May 1, 2025. Senior City staff were supportive of the project based on their own assessment, and feedback from the different departments responsible for implementing its terms, that a number of Charter provisions were ambiguous, out of date, not aligned with current City operations or best practices, and/or not aligned with current laws. With support from the Committee, the project concept was presented to the full City Council on July 15, 2025. Recognizing the potential benefits of the project, the Council directed staff to take the initial steps to form a Charter Review Committee for purposes of implementing the "Charter Project" (the Charter Project CRC). Council direction included terms for the CRC's composition, selection process and purposes. Staff advertised the availability of CRC positions and, with the City Clerk, implemented the CRC lottery selection and appointment process. On September 16, 2025, the City Council appointed the CRC members and formally established the CRC by adoption of the CRC Bylaws.

Section 2 of the City Council adopted Bylaws for the Charter Project CRC describes its purpose as follows:

"The purpose of the CRC is to work with City staff, with input from the community, to facilitate the implementation of the "Charter Project." The Charter Project involves a process for comprehensive review of the City Charter to identify provisions in the Charter that should be corrected, clarified or modified for the Charter to be fully consistent with applicable state law, aligned with current best practices for City operations and, in general, easier to understand and apply. At the end of the process, the objective of the Charter Project is to produce a draft comprehensive Charter Amendment for presentation to the City Council and, if the City Council so directs, possibly the voters at the November 2026 Election."

Section 3 of the Bylaws sets forth a list of the CRC's duties. Section 3.4 describes the CRC's ultimate duty as follows:

"Make a Recommendation to the City Council regarding a Comprehensive Amendment of the City Charter. To implement the Charter Project City staff will be preparing draft revisions to the City Charter for consideration and input by CRC Subcommittees and/or the CRC itself. At the

end of the process, the CRC will be expected to make a recommendation to the City Council on one or more proposed amendments to the City Charter. The proposed “top to bottom” review process is intended to be driven by practical and legal considerations, with the prime objective being to bring the Charter up to current “best practices” for City operations. It is not intended to implement any major restructuring of City operations or to change the City’s election process. In the end, it will be up to the Charter Review Committee to recommend, and the City Council to decide which, if any, of the proposed changes will be presented to the voters as part a comprehensive update to the City Charter. In order to coordinate with the City Council’s summer meeting schedule, and to meet the timing requirements for submittals of measures to voters at the November 2026 election, the CRC shall endeavor to finalize and present its recommendation(s) to the City Council by no later than June 29, 2026.”

This report is intended to update the City Council on the Charter Project CRC’s progress to date towards implementing the Charter Project.

DISCUSSION

CRC Meetings and Activities.

Since October, the Charter Project CRC has met six (6) times. Meetings were held in 2025 on October 1st, October 22nd and November 19th and in 2026 on January 21st, February 18th and March 18th. Early meetings focused on training and work plan development. Since then, significant actions taken to date by the CRC include:

- Formation of six (6) Ad Hoc Subcommittees to serve as working groups for their assigned sections. The six Groups’ assigned work areas are as follows: (1) Powers and Structure of City Government: Rules/Process for Action; (2) City Council: Elections, Powers and Conduct of Meetings; (3) Senior Officials: Duties and Qualifications; (4) Boards and Commissions: Composition, Powers and Duties; (5) Civil Service: General Rules for Classified and Unclassified Employees; Commission Composition and Duties; and (6) Fiscal Administration and Procurement.
- Consideration and approval (in concept) of proposed changes to Article XI, Civil Service (setting forth the City’s basic structure and rules of classified and unclassified positions), and Sections 1010 and 1011 (setting forth the terms for the Civil Service composition and powers and duties). Early action on these provisions was necessary in order to allow for potentially impacted labor groups to be consulted and provide input on the proposed changes. Note: Staff recently commenced the process for solicitation of input from labor groups.
- Consideration and approval in concept of working definitions of the different “levels” of changes to the Charter. The idea here was to categorize proposed changes into levels so that when the total package is presented to the City Council, the Council will have a basis to evaluate which of the proposed changes ought to be included in the comprehensive Charter amendment submittal to the voters (generally, Levels One and Two), which changes might be so significant or implicate politically sensitive areas that such changes might be considered for presentation to the voters as one or more separate ballot measures (generally, Level Three), and which areas discussed were so

significant, complex or sensitive that they were beyond the scope of the Charter Project CRC, but might warrant future study or consideration.(Level Four)
(See current draft of proposed Levels attached hereto as Attachment 1)

- Consideration and approval (in concept) of plan for an overall reorganization of the City Charter. As currently proposed, this overall reorganization would include a number of elements: (1) Consolidation of Articles I through V; (2) shifting of certain Sections into more logical arrangements by subject matter; (3) retitling of Articles and Sections with more descriptive language; (4) breaking up longer Sections into titled Subsections; (5) deleting headings and numbering left over from previously deleted Sections; (6) re-numbering all Articles and Sections with a more modern, intuitive numbering system; and (7) creation of a comprehensive matrix to be attached at the end of the Charter showing the history of changes to each Section, references to previous Section numbers, and references to City Code Sections that are implementing of the Charter. Note: the pros and cons of this approach are discussed in more detail, below.

Ad Hoc Subcommittee Meetings and Activities.

As of the date of publication of the agenda including this item, the following Ad Hoc Subcommittee meetings have been held. :

- Group One: Power and Structure of City Government: Rules/Process for Action
 - November 12, 2025
 - December 15, 2025
 - January 14, 2025
- Group Two: City Council: Elections, Powers and Conduct of Meetings
 - December 8, 2025
 - February 9, 2026
 - March 9, 2026
- Group Three: Senior Officials: Duties and Qualifications
 - January 12, 2025
 - March 11, 2026
- Group Four: Boards and Commissions: Composition, Powers and Duties
 - November 13, 2025
 - December 15, 2025
 - February 12, 2026
 - March 12, 2026
- Group Five: Civil Service: General Rules for Classified and Unclassified Employees; Commission Composition and Duties
 - November 17, 2025
 - January 5, 2026
 - January 14, 2026

- Group Six: Fiscal Administration and Procurement
 - February 4, 2026
 - March 17, 2026

At each monthly CRC meeting, the CRC agenda includes a report out from each Ad Hoc Subcommittee that has met since their last “report out.” Report outs include a summary of issues discussed, input (if any) received from Charter Project “stakeholders” (for example, relevant City Staff, Boards and Commissions), benchmarking information and proposed next steps. CRC questions and input are also solicited.

Most Ad Hoc Subcommittees have moved beyond mere discussions of issues and are now reviewing and commenting on actual proposed Charter language. To continue this work effort, many more Ad Hoc Subcommittee meetings are already on calendar. Ultimately, each Ad Hoc Subcommittee will be presenting their proposed language changes to the CRC for CRC consideration and action on what to recommend to the City Council. The collection of all of these recommendations will then be packaged and presented to the City Council for Council consideration and action.

Scheduling

At the March 18, 2026 CRC Meeting, staff suggested that in order to complete the project, there would likely need to be more CRC meetings beyond the currently scheduled April 15th, May 20th and June 17th meetings. CRC understood and was amenable to this. Staff is currently looking at the calendar to propose additional meeting dates.

The current intent is to be in a position to present the full Charter Project CRC recommendation to the City Council at the June 9, 2026 Council meeting. After receiving Council preliminary input, the CRC would meet further, as needed to, make any requested modifications and refine the proposal. The recommendation would then be re-presented to Council later in June or early July. If Council desires to proceed to place a measure on the ballot, the full ballot package would need to be delivered to the County Registrar by no later than August 7, 2026. In order not to intrude on the Council’s scheduled summer recess, that means final City Council action on Charter update ballot proposal would need to occur at the Council’s currently scheduled July 14, 2026 meeting.

Pros and Cons of the Proposed Comprehensive Reorganization.

At their February 18, 2026 meeting the Charter Project CRC considered the proposed comprehensive Charter reorganization concept, along with the pros and cons of such approach presented by staff. The primary arguments in favor included: (1) such a reorganization would be perfectly aligned with the Charter Project’s stated purposes by making the Charter more modern and “user friendly” for the public and for professional staff; (2) the deletion of unused Section headings and internal history references would make the Charter shorter, less cluttered and easier to read; (3) the proposed new “tools” including an expanded definitions section, and a detailed matrix with Section amendment and numbering history, along with references to relevant City Code sections, would also enhance Charter usability. Arguments against a comprehensive Charter reorganization included: (1) if an underline/strikeout of the proposed changes were to be placed on the ballot, it could turn off the voting public if it appeared that the changes were not being fully explained or evident; (2) if the full text of all changes needed to be included on the ballot it would increase the cost of the ballot measure; and (3) if a measure with comprehensive renumbering were to be approved by voters, full implementation would require a review and update of the City Code and all other materials

referencing the Charter to update the existing Section references.

Ultimately, the CRC approved proceeding with the comprehensive reorganization. On balance, since they were already undertaking a comprehensive update of the Charter, the consensus of the CRC was that now was the right time to also implement the comprehensive reorganization and renumbering system. They were also apprised that there was no legal requirement to place an underline/strikeout version of proposed changes on the ballot, so that a very messy and complicated document need not be what the voters acted on. Instead, a link could be provided in the ballot measure and/or the City Attorney's Impartial Analysis to the City's website for the full Charter language. This would include an underline strikeout of all proposed changes, a detailed description of all the proposed changes, and an extensive FAQ Section. In light of this, the CRC voted unanimously to support including the comprehensive Charter reorganization concept as part of their work plan.

On staff's suggestion, the CRC included in their action a request that City Council be provided a preview of the proposed reorganization in case there was any issues or concerns. This item presents that preview, along with the current draft reorganization summary (Attachment 2). If the Council, or any individual Councilmember has any concerns with this approach, this item can be pulled for further discussion. Any individual Councilmember can also contact City Attorney Googins with any questions. CRC Members Diamond and Tansey, along with CRC Chair Nikolai have indicated that they would also be available to respond to any questions at the April 7th meeting if necessary.

RECOMMENDATION

Note and file the report.

Reviewed by: Courtney Mohammadi, Legal Executive Assistant, City Attorney's Office
Approved by: Glen Googins, City Attorney

ATTACHMENTS

1. Charter Project "Levels" Summary
2. Proposed Charter Reorganization Summary (DRAFT dated February 18, 2026)

Charter Project “Levels”

[Presented to the CRC on February 18, 2026]

Level One

Changes in form and appearance that are not substantive. Includes corrections, rewording for clarity, reorganization, elimination of redundancies, consistency of cross-references and numbering, consolidation of sections, elimination of headings for previously deleted sections, rewording of headings to better reflect content, addition of subheadings, defined terms, and other Charter-wide conventions to improve comprehension and usability.

Level Two

Rewordings, deletions and additions intended to add clarity, fill gaps, eliminate ambiguities, replace outdated (no longer used) practices with current “best” practices, and provide consistency with state law. Some changes are “substantive” but are not thought to be that significant or made in sensitive areas so as to warrant consideration as possible separate ballot measures.

