

RESOLUTION NO. 26-_____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2026, IN CONJUNCTION WITH THE CITY'S GENERAL MUNICIPAL ELECTION FOR A VOTE ON TWO BALLOT MEASURES THAT, IF PASSED, WOULD IMPLEMENT A COMPREHENSIVE UPDATE OF THE CITY CHARTER, AND UPDATE THE CITY'S PUBLIC WORKS PROCUREMENT RULES; REQUESTING THE CONSOLIDATION OF SUCH ELECTION WITH THE GENERAL STATEWIDE ELECTION TO BE HELD IN SANTA CLARA COUNTY ON NOVEMBER 3, 2026; DIRECTING THE OFFICE OF THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS FOR THE TWO MEASURES; AND SETTING THE PRIORITIES AND SCHEDULE FOR BALLOT ARGUMENTS; AND AUTHORIZING OTHER NECESSARY AND APPROPRIATE ACTIONS

WHEREAS, on June 9, 2026, the City Council adopted Resolution No. 26-9567 calling a General Municipal Election to be held on Tuesday, November 3, 2026, for the election of the Mayor and two Councilmembers (Council District Seats 2 and 3);

WHEREAS, by adoption of Resolution No. 26-9567, the City requested that the County of Santa Clara Board of Supervisors consolidate Santa Clara's General Municipal Election with the statewide election and permit the Registrar of Voters to perform certain services in conjunction with the City's election;

WHEREAS, the City Council now desires to submit to the voters, for their consideration at the November 3, 2026, election, two ballot measures for purposes of amending various provisions of the City Charter;

WHEREAS, the first such measure, if passed, would amend the City Charter to implement a comprehensive reorganization and Charter update intended to conform with applicable laws, eliminate outdated provisions, clarify ambiguous terms, reorganize and reformat to improve usability, and to update provisions to align with current/best practices, all as more particularly set forth in **Exhibit A** attached hereto and incorporated herein by reference (the "Comprehensive Charter Update Amendment");

WHEREAS, the second such measure, if passed, would amend existing Charter Section 1310 to provide for implementation of the City's public works procurement process by ordinance, including the option to use alternative procurement mechanisms for public works,

all as more particularly set forth in **Exhibit B** attached hereto and incorporated herein by reference (“Public Works Update Amendment”);

WHEREAS, the Comprehensive Charter Update Amendment and the Public Works Update Amendment are the product of a Charter review process commonly known as the “Charter Project,” formally initiated by the City Council on September 16, 2025;

WHEREAS, since October 1, 2025, at the direction of the City Council, the City Attorney’s office has been working with the Council-appointed Charter Review Committee (“CRC”), all City departments whose activities are governed by the City Charter, and other identified stakeholders, including the Charter created Boards and Commissions, and the public, to identify provisions of the Charter that may warrant modification and to propose amendments to update such provisions;

WHEREAS, after a nine-month process, including 10 public meetings of the CRC, and 28 Ad Hoc Subcommittee meetings, on June 3, 2026, the CRC adopted a formal recommendation for updates to the City Charter to present to the City Council;

WHEREAS, on June 9, 2026, the CRC’s final recommendation, the CRC’s final Charter Project report, and actual drafts of the proposed Charter amendments, both in underline strikeout and “clean” versions, were presented to the City Council for their consideration and input;

WHEREAS, additional presentations were made to the City Council on June 15, 2026, July 7, 2026 and July 14, 2026, to complete the presentation of the CRC recommendation, answer questions, receive public input and respond to City Council direction;

WHEREAS, at the July 14, 2026 City Council meeting, the proposed Charter amendment language for the Comprehensive Charter Update Amendment and the Public Works Update Amendment were presented to the Council in substantially final form, along with all required ballot measure materials; the City Council considered such items, made changes, if any, that it deemed necessary and appropriate; and indicated their desire to proceed with the approval of such actions as were necessary and appropriate to place such measures on the November 3, 2026 ballot; and

WHEREAS, because the proposed Charter amendments do not alter any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree, or of any local government employee organization, and do not involve the adoption of a new charter, no special procedures that might otherwise be applicable under state law apply; and the City has complied with the spirit of such requirements in any

event through the multiple public meetings held by the CRC and the City Council to consider the proposed amendments.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. Calling of Election; Approval as to Form. There is hereby called and ordered to be held on November 3, 2026 a special Municipal Election to be consolidated with the General Municipal Election for purposes of submittal to the voters of the City of Santa Clara two ballot measures proposing to amend the City Charter. Such ballot measures, the Comprehensive Charter Update Amendment, and the Public Works Update Amendment, as described in the recitals above, and attached hereto as **Exhibit A** and **Exhibit B**, respectively, are approved by the City Council in substantially the forms presented for purposes of submittal to the qualified electors of the City of Santa Clara. City Council hereby authorizes the City Clerk and the City Attorney, in concurrence, to make non-substantive changes to the language presented in Exhibit A and Exhibit B, where such changes are administrative modifications that correct or clarify a measure without altering intent, scope, legal or mandatory requirements, or meaning. The City Attorney and the City Clerk's Office will work together to ensure the ballot measure(s) the Council takes final action to present to voters are accurate and in final form to be provided to the County Registrar of Voters by August 7, 2026, and any such changes will be presented to the Council for ratification before the November 2026 election.