Note: Both Level One and Level Two Changes will be recommended to be combined in one ballot measure

Level Three

Changes to policies or procedures that may be considered “best practices” or are otherwise viewed as desirable, and that the CRC recommends, but either involve political sensitivity, or are of such independent significance, that they may justify consideration as separate ballot measures.

Note: Ideally, Level Three changes would be combined with Level One and Level Two Changes, but some or all may warrant separate consideration

Level Four

Possible changes to the Charter that are either too complicated or too significant to have been fully analyzed or appropriate for consideration as part of this Charter update project, but are worthy of further study and consideration in the future.

Note: An example of this might be “ranked-choice” voting.

**Charter Project
Proposed Reorganization
DRAFT
February 18, 2026**

Preamble

Article One
Essential Terms

Article Two
Elected Officials

Article Three
Conduct of Elections

Article Four
City Council Actions and Limitations

Article Five
Organization of City Government

Article Six
Appointed Boards and Commissions

Article Seven
City Workforce

Article Eight
Fiscal Administration [and Finance]

Article Nine
Public Contracting (Including Franchises)

Article Ten
General Provisions

Article One
Essential Terms

Existing Articles/Sections:

Article I - Name of City, Article II - Boundaries, Section 400 - General grant of power, Section 500 - Form of Government, [Section 706 – Powers, Section 1800 – Defined Terms]

Proposed Reconfigured Sections

Section 100 Name
Section 101 Boundaries
Section 102 Powers
Section 103 Form of Government
Section 104 Relationship with Other Laws
Section 105 Defined Terms

Article Two
Elected Officials

Existing Articles/Sections:

Section 600 - City elected officers, Certain Sections in Article VII, 700.1 - Elections – City Council Districts, 701 - Term limits of mayor and council members, 701.1 - Qualifications for Chief of Police, 702 - Compensation, Parts of Section 703 - Vacancies, 704 – Presiding Officer – Mayor, 704.1 - Mayor – Limitation of terms, 704.2 - Mayor Political position, 704.3 - Mayor – Powers and duties, 704.4 - Mayor – Vacancy, 705 - Vice Mayor, [Section 706 - Powers], Section 912 – Oath of Office]

Proposed Reconfigured Sections

Section 200 City Elected Officials
Section 201 Required Qualifications
 a. Applicable to All
 b. Mayor and Council
 c. Chief of Police
 d. City Clerk
Section 202 Powers and Duties
 a. Mayor
 b. Councilmembers
 c. Chief of Police
 d. City Clerk
Section 203 Election and Appointment
 a. Mayor, City Clerk and Chief of Police Elected City-wide
 b. City Councilmembers Elected By District
 c. Term Limits
 d. Vacancies
 e. Commencement of Term; Oath of Office
Section 204 Compensation

Article Three
City Elections

Existing Articles/Sections:

600.01, Municipal Elections, 600.02, Consolidation of Elections, 700 - Term – Method of holding elections, 700.2 - Election Following Change of Boundaries, parts of Section 703 - Vacancies, 711 - Election and Qualification of Council Members

Proposed Reconfigured Sections

Section 300 Regular Elections
Section 301 Special Elections
Section 302 Consolidation of Elections
Section 303 Councilmember District Elections
Section 304 Administration of Elections
Section 305 Applicable Law

Article Four
City Council Actions and Limitations

Existing Articles/Sections:

Section 401 - Disposal of Public Utility; Certain Sections in Article VII, including: Section 707- Regular meetings, 708 - Special meetings, 709 - Place of meeting, 710 - Quorum, 712 - Proceedings, 713 - Action by ordinance or resolution, 714 - Power to lease, sell or convey City Property, 714.1 - Protection of parkland and public open space; Certain Sections in Article VIII, including: Section 807 - Prohibitions against Councilmanic interference, 808 - Ordinances, 809 - Repeal or amendment of ordinances, 810 - Effective date of ordinances, 811 - Emergency Ordinances, 812 - Publication of ordinances, 813 - Codification of ordinances, 814 - Adoption of printed building codes, etc., 815 - Publication of legal notices, [910, *Administrative Code*]

Proposed Reconfigured Sections

Section 401 City Council Authority
Section 402 City Council Meetings
 a. Regular Meetings
 b. Special Meetings
 c. Rules for Conduct of Meetings
Section 403 Forms of Action
 a. Ordinance
 b. Resolution
Section 404 Limitations on Authority/Actions
 a. Prohibitions on "Councilmanic Interference"
 b. Sale of public utility
 c. Certain sales of real property
 d. Transfer or change of use of parkland and public open spaces
 e. Reserved powers of electorate (initiative/referendum)

Article Five
Organization of City Government

Existing Articles/Sections:

Certain Sections in Article VIII, including: Section 800 - Appointment, 801 - Compensation, 802- Powers and Duties, 803 - Rules and Regulations, 804 - Manager pro tempore, 805 - Participation in Council action, 806 - Removal by City Manager; Certain Sections in Article IX including: Section 900 - Officers to be appointed by the City Council and by the City Manager, 901 - Other appointive officers, 902 - Appointive officers; duties, 903 - City clerk; powers and duties, Section 904 - Director of Finance, 905 - City Engineer and Department of Public Works, 906 - Chief of the Police Department, 907 - Chief of the Fire Department, 908 - City Attorney, 909 - City Auditor, [910 - Administrative Code], 911 - Official Bonds, [Article XII – Retirement]

Proposed Reconfigured Sections

- Section 501 Organization of City Government
- Section 502 Officers Appointed by Council
 - a. City Manager
 - b. City Attorney
 - c. City Auditor
- Section 503 Officers Appointed by the City Manager
 - a. In General
 - b. Director of Finance
 - c. Director of Public Works
 - d. Chief of the Fire Department
- Section 504 Other Officers and Employees
- Section 505 Retirement System

Article Six
Appointed Boards and Commissions

Existing Articles/Sections:

Article X, Sections 1000 – In general, 1001 – Appointments; terms, 1003 – Meetings; Chair, 1004 - Compensation, vacancies, 1005 – Oaths; affirmations, 1006 – Planning Commission – Generally, 1007 Planning Commission -Duties and powers, 1008 – Parks and Recreation Commission, 1009 – Parks and Recreation Commission – Powers and Duties, 1010 – Civil Service Commission, 1011 – Civil Service Commission – Powers and Duties, 1012 – Board of Library Trustees, 1013 – Board of Library Trustees – Powers and Duties

Proposed Reconfigured Sections

- Section 600 In General
 - a. Charter boards and commissions
 - b. Other boards and commissions to be created by ordinance/resolution
 - c. City Council to provide funding
 - d. Appointment Process
 - e. Terms
 - f. Compensation
- Section 601 Planning Commission
- Section 602 Parks and Recreation Commission
- Section 603 Civil Service Commission
- Section 604 Board of Library Trustees

Article Seven
City Workforce

Existing Articles/Sections

Article XI – Civil Service, including Section 1100 – Civil Service; merit principle, 1101 – Classified Service, 1102 – Appointments from classified to the unclassified service, 1103 – Classification, 1104 – Pay Plan, 1105 – Civil Service rules and regulations, 1106 – Reserved, 1107 – Prohibitions, 1108 – Contract for administrative services

Proposed Reconfigured Sections

Section 700 Classified and Unclassified Service
Section 701 Classified Service; Merit Principle
Section 702 Council Approval of Classification and Pay Plan
Section 704 Rights Retained Upon Appointment from Classified to Unclassified Service
Section 705 Civil Services Rules and Regulations
Section 706 Prohibitions; Violations
Section 707 City Authority to Contract for Administrative Services

Article Eight
Fiscal Administration [and Finance]

Existing Articles/Sections

Article XII – Retirement, Certain (most) Sections of Article XIII, including Section 1300 – Fiscal Year, 1301 – Annual budget, 1302 – Budget –Submission to City Council, 1303 – Budget – Public Hearing, 1304 – Budget – Further consideration and adoption, 1305 – Budget – Appropriations, Repealed Sections 1306 through 1308, 1309 – Bonded debt limit, 1311 – General Fund, 1312 – Capital project funds, 1313 – Department funds, 1314 – Petty cash funds, Repealed Sections 1315 and 1316, 1319 – Independent Audit, 1320 – Utilities Fund, 1321 – Revenue Bonds

Proposed Reconfigured Sections

Section 801 Fiscal year
Section 802 Budget
 a. Preparation
 b. Adoption
 c. Amendment
 d. Carryforwards
Section 803 Required Budget Components
 a. General Fund
 b. Capital Fund
 c. General Enterprise Funds
 d. Utility fund
 e. Reserves
Section 804 Finance Authority
Section 805 Finance Limitations
Section 806 Independent Audit
Section 807 Retirement

Article Nine

Public Contracting (Including Franchises)

Existing Articles/Sections

Section 1310, Contracts on public works, Section 1318 – Centralized purchasing, Article XIV - Franchises

Proposed Reconfigured Sections

Section 900 Centralized Purchasing
Section 901 Public Works
Section 912 Use of City Forces
Section 913 Franchises

Article Ten

General Provisions

Existing Articles/Sections

Article III – Succession, Section 1317 – Actions Against City, Article XVIII – Miscellaneous, including Sections 1800 – Definitions, 1801 – Violation, 1802 – Validity, 1803 – Effective Date

Proposed Reconfigured Sections

Section 1000 Definitions
Section 1001 Effective Date
Section 1002 Actions Against City
Section 1003 Violations and Enforcement

Article One
Essential Terms

- Section 100 Name
- Section 101 Boundaries
- Section 102 Powers
- Section 103 Form of Government
- Section 104 Relationship with Other Laws
- Section 105 Defined Terms

Article Two
Elected Officials

- Section 200 City Elected Officials
- Section 201 Required Qualifications
 - a. Applicable to All
 - b. Mayor and Council
 - c. Chief of Police
 - d. City Clerk
- Section 202 Powers and Duties
 - a. Mayor
 - b. Councilmembers
 - c. Chief of Police
 - d. City Clerk
- Section 203 Election and Appointment
 - a. Mayor, City Clerk and Chief of Police Elected City-wide
 - b. City Councilmembers Elected By District
 - c. Term Limits
 - d. Vacancies
 - e. Commencement of Term; Oath of Office
- Section 204 Compensation

Article Three
Municipal Elections

- Section 300 Regular Elections
- Section 301 Special Elections
- Section 302 Consolidation of Elections
- Section 303 Councilmember District Elections
- Section 304 Administration of Elections
- Section 305 Applicable Law

Article Four
City Council Actions and Limitations

- Section 401 City Council Authority
- Section 402 City Council Meetings
 - a. Regular Meetings
 - b. Special Meetings
 - c. Rules for Conduct of Meetings
- Section 403 Forms of Action
 - a. Ordinance
 - b. Resolution
- Section 404 Limitations on Authority/Actions
 - a. Prohibitions on "Councilmanic Interference"
 - b. Sale of public utility
 - c. Certain sales of real property
 - d. Transfer or change of use of parkland and public open spaces
 - e. Reserved powers of electorate (initiative/referendum)

Article Five
Organization of City Government

- Section 501 Organization of City Government
- Section 502 Officers Appointed by Council
 - a. City Manager
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 - c. City Auditor
- Section 503 Officers Appointed by the City Manager
 - a. In General
 - b. Director of Finance
 - c. Director of Public Works
 - d. Chief of the Fire Department
- Section 504 Other Officers and Employees
- Section 505 Retirement System