2. Request for Consolidation and Election Services. Pursuant to the requirements of section 10403 of the California Elections Code, the City hereby requests (a) that the Board of Supervisors of the County of Santa Clara consent and agree to the consolidation of a Municipal Election with the General Statewide Election on Tuesday, November 3, 2026, for the purpose of placing the Comprehensive Charter Update Amendment, and the Public Works Update Amendment on the same ballot; (b) that the consolidated election shall be held and conducted, the election officers appointed, the voting precincts designated, the ballots printed, the voting centers opened and closed, the ballots counted and returned, the returns canvassed, and all other applicable proceedings to be performed in connection with the above consolidated election, be regulated and performed by the Registrar of Voters of the County of Santa Clara in accordance with the provisions of applicable laws regulating consolidating elections; (c) that the Registrar of Voters is authorized to canvass the returns of the Municipal Election; (d) that the election shall be held in all respects as if there were only one election, and only one form of ballot shall be used; (e) that the Board of Supervisors issue instructions to the Registrar of Voters to take any and all steps

necessary for the holding of the consolidated election.

3. Reimbursement of Costs. The City of Santa Clara recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs. That the City Clerk is hereby authorized and directed to reimburse the County for services performed in accordance with this Resolution, when the work is completed and upon presentation to the City of a properly approved bill subject to the approval by the City Clerk.

4. Ballot Questions. In accordance with Elections Code sections 13247 and 9051, and in order to submit the proposed measures described herein to the voters, the City Council hereby approves and orders the following ballot questions to be submitted at the City of Santa Clara Municipal Election on November 3, 2026:

A. **Measure 1**

COMPREHENSIVE CHARTER AMENDMENT. Shall the measure proposing a comprehensive update to the City Charter to eliminate outdated provisions, clarify ambiguous terms, reorganize and reformat to improve usability, and update provisions to align with current/best practices, including new and updated provisions for defining and filling vacancies in elected/appointed positions, modernizing elected and appointed officials roles and duties, requirements for approval of laws, budget implementation, financing options, legal notice, and other similar enhancements to City operations and procedures, be adopted?	Yes	
	No	

B. **Measure 2**

PUBLIC WORKS CHARTER AMENDMENT. Shall the measure proposing to amend the City Charter to update rules for the construction of public works to allow for competitive “best value” contracting to improve project quality, expedite needed project completion, and minimize risks, retaining City Council authority to approve major contracts, require formal bidding and award contracts to the lowest responsive and responsible bidder, all as set forth in a City ordinance presented and approved at a public meeting, be adopted?	Yes	
	No	

5. Primary and Rebuttal Arguments Generally. Primary and rebuttal arguments for the measure may be filed consistent with Elections Code section 9282, et seq. The schedule for the filing of such arguments shall be as follows:

Primary Arguments: July 28, 2026
Rebuttal Arguments: August 7, 2026

6. Council Designation of Parties to Draft the In Favor Arguments. The Council hereby selects the following course of action regarding the arguments in favor of the proposed ballot measures: Two or more City Council Members who support adoption of the proposed Charter Amendments shall be authorized to, and shall, jointly file an official ballot Argument in favor of the proposed Charter Amendment measures. Those two City Council members may choose up to three (3) additional parties from the Charter Review Committee (CRC) to assist with the drafting and to jointly file. The City Council Members authorized to file such ballot Argument, or at least two other City Council Members authorized to do so by the City Council, shall also jointly file a Rebuttal Argument to any Argument against the proposed Charter Amendment that may be filed. Up to three (3) additional parties from the CRC may also be chosen to assist with the drafting and to jointly file. Neither the City Council, nor any of its Members, shall file a ballot Argument in opposition to the proposed Charter Amendment measure in their official capacity. The Ballot Argument in favor of the proposed Charter Amendments shall contain informational language describing the City's Charter and the circumstances and reasons relating to the Charter Review Committee's recommendation to reorganize and amend the Charter; and shall describe the reasons for which the voters might wish to approve the measure(s).

7. Impartial Analysis. Pursuant to Elections Code section 9280, the City Council hereby directs the City Attorney to prepare an impartial analysis of the measure and to timely file such analysis with the County Registrar. As necessary, the City Attorney shall consult with the City Clerk and other professional City staff for their input in the preparation of such measure.

8. CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, sections 15378(b)(4) and 15378(b)(5) that this resolution is exempt from the requirements of the California Environmental QUALITY Act (CEQA) in that it involves fiscal and administrative activities that will not result in a potentially significant impact on the environment.