Article Six
Appointed Boards and Commissions

- Section 600 In General
 - a. Charter boards and commissions
 - b. Other boards and commissions to be created by ordinance/resolution
 - c. City Council to provide funding
 - d. Appointment Process
 - e. Terms
 - f. Compensation
- Section 601 Planning Commission
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Article Seven
Civil Service

- Section 700 Classified and Unclassified Service
- Section 701 Classified Service; Merit Principle
- Section 702 Council Approval of Classification and Pay Plan
- Section 704 Rights Retained Upon Appointment from Classified to Unclassified Service
- Section 705 Civil Services Rules and Regulations
- Section 706 Prohibitions; Violations
- Section 707 City Authority to Contract for Administrative Services

Article Eight
Fiscal Administration [and Finance]

- Section 801 Fiscal year
- Section 802 Budget
 - a. Preparation
 - b. Adoption
 - c. Amendment
 - d. Carryforwards
- Section 803 Required Budget Components
 - a. General Fund
 - b. Capital Fund
 - c. General Enterprise Funds
 - d. Utility fund
 - e. Reserves
- Section 804 Finance Authority
- Section 805 Finance Limitations
- Section 806 Independent Audit
- Section 807 Retirement

Article Nine
Public Contracting (Including Franchises)

- Section 900 Centralized Purchasing
- Section 901 Public Works
- Section 912 Use of City Forces
- Section 913 Franchises

Article Ten
General Provisions

- Section 1000 Definitions
- Section 1001 Effective Date
- Section 1002 Actions Against City
- Section 1003 Violations and Enforcement

City of Santa Clara

City Council Item No. 3.D Update to Council on Charter Review Committee Progress with its Assigned “Charter Project,” Proposed Plan for Charter Reorganization and Proposed Schedule for City Council Consideration and Action on the Charter Project Proposal

April 7, 2026



1

Background

- “Charter Project” concept for a comprehensive Charter review and update formally presented to Governance and Ethics Committee on May 1, 2025
- Senior staff supportive based on assessment that a number of Charter provisions were not well organized, ambiguous, out of date, and/or not aligned with City operations, best practices and applicable laws.
- With support of Committee, Charter Project was presented to City Council on July 15, 2025 for direction.
- Recognizing the potential benefits of the project, Council directed staff to take initial steps to form a Charter Review Committee (CRC), including the CRC’s composition, selection process and purpose.
- Staff advertised the availability of positions, and through a lottery and Council appointment process, 13 CRC members were chosen.
- On September 16, 2025, the City Council formally appointed the CRC members and adopted the CRC Bylaws.



2

POST MEETING MATERIAL

1

Charter Project Purpose (Bylaws Section 2)

“The purpose of the CRC is to work with City staff, with input from the community, to facilitate the implementation of the “Charter Project.” The Charter Project involves a process for comprehensive review of the City Charter to identify provisions in the Charter that should be corrected, clarified or modified for the Charter to be fully consistent with applicable state law, aligned with current best practices for City operations and, in general, easier to understand and apply. At the end of the process, the objective of the Charter Project is to produce a draft comprehensive Charter Amendment for presentation to the City Council and, if the City Council so directs, possibly the voters at the November 2026 Election.”

3



3

CRC Activities to Date

- **Formation of Six Ad Hoc Sub-committees to serve as the project “working groups.”**
- **Consideration and approval (in concept) of proposed changes to Article XI, Civil Service (basic structure and rules for classified and unclassified positions), and Sections 1010 and 1011 (Civil Service Commission composition and duties). Early action needed to allow for consultation with potentially impacted labor groups (underway)**
- **Development and approval (in concept) of different “levels” of changes to the Charter.**
- **Consideration and approval of a plan for the overall reorganization of the City Charter to make the document more accessible and user friendly.**

4



4

Ad Hoc Sub-committees

- **Group One**
Powers and Structure of City Government: Rules/Process for Action
- **Group Two**
City Council: Elections, Powers and Conduct of Meetings
- **Group Three**
Senior Officials: Duties and Qualifications
- **Group Four**
Boards and Commissions: Composition, Powers and Duties
- **Group Five**
Civil Service: General Rules for Classified and Unclassified Employees;
Commission Composition and Duties
- **Group Six**
Fiscal Administration and Procurement

5



5

Ad Hoc Sub-committee Activities to Date

- Eighteen meetings, usually lasting between 1.5 to 2.5 hours
- Presentations and robust discussions on issues identified by staff and raised by Sub-committee members.
- Presentations by various identified “stakeholders” including senior officials impacted by and responsible for implementing various Charter provisions, and the identified Boards and Commissions.
- Lately, specific language presented (and refined with member input)
- “Report outs” of sub-committee activities made to the full CRC at each meeting for public and CRC member input.
- Ultimately, each Sub-committee will make a recommendation to the full CRC regarding their assigned “sections” and these recommendations will be assembled for presentation to the Council.

6



6

Proposed Charter Reorganization

- Consolidates and Reorganizes various Articles and Sections of the Charter.
- Designed to (1) make Charter more “user friendly” for both the public and professional staff, (2) delete consolidated sections and repealed section headings to make Charter shorter and easier to read, (3) add new “tools” including an expanded definitions section and a detailed matrix showing amendment and numbering history for each section, with added references to where the Charter is implemented in the City Code.
- Arguments against include: the appearance to the voters of more changes than they are comfortable with, and the need to implement an update of all City Code sections and materials referencing the Charter.
- Ultimately, the CRC concluded, unanimously, with so many changes being made anyway, now was right time to implement the reorganization. Only a summary of the proposed changes is legally required to be presented to the voters, with a link to the full text on the City’s website. This would include a full summary of changes, an underline strikeout version, and FAQs.

7



7

Scheduling Requirements

- Targeting an initial presentation to City Council on June 9th, 2026; if further Council direction needed, this would be scheduled for June 23rd ; final action would occur at your meeting on July 14th.
- Likely need for one or more additional CRC meetings in May and/or June Current CRC meetings scheduled for May 20th (at Central Library) and June 17th (City Council Chambers)
- Possible additional meeting dates (on Wednesdays) include: May 6th, May 13th, May 27th (Council Chambers), and June 10th (Central Library).
- Staff will look to identify any additional dates, and poll CRC members for availability

8



8

Questions?



9



City of Santa Clara

City Council Item No. 3.D

**Update to Council on Charter Review Committee
Progress with its Assigned "Charter Project,"
Proposed Plan for Charter Reorganization and
Proposed Schedule for City Council
Consideration and Action on the Charter Project
Proposal**

April 7, 2026 – END SLIDE



10

THE CHARTER OF THE CITY OF SANTA CLARA CALIFORNIA (~~CURRENT~~*REVISED*
VERSION)

Article I. Name of City

§ 100 Name.

The municipal corporation now existing and known as the "City of Santa Clara" shall remain and continue to be a municipal body politic and corporate, as at present, in name, in fact, and in law.

Article II. Boundaries

§ 200 Boundaries.

The territory of the City shall be that contained within its present boundaries as now established, with the power and authority to change the same in the manner provided by law.

Article III. Succession

§ 300 Rights and liabilities.

The City of Santa Clara shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of same. It shall be subject to all the obligations, liabilities, debts and duties that now exist against this municipality.

§ 301 Ordinances.

All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

§ 302 Continuance of present officers and employees.

The present officers, boards, commissions, and employees shall, without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by ordinances, resolutions, rules, or laws, until the appointment and qualification of their successors under this Charter and subject to such removal and control as is herein provided.

§ 303 Continuance of contracts and public improvements.

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws or charter provisions existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and charter provisions or may be continued or perfected hereunder.

§ 304 Pending actions and proceedings.

No action or proceedings, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency party thereto, by or under this Charter, may be assigned or transferred to another office, department or agency, but in that event, the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Article IV. Powers

§ 400 General grant of power.

The City of Santa Clara, by and through its Council and other officials, shall have and may exercise all powers necessary and appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the Constitution of the State of California or by this Charter, and which it would be competent for this Charter to set forth specifically, and the specification herein of any particular powers shall not be held to be exclusive of, or any limitation upon the general grant of powers heretofore or hereafter granted to municipal corporations by the constitution or general laws.

§ 401 Disposal of public utility.

No public utility owned by the City shall be sold, leased or otherwise transferred unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question of such disposal is submitted to the electors.

Article V. Form of Government

§ 500 Form of government.

The municipal government provided by this Charter shall be known as the "Council Manager" form of government.

Article VI. The Elective Officers

§ 600 ~~Enumeration.~~ City elected officers.

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 or she is a resident and a qualified registered elector of the City.

The elective officers of the City shall consist of a City Council composed of seven members, ~~the~~ ~~The Chief of the Police Department and the City Clerk shall be elected from the city at large, at the time and in the manner in this charter provided for election of the.~~ **The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk and shall serve for a term of four years, all as provided in Charter Amendment (1953 Statutes 3929).**

~~At the general municipal election to be held in the City on the first Tuesday in April, 1969, and each fourth year thereafter, the Mayor of the City shall be elected from the City at large for a term to commence on the first Monday in May following such election at the times and in the manner provided in this Charter. Except as otherwise herein provided, a person elected to an office for other than an unexpired term, shall serve a term of four years, and shall serve until his a successor is elected and qualified. A The term shall commence on the date the City Council certifies the canvass of the election returns submitted to it by the County Registrar of Voters.~~

The person receiving the most votes cast for a particular City office shall be declared duly elected. Ties shall be broken as provided from time to time by ordinance.

The office of Mayor shall be separately voted upon and is a separate office. The person elected at any election to the office designated "Mayor" shall be deemed elected, both as a Mayor and as a member of the Council. Although the Mayor is a Council member and, his or her election does not change the number of Councilmen from seven, the office of Mayor shall be separately voted upon and is a separate office. Except as to the municipal election to be held in the City on the first Tuesday in April, 1969, no Council members from seven.

~~No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an Any person having a plurality of all votes cast from the City at large for Mayor shall be declared duly elected Mayor, and he shall not be elected at the same election he is so elected Mayor to any other Council office, although any person at said 1969 election can be a candidate for such offices at the same election. Votes cast for him at such election for any Council office other than Mayor shall not be counted in determining whether plurality of votes were cast in such election for such officer for Council, or have any other significance.~~

~~Any incumbent member of the City Council may run for such the elective office of Mayor, and the Mayor may run for the separate offices office of Mayor or other City Council office; however, no. However, at no time shall a member of the Council, including the Mayor, shall hold more than one City elective office. (As amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969) Except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any numbered Council seat other than the one which he or she holds.~~

§ 600.01 Municipal elections.

~~Commencing with the year 1981 2000, a regular election shall be held in the City of Santa Clara on the regular election dates as from time to time established by the California Legislature to select governing board members in the Santa Clara Unified School District or successor first Tuesday following the first Monday in November of even numbered years. The regular election shall be held for the election of each municipal elective officer whose term of office regularly expires at that time, and for such other purposes as the Council may prescribe. Each such regular election shall be known as the general municipal election of the City, and shall be in~~

lieu of all others previously so called. All other municipal elections that may be called under the authority of this Charter, or ~~by the general laws~~ **the California Elections Code**, shall be known as special elections. (Amendment ratified 4-5-77; Amendment ratified 11-6-79)

§ 600.02 Consolidation of elections.

Any special election may be consolidated with a general municipal election and any municipal election may be consolidated with any State, County, or School District election held in the City or part thereof, in which case only one ballot need be printed for such consolidated election. (Amendment ratified 4-5-77)

~~§ 600.1 Time of taking office—Term.~~

~~With the exceptions herein provided, and as provided for removal from office, all candidates elected after the effective date of this Section, at any general municipal election prescribed in the Charter to an office for other than for an unexpired term, shall serve for a term of four years, commencing forthwith on completion of the canvass of ballots of such election, and continuing until their respective successors shall have been elected and qualified. Candidates so elected in the years 1973 and 1975 are excepted, and each shall serve for a term commencing on the first Monday in May of such years following each of such elections and such terms shall end in the fourth year following the respective election at which the candidate was elected, upon completion of the canvass of ballots of the general municipal election held in such year and at the time their respective successors shall have been elected and qualified.~~

~~The effective date of this section shall be deemed to mean the date this section as it now reads becomes effective. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))~~

~~§ 601 Eligibility.~~

~~Following the effective date of this Section, no person shall be eligible to be a candidate for or to take or hold any elective office of the City of Santa Clara unless he is a resident and a qualified registered elector of the City, and has resided in the City for the year next preceding the date of his election or appointment to such office.~~

~~The effective date of this Section shall be deemed to mean the date this Section as it now reads becomes effective. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))~~

Article VII. The Council

§ 700 Term – Method of holding elections.

~~The members of the City Council shall be elected from the city at large, at the times and in the manner in this Charter provided, and shall serve for a term of four years.~~

~~There shall be a general election held on the first Tuesday in April, 1952, at which election the four candidates receiving the highest number of votes shall serve until the first Monday in May, 1955, the three candidates receiving the next highest number of votes shall serve until the first Monday in May, 1953. The term of all members shall commence on the first Monday in May following such elections and each member shall serve until his successor is elected and qualified.~~

Any ties in voting shall be settled by the casting of lots. Thereafter a regular election shall be held in the City of Santa Clara on the first Tuesday in April of each odd numbered year, and the same shall be known as the general municipal election. All other municipal elections that may be called under the authority of this Charter, or by the general laws, shall be known as special elections. Any special election may be consolidated with a general municipal election or with any State or County election held in the city, in which case only one ballot need be printed for such consolidated election.

Notice of the holding of any election may be given by the City Council either by ordinance or notice published in an official newspaper at least twenty (20) days before the date of such election, and one publication of said ordinance or notice shall be sufficient. In case there be no newspaper designated as an official newspaper in said City, then such notice may be given by posting a copy of said ordinance or notice in a conspicuous place in the office of the City Clerk of said City at least twenty (20) days before such election. No error, omission or defect in said notice shall be cause to invalidate any election held under the provisions of this Charter.

The mode of nomination of officers to be voted for at any municipal election held hereunder shall be as follows:

Not earlier than the sixtieth day (60th) nor later than five o'clock P.M. of the thirtieth (30th) day before such election, electors of the City may by written nomination papers present names of candidates for election. Each candidate shall be proposed by not less than twenty (20) nor more than thirty (30) qualified electors, but only one candidate shall be named in any one nomination paper. No elector shall sign more than one nomination paper for the same office, but each seat on the City Council shall be deemed to be a separate office. Any person or persons may circulate a nomination paper.

The signatures to each nomination paper shall all be appended on the same sheet of paper and each signer shall add thereto his place of residence and the date of signing. All such nomination papers shall be filed with the City Clerk not later than five o'clock P.M. of the thirtieth (30th) day before such election, and shall have annexed thereto an affidavit of the person who circulated the same to the effect that he saw all signatures written thereto and knows that they are the bona fide signatures of the persons whose names they purport to be. Each nomination paper shall be accompanied by a verified statement of the candidate that he will accept the office in the event of his election.

Upon the filing of such nomination papers, the City Clerk shall immediately cause the Great Register to be examined and shall ascertain therefrom whether such paper is signed by the requisite number of qualified electors, and shall within five days of said filing attach his certificate thereto showing the result of such examination or nomination.

The returns of each election precinct shall be filed with the City Clerk and no persons shall be permitted access to them until canvassed by the City Council. Not later than the seventh day after any election, and at the usual hour and place of meeting, the City Council shall meet and canvass the returns and declare the result. Any such canvass may be held earlier than seven days after such election provided that all absentee ballots furnished for such election have been returned to the Clerk. The City Council may adjourn from day to day for the purpose of completing any such canvass.

After having been canvassed, the returns shall be sealed up by the Clerk for six months and no person shall have access to them except upon order of a Court of competent jurisdiction.

~~After the result of an election is declared the Clerk, under his hand and the official seal of said City, shall issue a certificate thereof and deliver the same personally or by mail to the person elected.~~

~~Notwithstanding any provision contained in this Charter, the City Council may, by ordinance, provide that all municipal elections shall be held in accordance with the provisions of any state or general law as the same now exists or may hereafter be enacted or amended relative to the conduct, manner and holding of any municipal election.~~

~~No primary election shall be held for municipal officers.~~

~~The persons having the plurality of all votes cast for each of the respective offices voted for shall be declared duly elected.~~

~~In any election held in said City, the City Council shall have the power to provide for the number, naming and compensation of election officers, the number of voting precincts, and the consolidation of the election precincts and the hours between which the polls will be open.~~

~~§ 700.1 Offices separately filled.~~

~~The office of each member of the City Council, including the office of the Council member who is Mayor, is and shall be deemed to be a separate office to be separately filled. No person shall be a candidate for more than one such office; and, except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any numbered Council seat other than the one which he holds.~~

~~Nothing in this Section or in Section 700.2 of this Charter shall change the effect in any way of any disqualification of a member of the Council, including the Mayor, to serve more than two consecutive elective terms. It is intended that these sections will not affect any such qualification at all, either retrospectively or prospectively. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))~~

~~§ 700.2 Elections: Designation of seats.~~

~~Subject to other provisions of this Charter, the first election following the effective date of this Section at which a Mayor and members of the City Council shall be elected shall be the general municipal election held in the year 1973. At the general municipal election held in the year 1973, persons shall be elected to fill the seats of those three members of the Council, including the Mayor, whose terms expire at the end of the day immediately preceding, the first Monday of May, 1973. At the general municipal election held in the year 1975, persons shall be elected to fill the seats of those four members of the Council whose terms expire at the end of the day immediately preceding the first Monday of May, 1975. Thereafter, at each general municipal election, successors shall be elected to fill the seats of those members of the Council, including the member of the Council who is also the Mayor, whose terms of office are about to expire.~~

~~For purposes of said Except as specifically provided otherwise in this Charter with respect to City elections, the provisions of the State Elections Code, as amended from time to time, are hereby adopted. The City expressly reserves its rights with respect to the conduct of city elections pursuant to Section 5 of Article XI of the California Constitution. Any changes made by the City Council in the City elections procedure shall be by ordinance and shall not be in conflict with any other sections of this Charter.~~

There are hereby reserved to the electors of the City, the powers of the initiative and referendum and of the recall of municipal elective officers. No primary election shall be held for municipal officers. ~~No error, omission or defect in the notice of elections shall be cause to invalidate any election held under the provisions of this Charter.~~

Commented [COMMENT1]: This is the current provision. However, the other references to the Elections Code have been deleted.

§ 700.1 Elections - Designation of seats.

For purposes of City Council elections, each Council office shall be designated by an appropriate descriptive designation, as follows: The Council seat which on the effective date of this Section is occupied by the Mayor shall continue to be designated as "Mayor; "; each of the other six seats, respectively, shall be designated ~~by the Council within one week of the effective date of this Section, if not previously so designated,~~ as "Councilman, Seat No. 2," "Councilman, Seat No. 3," "Councilman, Seat No. 4," "Councilman, Seat No. 5," "Councilman, Seat No. 6," and "Councilman, Seat No. 7," as "Council Member Seat No. 2", "Council Member Seat No. 3", "Council Member Seat No. 4", "Council Member Seat No. 5", "Council Member Seat No. 6" and "Council Member Seat No. 7" respectively, and shall continue to be designated by the respective designation. The designation so given to each such office shall thereafter be used in all election, nomination papers, certificates of election, and other election papers pertaining or referring to such office, and to designate incumbency in such office. ~~The effective date of this Section shall be deemed to mean the date this Section as it now reads becomes effective. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))~~

§ 701 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.

§ 701.1 Term limits.

~~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.~~

A member of the Council shall not serve more than two consecutive elective terms as such, and shall be ineligible for reelection or appointment to fill a vacancy in the Council until two years after such service. The office of elected Mayor, to be filled from the City at large, is a separate office from the Council and ~~solely for the purpose of this qualification for office, is neither term limit disqualification, is not~~ a Council office nor the Council. ~~For such purpose~~ Consequently, time served in such office of elected Mayor is not time served on the Council and time served on the Council is not time served in such office of elected Mayor. ~~(As amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969)~~

§ 702 Compensation.

Each ~~Commencing on July 1, 2000,~~ each member of the City Council, other than the Mayor, shall receive as compensation the sum of ~~two six hundred dollars (\$200.00)~~(\$600) per month;

~~and the. The Mayor shall receive an additional one hundred dollars (\$100.00) per month. As of the first Monday in May, 1969, the Mayor shall receive an additional seven hundred dollars (\$700.00) per month for a total of one thousand dollars (\$1,000.00) per month 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~~ **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~~ **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. (As amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969)~~

§ 703 Vacancies.

A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council by a majority vote of the remaining members.

In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent. (As approved at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969)

§ 704 Presiding officer, ~~Mayor.~~ **Mayor.**

~~At the first regular meeting in May following any municipal election at which Councilmen are elected, the Council shall elect one of its members as presiding officer, who shall have the title of Mayor. The Mayor shall be the Presiding officer.~~ **The Mayor shall be the Presiding officer.** The Mayor shall have a voice and vote in all its proceedings. ~~He~~ **He/she** shall be the official head of the ~~city~~ **City** for all ceremonial purposes. ~~He~~ **He/she** shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with ~~his~~ office. ~~The Mayor shall serve in such capacity at the pleasure of the City Council.~~ **his/her office.**

~~As of the first Monday in May, 1969, the Mayor shall be elected from the City at large and upon assuming such elective office, he shall not serve in such capacity at the pleasure of the City~~

~~Council. (As amended by the electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969)~~

~~§ 704.1 Mayor—~~ **§ 704.1 Mayor-Limitation of terms.**

No person who has been elected to the office of Mayor for two successive four-year terms shall be eligible to run for election to the office of Mayor, nor to serve as such, for any additional successive term; but the above shall not disqualify any person from running for election to the office of Mayor, nor from further service as Mayor, for any term or terms which are not successive, nor for any parts of terms which are not successive.

~~(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969)~~ **§ 704.2 Mayor-Political position.**

~~§ 704.2 Mayor— Political position.~~

~~It is the intent of this article that as of the first Monday of May, 1969, the~~ **The** Mayor shall be the political leader within the community by providing guidance and leadership to the City Council, by expressing and explaining to the community the City's policies and programs and by assisting the City Council in the informed, vigorous and effective exercise of its powers. Political leadership shall be concerned with the general development of the community and the general level of City services and activity programs. ~~(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with Secretary of State January 15, 1969)~~

§ 704.3 Mayor – Powers and duties.

~~The Mayor shall as of the first Monday of May, 1969,~~ have the following powers and duties:

- (a) The Mayor shall have the power to make recommendations to the City Council on matters of policy and programs which require City Council decision; provided, that if ~~he~~ **he/she** recommends any increases in the City budget, ~~he~~ **he/she** shall recommend the method of financing such expenditure; and provided, further, that if ~~he~~ **he/she** proposes curtailment of service, such recommendations and ~~his~~ **his/her** reason therefor shall be specific. ~~He~~ **He/she** may also, on ~~his~~ **his/her** own account, inform the community on matters of policy or program which ~~he~~ **he/she** believes the welfare of the community make necessary.
- (b) The Mayor shall preside at meetings of the City Council and shall have the vote as a member of the City Council. ~~He~~ **He/she** shall have no veto power.
- (c) The Mayor shall have authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any meeting of the City Council for disorderly conduct, to enforce the rules of the City Council and to determine the order of business under the rules of the City Council.
- (d) The Mayor shall exercise such other powers and perform such other duties as may be prescribed by the City Council, provided that the same are not inconsistent with this Charter. Nothing in this section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as Chief Administrative Officer and head of the administrative branch of the City government as prescribed in other sections of this Charter. Except as otherwise herein provided, the Mayor shall possess only such authority over the City Manager and the administrative branch as ~~he~~ **he/she** possesses as one member of the City

Council.

~~(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969)~~

~~§ 704.4 Mayor~~ § 704.4 Mayor - Vacancy.

The office of Mayor shall become and be deemed vacant immediately upon the incumbent ceasing to be a member of the City Council. (Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969)

§ 705 Vice Mayor ~~pro tempore~~.

The City Council shall also designate one of its members as Vice Mayor ~~Pro Tempore~~. The Vice Mayor ~~Pro Tempore~~ shall perform the duties of the Mayor during his ~~his/her~~ absence or disability. The Vice Mayor ~~Pro Tempore~~ shall serve in such capacity at the pleasure of the City Council. ~~(As amended by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State, January 15, 1969)~~

§ 706 Powers.

All powers of the City shall be vested in the City Council, subject to the provisions of the Charter and to the Constitution of the State of California.

§ 707 Regular meetings.

The City Council shall hold regular meetings at least twice each month, at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

§ 708 Special meetings.

Special meetings may be called at any time by the Mayor, or by four members of the City Council, ~~by notice given to each member at least three hours before the time specified for the proposed meeting. A special meeting shall also be validly called, without the giving of such notice, if all members shall give their consent, in writing, to the holding of such meeting, and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such notice or consent unless all members of said Council are present.~~

~~The aforesaid notice of a special meeting may be given by the City Clerk or other authorized officer or employee of said City to a member of the City Council by either:~~

- ~~(a) Delivering a written notice thereof to such member personally, or~~
- ~~(b) By telephone or other oral communication had with such member, personally informing him of the time and purpose of said meeting, or~~
- ~~(c) If he be absent from his place of residence and from his usual place of business in the City of Santa Clara (if he has such a place of business in said City) by leaving a copy of such written~~

notice with some person of suitable age and discretion, at either place, or
(d) If such a person of suitable age or discretion cannot be found at either place, then by affixing a copy of said written notice in a conspicuous place at the place of the residence of such member, pursuant to the provisions of the Brown Act, specifically Government Code Section 54956, as amended from time to time.

§ 709 Place of meeting.

All meetings shall be convened in the Council Chambers of the City Hall but may be thereafter adjourned to such other location as may be selected by the City Council. All meetings of the City Council shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or if he should fail to act, by four members of the City Council, held at the locations authorized by the Ralph M. Brown Act (commencing with Government Code Section 54950) as it now reads or is hereafter amended.

§ 710 Quorum.

A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

§ 711 Election and qualification of Council members.

The City Council shall judge the qualifications of its members as required by the Charter and shall judge all election returns.

§ 712 Proceedings.

The City Council shall establish rules for the conduct of its proceedings and punish any member or other person for disorderly conduct at any meetings. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Council shall cause the City Clerk to keep an accurate record of all its proceedings and, at the demand of any member, or upon the adoption of any ordinance or resolution for the payment of money, the City Clerk shall call the roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the minutes of the meeting.

§ 713 Action by ordinance or resolution.

The City Council is hereby empowered to act by Ordinance or Resolution. An oral motion or order duly passed by the City Council and entered in the minutes of the Council shall have the same force and effect as a written Resolution duly introduced and passed by said City Council and shall be deemed to be a Resolution for all purposes.

§ 714 Power to lease, sell, or convey city property.

The City Council shall have power to lease, sell, convey, and dispose of any and all property of the City, subject to the provisions of Section 401 of this Charter, and provided further that no property exceeding ~~five hundred fifty thousand~~ **fifty thousand** dollars (~~\$500,000~~)**(\$50,000)** in value shall be sold without first publishing notice of intention to sell in an official newspaper once a week for two weeks preceding the date of such sale. The notice of intention shall describe the property, the price theretofore offered for said property and the time and place when and where the sale will be consummated.

At the time fixed for said consummation of sale, the City Council shall call for further bids for said property and if any increased bid is received from a responsible bidder in at least five per cent in excess of the original price offered for the same, then the City Council may accept the highest bid for said property or may order a new sale or may withdraw the property from sale.

§ 715 Power to levy and collect taxes.

The City Council shall have power to levy and collect taxes, and to collect license taxes for both regulation and revenue.

Article VIII. City Manager, Ordinances, Meetings

§ 800 Appointment.

A City Manager shall be chosen by the City Council on the basis of his ~~his/her~~ executive and administrative qualifications, ~~but need not be a resident of the City or State at the time of his appointment but he shall reside within the City during his tenure of office, provided suitable quarters therein can be obtained. No City Councilman.~~ **No City Council member** shall receive such an appointment during the term for which ~~he~~ **he/she** shall have been elected, nor within two years thereafter.

§ 801 Compensation.

The City Manager shall be paid a salary commensurate with his ~~his/her~~ responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution.

§ 802 Powers and duties.

The City Manager shall be chief executive officer and the head of the administrative branch of the City government. ~~He~~ **He/she** shall be responsible to the City Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, ~~he~~ **he/she** shall have power and shall be required to:

- (a) Appoint and remove, subject to the Civil Service provisions of this Charter, all officers and employees of the City, except as otherwise provided by this Charter, and except as ~~he~~ **he/she** may authorize the head of a department or office to appoint and remove subordinates in such department or office. No person related to the City Manager by blood or by marriage shall be eligible for office or employment in the City.
- (b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.
- (c) Manage the City-owned water and power departments in a business-like manner, charging

equitable rates for the services furnished and building up the properties so as to conserve their value and increase their capacity as needed by the City.

(d) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.

(e) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to ~~him~~ **him/her** desirable.

(f) Make investigations into the affairs of this City, or any department or division thereof, or any contract, or the proper performance of any obligation to the City.

(g) Submit to the City Council at each meeting for its approval, the list of all claims and bills approved for payment by ~~him~~ **him/her**.

(h) Perform such other duties as may be prescribed by this Charter or required by ~~him~~ **him/her** by the City Council, not inconsistent with this Charter.

§ 803 Rules and regulations.

The City Manager may prescribe such general rules and regulations as ~~he~~ **he/she** may deem necessary or expedient for the general conduct of the administrative offices and departments of the City under ~~his~~ **his/her** jurisdiction.

§ 804 Manager pro tempore.

The City Manager shall appoint, subject to the approval of the City Council, one of the other officers of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager.

§ 805 Participation in Council action.

The City Manager and such other officers of the City as may be designated by the City Council, shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote.

§ 806 Removal of the City Manager.

The City Council shall appoint the City Manager for an indefinite term and may remove ~~him~~ **him/her** by a majority vote of the entire Council. At least thirty (30) days before such removal shall become effective, the City Council shall by a majority vote of the entire Council, adopt a preliminary resolution stating the reasons for ~~his~~ **his/her** removal. The City Manager may reply in writing and may request a public hearing, which shall be held not earlier than fifteen (15) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the City Council by majority vote of the entire Council may adopt a final resolution of removal. By the preliminary resolutions, the City Council may suspend the City Manager from duty but shall in any case cause to be paid ~~him~~ **him/her** forthwith any unpaid balance of ~~his~~ **his/her** salary and ~~his~~ **his/her** salary for the next calendar month following adoption of the preliminary resolution.

§ 807 Prohibition against Councilmanic interference.

Neither the City Council nor any of its members shall order or request the appointment of any person to an office or employment or ~~his~~ **his/her** removal therefrom, by the City Manager, or by

any of the department heads in the administrative service of the City. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately. Any City ~~Councilman~~ **Council Member** violating the provisions of this section, or voting for a resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall cease to be a ~~Councilman~~ **Council Member**.

§ 808 Ordinances.

The enacting clause of every ordinance shall be: "Be it ordained by the City of Santa Clara as follows:" No ordinance shall be finally adopted by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting, nor until its publication ~~at least once in an official newspaper of the City at least three days before its adoption, provided, however, that~~ **as required in Section 812. However,** ordinances calling elections and ordinances carrying out the provisions of elections need not be published prior to adoption. In case an ordinance is amended before its final adoption and after its publication, it shall in like manner be ~~republished in full as amended~~ **as required in Chapter Section 812,** at least one day before its adoption as amended; provided, however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinances need not be given a first reading or a republication as corrected.

§ 809 Repeal or amendment of ordinances.

No ordinance or portion thereof shall be repealed except by ordinance. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted according to the method provided in this article for the enactment of ordinances, and such revision, re-enactment, amendment or addition, shall be done by ordinance only.

§ 810 Effective date of ordinances.

No ordinance shall become effective until thirty (30) days from and after the date of its adoption, except the following, which shall take effect upon adoption: (a) An ordinance calling or otherwise relating to an election; (b) An improvement proceeding ordinance adopted under some law, or procedural ordinance; (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation; or (d) An emergency ordinance adopted in the manner herein provided.

§ 811 Emergency ordinances.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety or property, and containing a statement of the reasons for its urgency and adopted by a five-sevenths vote of the whole Council may go into effect at the will of the Council.

§ 812 Publication of ordinances.

The City Clerk shall cause each ordinance to be published at least once, in an official newspaper at least three days before its adoption. proposed ordinance to be posted at least three (3) days prior to its adoption in three (3) public places in the City and at least three (3) days prior to the ordinance adoption shall cause a single publication in an official newspaper to occur, setting forth the title of the ordinance, the date of its introduction, a brief factual summary of the ordinance and a list of the places where copies of the full text of the proposed ordinance are posted.

§ 813 Codification of ordinances.

Any or all properly enacted and unrepealed ordinances of the City may be compiled, consolidated, revised and indexed, including such restatements and substantive changes as are necessary for clarity in a comprehensive ordinance code. City Code.

An ordinance code A City Code may be adopted by reference by the passage of an ordinance in the same manner as other ordinances of the City. The ordinance code City Code itself need not be published in the manner required for other ordinances. Prior to its adoption, not less than three copies of the code Code shall be filed in the City Clerk's Office, for examination by the public. After the code Code has been adopted, ordinances may be amendatory or revisory of the code Code. Sections of the code Code shall not be revised or amended by reference but readopted and published at length as revised or amended.

§ 814 Adoption of printed building codes, etc.

Ordinances establishing rules and regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring, or other similar work, where such rules and regulations have been printed as a code in book form, may be adopted by reference by the passage of an ordinance in the same manner as other ordinances of the City. The code so adopted need not be published at length, provided, however, that not less than three copies of such code shall have been filed, for use and examination by the public, in the office of the City Clerk prior to the adoption thereof.

§ 815 Publishing of legal notices.

The City Council shall by resolution designate one or more newspapers of general circulation in the City of Santa Clara as official newspaper for the publication of any legal notice or other matter required to be published in a newspaper of general circulation in said City. If it appears to the City Council that the rates offered are unfair, it need not designate an official newspaper. Upon making a finding to such effect, or if publication of newspapers which have been so designated are suspended, then legal notices, ordinances or other matter required to be published in an official newspaper may be published by posting copies thereof in at least three public places in the city. The places for posting of legal notices shall be fixed by ordinance of the City Council.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter, or law, or ordinance.

Article IX. Officers and Employees

§ 900 Officers to be appointed by the City Council and by the City Manager.*

In addition to the City Manager, the City Council shall appoint and affix the compensation for the City Attorney, and City Auditor and Police Judge who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by at least four affirmative votes.

All other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager at compensation fixed by the City Council.

~~*Code reviser's note: Section 900 originally provided for appointment of the City Clerk. However, in 1953 Statutes, p. 3929, both the City Clerk and the Chief of Police were made elected officials. Thus references to such offices were deleted from Section 900 and the appropriate provisions were inserted in Section 600 of this Charter.~~

§ 901 Other appointive officers.

The City Council may provide by ordinance for the creation, consolidation or abolishment of the City departments or offices, not specifically enumerated in this Charter. Each department so created shall be headed by an officer as department head who shall be appointed by the City Manager.

§ 902 Appointive officers; duties.

Each appointive officer shall perform the duties imposed upon ~~him~~ him/her by this Charter, by ordinance, or resolution and, if under jurisdiction of the City Manager, shall perform such other duties relating to his his/her office as may be required of ~~him~~ him/her by the City Manager.

§ 903 City Clerk; powers and duties.

The City Clerk shall have the power and be required to:

- (a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purposes;
- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;
- (c) Maintain separate books, in which a record shall be made of all written contracts and official bonds;
- (d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use;
- (e) Be the custodian of the seal of the City;
- (f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records; and
- (g) Have charge of all City elections.

The City Council may, in its discretion, appoint any other officer or employee of the city as City

Clerk and grant such person additional compensation for the performance of such duties.

§ 904 Director of Finance.

There shall be a Department of Finance; the head of which shall be the Director of Finance, who as determined by the City Council, shall be, or be appointed by, the City Manager. The Director of Finance under the supervision of the City Manager shall have charge of the administration of the financial affairs of the City, including the financial affairs of the City-owned public utilities, and he he/she shall have power and be required to:

- (a) Compile the budget expense and capital estimates for the City Manager.
- (b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures which have been budgeted;
- (c) Maintain a general accounting system for the City government and of its offices, departments and agencies; keep books for, prescribe the financial forms to be used by and exercise financial budgetary control over each office, department or agency;
- (d) Submit to the City Council, through the City Manager, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City.
- (e) Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report.
- (f) Collect all taxes, special assessments, utility charges, license fees and other revenues of the City for whose collection the City is responsible except City taxes collected by the County and as provided in Section 1306, and receive all money receivable by the City from the State or Federal government, or from any court, or from any office, department or agency of the City;
- (g) Receive and have custody of all monies receivable by the City from any source;
- (h) Deposit all monies received in such depositories as may be designated by resolution of the City Council or, if no resolution be adopted, by the City Manager, and in compliance with all the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds; and
- (i) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safe-keeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.

§ 905 City Engineer and Department of Public Works.

(a) City Engineer. The City Engineer shall be a Registered Professional Engineer in the State of California, and he he/she shall have the power and be required to:

- (1) Supervise and be responsible for all City engineering work, including the preparation of engineering maps, surveys, and designs.
 - (2) Perform such other duties as the City Council may from time to time prescribe, either by ordinance or resolution.
 - (3) On vacating the office, surrender to his his/her successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his his/her office and the work thereof.
- (b) Director of Public Works and Utilities. The Director of Public Works and Utilities, who may be the City Engineer, shall, under the supervision of the City Manager, be in charge of the

administration of such departments of the City, including engineering and utilities, as are or may be from time to time designated by the City Council. (As amended 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101)

§ 906 Chief of the Police Department.

The Chief of Police shall have power and be required to:

- (a) Preserve the public peace;
- (b) Execute and return all process issued to ~~him~~ **him/her** by legal authority; and
- (c) Exercise all the powers that are now or may hereafter be conferred upon sheriffs and other police officers by the laws of the State.

§ 907 Chief of the Fire Department.

The Chief of the Fire Department shall have the power and be required to:

- (a) Supervise all matters relating to the prevention and extinguishing of fires and the protection of all property impaired thereby; and
- (b) Make frequent inspection of all property within the city to enforce fire prevention regulations.

§ 908 City Attorney.

There shall be a City Attorney who shall have the power and be required to:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
- (b) Represent and appear for the City and any City officer or employee or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee in or by reason of ~~his~~ **his/her** official capacity, is concerned or is a party, but the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein;
- (c) Attend all meetings of the City Council and give ~~his~~ **his/her** advice or opinion in writing whenever requested to do so by the City Council, or by any of the boards or officers of the City;
- (d) Approve the form of all bonds given to and all contracts made by the City, endorsing ~~his~~ **his/her** approval thereon in writing;
- (e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;
- (f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances; and
- (g) On vacating the office, surrender to ~~his~~ **his/her** successor, all books, papers, files, and documents pertaining to the City's affairs.

To be eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the active practice of law for at least four years immediately prior to ~~his~~ **his/her** appointment.

§ 909 City Auditor.

The City Auditor shall audit and approve all bills, invoices, payrolls, demands or charges against the City government before payment and, with the advice of the City Attorney, advise the City

Council as to the regularity, legality and correctness of such claims, demands or charges. The City Council may, in its discretion, appoint any other officer or employee of the City as City Auditor and grant such person additional compensation for the performance of such duties.

§ 910 Administrative Code.

Within six months after the adoption of this Charter, the council shall adopt by ordinance an administrative code providing for a plan of administrative organization of the City government, which will cover all matters concerning the powers, duties, term of office, procedure of all the officers, boards and commissions, and employees of the City; provided, however, that the provisions of said code shall not be in conflict with any of the provisions of this Charter. This administrative code will cover all rules and regulations relating to fiscal operations, personnel management, election procedure, and other matters concerning the operation of the functions of the City government.

§ 911 Official bonds.

The City Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk, except the City Clerk's bond which shall be filed with the City Manager. Premiums on official bonds shall be paid by the City.

In all cases wherein an officer or employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or right to recover against, ~~his~~ **his/her** superior officer, or the bond of the latter, for any wrongful act or omission of the former, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

§ 912 Oath of office.

Each member of the City Council, of every board and commission, and each officer and department head, before entering upon the discharge of the duties of ~~his~~ **his/her** office shall take, subscribe to and file with the City Clerk the following oath of affirmation:

"I do solemnly swear (or affirm, ~~as the case may be~~) that I will support and defend the Constitution of the United States and the Constitution of the State of California, ~~and that I will~~ **against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability." And such other oath as may be required by law or ordinance. upon which I am about to enter."**

Article X. Appointive Boards and Commissions

§ 1000 In general.

There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated, and such other powers and duties as may be conferred by the City

Council which are not inconsistent herewith. In addition, the City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

§ 1001 Appropriations.

The City Council shall include in its annual budget sufficient appropriations of funds for the efficient and proper functioning of such boards and commissions.

§ 1002 Appointments; terms.

Except as otherwise provided in this article, the members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes. Except as otherwise provided in this article, the members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified; provided, however, the members first appointed to those boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of at least one of their number shall expire.

§ 1003 Meetings; ~~chairman~~ Chair.

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as it may require. All proceedings shall be open to the public unless the nature of any proceeding is such that in the opinion of such board or commission the public interest would be best served by closing a particular proceeding to the public, and the reasons therefor are declared in any action closing such proceeding. Upon conclusion of any such proceeding any final action which is to be taken by such board or commission, with respect to such proceedings, shall be taken in open meeting. The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action. Each board or commission shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. It shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

§ 1004 Compensation, vacancies.

The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses when on official duty on order of the City Council.

Except as otherwise herein provided, any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents ~~himself~~ **himself/herself** from three regular meetings of such board or commission, consecutively, unless

with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his his/her office shall be vacant and shall be so declared by the City Council. (As amended, 1967 Statutes, Senate Concurrent Resolution No. 35; Chapter 61)

§ 1005 Oaths; affirmations.

Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

§ 1006 Planning Commission – Generally.

There shall be a City Planning Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government except that the City Manager, and the Director of Public Works and Utilities, or their designated representatives, shall serve as ex-officio members of the commission. (As amended, 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101)

§ 1007 Planning Commission – Duties and powers.

The Planning Commission shall have power and be required to:

- (a) After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of the ~~Master~~ **General** Plan or any part thereof for the physical development of the city;
- (b) Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance; and
- (c) Exercise such ~~other functions~~ **planning, zoning, environmental or other function** as now or may be hereafter authorized by ~~the provisions of the Conservation and Planning Act of~~ the State of California in so far as they do not conflict with the provisions of this Charter.

§ 1008 Parks and Recreation Commission.

There shall be a City Parks and Recreation Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

§ 1009 Parks and Recreation Commission – Powers and duties.

The Parks and Recreation Commission shall have power and be required to:

- (a) Act in advisory capacity to the City Council in all matters pertaining to parks, recreation, playgrounds and entertainment;
- (b) Consider the annual budget of the Parks and Recreation Department during the process of its preparation and make recommendations with respect thereto to the City Manager and the City Council; and
- (c) Assist in the planning and supervision of a recreation program for the inhabitants of the city, promote and stimulate public interest therein and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

§ 1010 Civil Service Commission.

There shall be a Civil Service Commission consisting of five members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or

employment in the City government.

§ 1011 Civil Service Commission – Powers and duties.

- (a) The Civil Service Commission is charged with the duty of providing qualified persons for appointment to the service of the City. All appointments in the public service shall be made for the good of that service, and solely upon merit and fitness, as established by appropriate test, without regard to partisan politics, race, color or religious belief.
- (b) Act as Board of Review to hear petitions by civil service employees, and applicants for civil service positions, and to grant or deny such petitions.
- (c) Perform such other duties as may be required by the civil service rules and regulations.

§ 1012 Board of Library Trustees.

There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council from the qualified electors of the City and no member of said Board shall hold any paid office or employment in the City government.

§ 1013 Board of Library Trustees – Powers and duties.

The Board of Library Trustees shall have charge of the administration of the Santa Clara Free Public Library and shall have power and be required to:

- (a) Make and enforce such by-laws, rules and regulations as it may deem necessary for the administration and protection of the City library;
- (b) Approve or disapprove the appointment of a librarian who shall be the department head;
- (c) Accept into the library fund and administer money, personal property or real estate donated to the City or otherwise acquired for library purposes subject to the approval of the City Council;
- (d) Contract with school, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

Article XI. Civil Service

§ 1100 Civil service; merit principle.

Appointments and promotions in the service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

§ 1101 Classified service.

The civil service of the City shall be divided into the unclassified and classified service.

- (a) The unclassified service shall comprise the following offices and positions:
 - (1) All elective officers;;
 - (2) City Manager;;
 - (3) City Attorney;;
 - (4) City Clerk;;
 - (5) City Auditor;;
 - (6) The head of each department, including but not limited to, the Director of Finance, Director of Public Works and Utilities, City Engineer, Chief of the Police Department, Chief of the Fire Department;;

- (7) The Assistant City Manager, Assistant City Attorney, and Assistant Department Heads, whenever so designated by the City Council;
 - (8) All members of boards and commissions;
 - (9) Persons employed for a temporary or special purpose, for a period not to exceed six months in any one calendar year, if the City Manager certifies that such employment is temporary and that the work shall not be performed by employees in the classified service;
 - (10) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character; ~~and~~
 - (11) Volunteer members of the Fire Department and Police Reserve; ~~and,~~
 - (12) The City Council by ordinance may divide or separate any department of the City into divisions and by ordinance may provide that the employee selected to be the head of any such division shall be in the unclassified service.
- (b) The classified service shall comprise all positions not specifically included in this section in the unclassified service, ~~and except positions under the Board of Education. (As amended 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101).~~

§ 1102 Appointments from classified to the unclassified service.

In the event an officer or employee of the City holding a position in the classified service is appointed to a position in the unclassified service, and should subsequently be removed therefrom, ~~he~~ ~~he/she~~ shall revert to ~~his~~ ~~his/her~~ former position in the classified service without loss of any rights or privileges and upon the same terms and conditions as if ~~he~~ ~~he/she~~ had remained in said position continuously. Should such person be eligible for retirement under the retirement system at the time of such subsequent removal, upon recommendation of the City Manager, ~~he~~ ~~he/she~~ shall be retired in lieu of being restored to ~~his~~ ~~his/her~~ former position.

§ 1103 Classification.

The City Manager shall prepare and submit to the City Council a plan of classification and grading of all positions in the City Service according to similarity of authority, duties and responsibilities. Such classification plan shall take effect when adopted by the City Council. Additions or changes in the classification plan may be adopted from time to time by the City Council upon the recommendation of the City Manager.

§ 1104 Pay plan.

The City Manager shall prepare and submit to the City Council a standard schedule of pay for each position in the classified service. Such pay plan when adopted by the City Council shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of positions. Amendments to the pay schedule may be adopted from time to time upon the recommendation of the City Manager.

§ 1105 Civil service rules and regulations.

The City Council shall adopt civil service rules and regulations governing the administration of the City civil service system to implement the provisions of this Article.

§ 1106 Reserved.

Code reviser's note: At an election held on November 7, 1972, the electors repealed former § 1106 containing provisions prohibiting persons in the classified service from engaging in certain political activities. Said former section was adopted by the electors at an election held on April 2, 1951, and approved by the State legislature on April 25, 1951. The repeal of said § 1106 was approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10).

§ 1107 Prohibitions.

No person shall wilfully or corruptly make any false statement, certificate, mark, rating or report in regard to any application, test, certification, or appointment held or made under the personnel provision of this Charter or in any manner commit or attempt any fraud preventing the impartial execution of such personnel provisions or rules and regulations made hereunder.

Any person who by ~~himself~~ **himself/herself** or with others wilfully or corruptly violates any of the provisions of this Article shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment. Any person convicted hereunder shall be ineligible for a period of five years for employment in the City service and shall, if ~~he~~ **he/she** is an officer or employee of the City, immediately forfeit ~~his~~ **his/her** office or position.

§ 1108 Contract for administrative services.

The City Council, upon recommendation of the City Manager, may contract with the governing body of any other city, or county within this state, or with any state department, or with any private or governmental agency for the furnishing of administrative, fiscal, or personnel services.

Article XII. Retirement

§ 1200 State system.

The "Public Employees' Retirement Law," as it now exists or may hereafter be amended, is hereby adopted for the City of Santa Clara, and plenary authority and power are hereby vested in said City, its City Council and its several officers, agents and employees at their discretion to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of said Retirement Law, to enable said City to become or continue as a contracting City participating in the Public Employees' Retirement System; provided, however, that the City Council may terminate any contract entered into with the Board of Administration of the Public Employees' Retirement System only under authority granted by ordinances adopted by a majority vote of the electors of the City of Santa Clara, voting on such proposition at an election at which such proposal is presented. ~~(As amended by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))~~

Article XIII. Fiscal Administration

§ 1300 Fiscal year.

Unless otherwise provided by ordinance, the fiscal year of the City government shall begin on the first day of July of each year and end on the 30th day of June of the following year.

~~(As amended 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)~~

§ 1301 Annual budget; preparation by the City Manager.

At such date as ~~he~~ **he/she** shall determine, the City Manager shall obtain from each office, department or agency of the City, estimates of revenue and expenditure for such office, department or agency, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, shall hold conferences thereon with the head of such office, department or agency, respectively, and may revise the estimates as ~~he~~ **he/she** may deem advisable.

§ 1302 Budget — Submission to City Council.

At least thirty-five (35) days prior to the beginning of each fiscal year, or at such prior date thereto determined by the City Council, the City Manager shall submit to the City Council the proposed budget as prepared by ~~him~~ **him/her**. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in an official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

~~(As amended 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)~~

§ 1303 Budget – Public hearing.

At the time so advertised, or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons shall be given an opportunity to be heard.

§ 1304 Budget – Further consideration and adoption.

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative votes of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the City Manager and a further copy shall be placed and shall remain on file in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City. ~~(As amended, 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)~~

§ 1305 Budget – Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of

the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget.

~~§ 1306 Tax system and collection of taxes.~~

~~The City Council shall have power to avail itself of any law of the State of California now or hereafter in force, insofar as such provisions are not in conflict with this Charter, whereby the assessment of property and the collection of taxes may be made by the officers of the County in which the City of Santa Clara is located. The Council may, by an ordinance, provide for the assessment of property and the collection of taxes by officers of the City. Such an ordinance may create the offices of Assessor and Tax Collector and provide for their consolidation with any other offices of the City now or hereafter existing, and give to such officers any or all of the powers authorized by general law.~~

~~If the City Council fails to fix the rate and levy taxes on or before August 15 or the date previously established by ordinance in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year. (As amended 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)~~

~~§ 1306.5 Budget and levy of taxes for interim period between fiscal years.~~

~~If a change of a fiscal year results in the existence of a period between fiscal years for which no budget has been adopted, the City Council shall adopt an "interim budget" for said period. The council may include in the tax levy for the fiscal year following said interim period a tax levy for the raising of sufficient funds with which to operate the City during said period. The tax limits provided for in this Charter shall be applicable to the levy of taxes for said interim period at the rate of one twelfth of any such limit for each month of said period. (As added 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121)~~

~~§ 1307 Tax limits.~~

~~Exclusive of special levies permitted by this Charter, the City Council shall not levy a property tax in excess of one dollar (\$1.00) on each one hundred dollars (\$100.00) of the assessed value of taxable property in the City for municipal purposes, unless authorized by the affirmative votes of two thirds of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.~~

~~There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:~~

~~(a) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year; and~~

~~(b) A tax sufficient to meet all obligations of the City to the State Employees' Retirement System, exclusive of charges payable under Section 1320 hereof, if any, due and unpaid or to become due during the ensuing fiscal year.~~

~~Special levies, in addition to the above, not to exceed the aggregate amount, of thirty five cents (\$.35) on each one hundred dollars (\$100.00) of the assessed value of taxable property in the City may be made annually, based on approved budget requirements, for the following specific purposes: Parks, recreation, city planning, libraries, advertising, and emergency funds for disaster relief. The proceeds of any such special levy shall be used for no other purpose than that specified.~~

~~§ 1308 Tax liens.~~

~~All taxes assessed together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by sale of the property affected at public auction or in case any of said lands may be necessary for school purposes then at private sale to a school district, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for City taxes due thereon, the same may be struck off and sold to the City, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the State when offered for sale for State and County taxes; and the Council shall have power to provide for the procedure to be followed in such sales to the City and redemption thereafter. §§ 1306, 1306.5, 1307, 1308 - Repealed~~

~~§ 1309 Bonded debt limit.~~

~~The bonded indebtedness of the City may not in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation of property within the City, exclusive of revenue bonds or any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending, or maintaining municipally owned utilities, for which purposes a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.~~

~~§ 1310 Contracts on public works.~~

~~Every contract involving an expenditure of more than one **fifty** thousand dollars (~~\$1,000.00~~)(**\$50,000**) for the construction or improvement, (excluding maintenance and repair), of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let to the lowest responsible bidder after notice by publication in an official newspaper by one or more insertions, the first of which shall be at least ten (10) days before the time for opening bids.~~

The fifty thousand dollar (\$50,000) contract amount shall be annually increased 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. The CPI base index year for the adjustment shall be calendar year 1999.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, and after the adoption of a resolution to this effect by at least four (4) affirmative votes, it may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by motion passed by at least four (4) affirmative votes and containing a declaration of the facts constituting such urgency.

§ 1311 Cash-basis General fund.

~~The City Council shall maintain a revolving fund, to be known as the "Cash Basis Fund" for the purpose of placing the payment of the running expenses of the City on a cash basis~~ **General Fund for the purpose of accounting for the general government revenue and the expenditures of the various City departments resulting from the provision of general government services.**

~~City Council shall maintain a General Contingency Reserve Fund. A reserve shall be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues including any excess of revenues over expenditures in the General Fund during any fiscal year.~~

~~Council may establish reserve accounts in the General Contingency Reserve Fund as needed to segregate monies for particular purposes. Transfers may be made by the City Council from such fund the General Contingency Reserve Fund to any other fund or funds, of such sum or sums as may be required for the purpose of placing such fund, as nearly as possible, on a cash basis.~~

~~§ 1312 Capital outlays funds.~~

~~A fund for capital outlays, generally, is hereby created, to be known as the "Capital Outlays Fund." The City Council may at any time create by ordinance a special outlay fund or funds for special capital outlay purposes. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such capital outlay fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of two-thirds of the electors, voting on the proposition in any election at which such question is submitted. The City Council may transfer to any such fund any~~

~~unencumbered surplus funds remaining on hand in the City at any time.~~

~~Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.~~

~~If the purpose for which any capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays, generally, established by this Charter. The provisions of this section shall not apply to the Utilities Fund established by Section 1320 hereof.~~

~~§ 1313 Department trust fund.~~

~~The City Council shall prescribe by ordinance for the setting up of a "Departmental Trust Fund" into which the collections of the various departments, offices and agencies shall be deposited through the Director of Finance. Withdrawals from such fund may be made by the Director of Finance only on order signed by the proper department or division head and for the following purposes:~~

~~(a) The making of refund of bail which has been exonerated or of other refundable deposits;~~

~~(b) The making of transfers to various City Funds at the end of each calendar month of monies accumulated during the month for such funds. purposes Council deems appropriate.~~

~~§ 1312 Capital project funds.~~

~~Capital Project funds shall be created and maintained as necessary to segregate and account for specific capital improvement project transactions and appropriations shall be included in the Capital Improvement Project Budget.~~

~~§ 1313 Department funds.~~

~~The City Council shall maintain separate accounting records for the collection of revenues and disbursement of expenditures that are related to specific functions as determined by federal, state, other agency laws or City Charter provisions and regulations or as determined by Council action. These specific functions include, but are not limited to: the various City utilities whose operations are funded by user charges; grant programs; and trust funds established by bequest. Separate funds or accounts shall be maintained such that proper reporting can be made at any time.~~

~~§ 1314 Petty cash funds.~~

~~The City Council may provide for revolving petty cash funds, to be paid to the City Manager or department heads and used for payment in cash of expenditures provided for in the budgets that cannot conveniently be paid otherwise. The City Manager, and such department heads, shall account to the City Council for all disbursements made therefrom when making demand for replenishment of the same and at such other times as the council may require and the amounts shall thereupon be charged against the proper appropriations.~~

~~§ 1315 Presentation of demands.~~

~~Each demand against the City shall be presented to the City Manager. If the amount thereof is~~

~~legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and a warrant shall be drawn on the City Treasury therefor, payable out of the proper fund. Objections of the City Manager may be overruled by the City Council and the warrant ordered drawn.~~

~~§ 1316 Registering warrants.~~

~~Warrants on the City Treasury which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from date of registration at such rate as shall be fixed by the City Council by resolution. §§ 1315 and 1316 - Repealed~~

§ 1317 Actions against city.

No suit shall be brought on any claim or action for money or damages, whether sounding in tort, contract or some other theory, may be brought against the City, or any board, commission, agency or officer, agent or employee thereof, until a claim has been filed with the City, and either the City acts on the claim or it is deemed denied by operation of law. The procedures prescribed by State law governing the presentations, consideration and enforcement of claims against cities and its officers, agents and employees shall apply to the presentation, consideration and enforcement of claims against the City. Claims for money or damages which are excepted from or not covered by State law may be governed by the procedures established by City ordinance. ~~against the City or any department, officer, or agency thereof until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the City must be presented to the City Manager within ninety (90) days after the occurrence, event or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety (90) days after the last time of the account or claim occurred.~~

~~In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty (60) days from the day the same is filed with the City Manager shall be deemed a rejection thereof.~~

§ 1318 Centralized purchasing.

A centralized purchasing system shall be established for all City Departments, offices, and agencies. The City Manager shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for purchasing, storing, distribution, or disposal of all supplies, materials and equipment, required by any department, office or agency of the City government.

§ 1319 Independent audit.

The City Council shall employ, at the beginning of each fiscal year, a **an independent** certified public accountant who, ~~at least semi-annually, shall examine the customers' accounts, and all~~ **shall audit** the books, records, inventories and reports and accounts of all officers and

employees of the City who receive, handle administer or disburse public funds, and of such other officers, employees, departments or agencies as the City Council may direct. At the end of the year, a final and complete and agencies as the Council may direct. Such audit shall be made at such times as may be prescribed by the City Council but shall be at least annually.

As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, and one to the City Attorney, respectively, and three additional copies to independent accountant to the Council, the City Manager and the City Attorney. Three (3) copies of the audit shall be placed on file in the City Clerk's office of the City Clerk where they may shall be available for public inspection by the general public.

§ 1320 Utilities fund.

Receipts from the utilities operated by the City shall be paid into the City Treasury and maintained in a separate utilities fund for such utilities. Expenditures from such fund shall be made for the following purposes only for such utilities in the order named, viz:

- (a) For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the City or the City Council may establish;
- (b) For repairs and maintenance;
- (c) For the payment of interest and sinking funds on bonds issued for acquisition, construction or extensions;
- (d) For the payment of not to exceed five per cent of the gross receipts from such utilities to the general fund of the City in payment for services rendered; subject, however, to such limitations as may be contained in any resolution or indenture heretofore adopted providing for the issuance of revenue bonds for the acquisition, construction or improvement of such utilities, which bonds are now outstanding or may hereafter be issued under such existing resolution or indenture;
- (e) For extensions and improvements;
- (f) For the establishment of a sinking fund within the utilities fund for the replacement of utilities property in the minimum amount of two million five hundred thousand dollars (\$2,500,000.00). The City Council shall cause records to be kept of the receipts and expenditures of each utility and of credits and debits of each utility in the aforementioned utilities fund. The City Council may, however, order expenditures from the utilities fund for any utility even though that utility has no credit in the utilities fund, provided only that the balance in the utilities fund is greater than the proposed expenditure. (As Amended, 1967 Statutes, Senate Concurrent Resolution 35; Chapter 61; Amendment ratified 11-4-80)

§ 1321 Revenue bonds.

(a) The City Council, when authorized at an election as hereinafter provided, shall have power to issue revenue bonds for the purposes authorized by the general laws of the State of California including the issuance of refunding revenue bonds and also shall have power to borrow money and incur indebtedness for any and all revenue producing works, undertakings, enterprises and utilities (hereinafter in this section referred to as "works") to the end that, as far as practicable, all such works shall be self sustaining and shall be paid for directly out of the revenues

therefrom. Such works may be financed through the issuance of revenue bonds.

(b) Neither such revenue bonds, nor the interest accruing thereon, shall be, or evidence, indebtedness of the City. Such revenue bonds, and the interest accruing thereon, shall be a charge solely upon such of the revenues of the works on account of which they are issued as by the terms of their issuance are so charged therewith, but shall not be a charge, lien or encumbrance, legal or equitable, upon, nor shall any recourse on account thereof be had against any income, receipts, revenues, funds, or property of the City, other than such charge upon such revenues of the work on account of which they are issued, and neither the credit nor the taxing power of the City shall be deemed to be pledged to, or charged with, such payment, nor shall the holder of any such bond have any right to compel the exercise of such taxing power.

(c) The City Council may avail itself of any of the procedures now or hereafter authorized by the general laws of the State of California for the issuance of revenue bonds or the City Council may, by ordinance or resolution effective upon adoption set up and establish a procedure for the issuance of such revenue bonds, the calling and holding of elections therefor, and all matters pertaining to the issuance and sale of such bonds; provided, however, that the issuance of said revenue bonds shall be submitted to the electors at an election and the votes of a majority of all those voting on the proposition shall be required to authorize the issuance of the bonds.

(d) Nothing in this section or elsewhere in this Charter, shall preclude the issuance, when authorized by two-thirds vote of the duly qualified electors of the City voting upon the proposition, of bonds of the City, for the purposes of any works, pursuant to proceedings therefor taken in accordance with the Constitution and general laws of the State. It is nevertheless the intention of this Charter that all principal and interest accruing on such bonds of the City if any, shall be provided currently out of the revenue fund pertaining to the works on account of which such bonds of the City shall have been issued, so far as it is practicable to make such provisions after the payment of all costs of operation and maintenance of said works and of all principal and interest on revenue bonds of the City issued on account of said works, and that so far as such current provision is not practicable, the general funds of the City shall be reimbursed out of said revenue fund, as soon as practicable, for all moneys paid from such general funds on account of such bonds of the City.

(e) The City Council shall have power to issue revenue bonds to finance the generation, production, transmission and distribution of electric energy, including the acquisition and/or construction of lands and facilities therefor, without authorization at an election. The City Council may avail itself of the procedures now or hereafter authorized by the general laws of the State of California for the issuance of such revenue bonds or the City Council may, by ordinance or resolution effective upon adoption, set up and establish a procedure for the issuance of such revenue bonds and all matters pertaining to the issuance and sale of such bonds. This section (e) does not authorize the financing of a nuclear plant, or an interest therein, unless approved by an election. (Amendment ratified 11-3-81)

Article XIV. Franchises

§ 1400 Procedure; terms.

The City Council may by ordinance provide a procedure for the granting of franchises or grant franchises pursuant to the procedure provided by the State law. Franchises may be granted for

the use by any public utility of the streets, public places or property of the City upon such terms, conditions, restrictions and limitations as may be prescribed by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred. Such franchises may be granted either for a fixed or an indeterminate period.

Article XV. Reserved

Code reviser's note: At an election held on November 7, 1972, the electors repealed former Art. XV, §§ 1500 – 1505, pertaining to the police court. Said former article was adopted by the electors at an election held on April 2, 1951, and approved by the State legislature on April 25, 1951. The repeal of said Art. XV was approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10).

Article XVI. Reserved

Code reviser's note: At an election held on November 7, 1972, the electors repealed former Art. XVI, § 1600, pertaining to the school department. Said former article was adopted by the electors at an election held on April 2, 1951, and approved by the State legislature on April 25, 1951, and amended by the State legislature (1957 Stats., p. 4459). The repeal of said Art. XVI was approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10).

Article XVII. Reserved Powers, State Elections Code and Amendments to State Elections Code ~~§ 1700 Reserved powers.~~

~~There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. (Amended May 21, 1963, Chapter 102, Senate Concurrent Resolution No. 62)~~

~~§ 1701 State Elections Code.~~

~~The provisions of the Elections Code of the State of California, as the same exists on January 1, 1963, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter. (Amended May 21, 1963, Chapter 102, Senate Concurrent Resolution No. 62)~~

~~§ 1702 Amendments to State Elections Code.~~

~~The City Council, by ordinance, may adopt any future amendments to the provisions of the Elections Code of the State as adopted by Section 1701 of this Charter so far as such future amendments are not in conflict with any other sections of this Charter. (Amended May 21, 1963, Chapter 102, Senate Concurrent Resolution No. 62) §§ 1700, 1701 and 1702 - Repealed~~

Article XVIII. Miscellaneous

§ 1800 Definitions.

Unless the provision or the context otherwise requires, as used in the Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Santa Clara and "department," "board," "commission," "agency," or

“employee,” is a department, board, commission, agency, officer or employee as the case may be, of the City of Santa Clara.

(c) The masculine ~~and feminine~~ gender ~~includes~~ **include** the ~~feminine and~~ neuter.

§ 1801 Violations.

The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a term of not exceeding one year or by both such fine and imprisonment.

§ 1802 Validity.

If any provisions of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 1803 Effective date.

For the purpose of nominating and electing members of the City Council, this Charter shall take effect from the time of its approval by the legislature. For all other purposes it shall take effect on the Tuesday next succeeding the date of election of the first City Council at 8:00 P.M.

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