9. Additional Election Services. Pursuant to California Elections Code section 10002, the City Council hereby requests that the Board of Supervisors authorize and direct the County Elections Department to provide such additional services as may be necessary to properly and lawfully hold and conduct a Municipal Election in the City on November 3, 2026, including, but not restricted to, furnishing indexes and election equipment, appointing precinct workers and officials, instructing workers and officials, addressing sample ballots for said City election, issuing absentee ballots, establishing and providing early voting, conducting central counting and official canvass, and performing such other acts as may be required, or directed by the City Clerk, subsequent to acceptance of nomination materials by the City Clerk.

10. Coordination with the Registrar of Voters. That the City Clerk is hereby authorized and directed to coordinate with the County Registrar of Voters to procure and furnish the procurement of any and all official ballots, notices, printed matter, and all supplies, equipment, paraphernalia that may be necessary in order to properly and lawfully conduct the Municipal Election. The ballots to be used at the election shall be in form and content as required by law.
11. Conduct of Election in Accordance with All Applicable Laws. That in all particulars not recited in this Resolution, the Municipal Election shall be held and conducted as provided by law for holding municipal elections.
12. Notice of Election. That this Resolution provides notice of the time and place of holding the Municipal Election, and the City Clerk is authorized, instructed and directed to give further or additional notice of the Municipal Election in time, form, and manner as required by law.
13. Requirements for Approval of Measure; Effective Date. The proposed measures shall not take effect unless and until approved by a vote of at least 50% plus one of the voters voting on the questions at the election.
14. Certification and Transmission of this Resolution. That the City Clerk is hereby authorized and directed to certify to the due adoption of this Resolution. That the City Clerk is directed to file a certified copy of this Resolution without delay with the Board of Supervisors and the County Registrar of Voters.

15. Effective date. This Resolution shall become effective immediately upon adoption.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE FOURTEENTH DAY OF JULY 2026, BY THE FOLLOWING VOTE:

AYES: COUNCILORS

NOES: :

ABSENT: COUNCILORS

ABSTAINED :

: COUNCILORS

:

COUNCILORS

:

ATTEST:

CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibit A
2. Exhibit B

Exhibit A
[City Council Resolution No. _____]

The Charter of the City of Santa Clara shall be reorganized and amended to read in full as follows:

[TO BE INSERTED FOLLOWING COUNCIL APPROVAL]

Exhibit B
[City Council Resolution No. _____]

Existing Section 1310 of the City Charter reads as follows:

§ 1310. Contracts on public works.

Every contract involving an expenditure of more than one thousand dollars (\$1,000.00) 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 days before the time for opening bids.

The City Council may reject any and all bids presented and may re-advertise 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 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 affirmative votes and containing a declaration of the facts constituting such urgency.

It is proposed that existing Section 1310 of the City Charter be amended and restated to read, in its entirety, as follows:

802.2 Public Works

a. **Rules to be Implemented by Ordinance.** The City Council shall, by ordinance, adopt specific policies and procedures for the award of contracts for the construction, reconstruction, renovation, alteration, improvement or demolition of public buildings, streets, drains, sewers, utilities, parks, playgrounds and similar public facilities (each a "Public Work" and collectively, "Public Works").

b. **Required Provisions.** The City's implementing Public Works ordinance ("Implementing Ordinance") shall, at a minimum, contain provisions for the following:

1. City Council to retain approval rights over what it defines as "major project" contracts (based on factors such as contract cost, project value, or other relevant considerations), with "minor project" contracts approved by the City Manager
2. Competitive bid processes for all contracts, with formal advertisement for bids and sealed bids required for all "major" contracts.
3. In general, except as provided below, the award of contracts to the lowest responsive and responsible bidder.
4. The ability to reject any and all bids, to re-advertise for bids, or to waive minor defects in any bid if determined by the designated contract-approving authority that such action is necessary or appropriate for the benefit of the public;

5. Emergency authority to waive the applicable competitive bid process requirements if the approving authority determines that the work required is of urgent necessity for the preservation of life, health or property.
6. The ability of the City to implement Public Works using City employees upon a determination by the approving authority (the City Council for major projects, the City Manager for minor projects) that the work can be performed better or more economically by City employees;
7. Defined terms, including definitions for what types of maintenance, repair, restoration, minor improvements, and equipment installation and equipment acquisition, which shall not be considered "Public Works" for purposes of this Section, but shall remain subject to City's general competitive procurement standards.
8. Such other provisions consistent with this Section as may be necessary or appropriate to implement the City's Public Works procurement process.

c. **Procurement Alternatives.** The City's Implementing Ordinance may also provide for one or more alternative Public Works procurement processes to those described in Subsection b, above. Such alternatives may include, without limitation: (1) sole source or limited bid contracts where it is determined by the approving authority that the work required can only be performed by one contractor, or a limited group of contractors; (2) "best value" or other alternative procurement mechanisms, including but not limited to: progressive design-build, construction manager at risk, fixed-price design-build, and design-build-operate contracts; and/or (3) such other alternative procurement mechanisms currently provided under State Law, or that may be provided under State Law in the future. The City's Implementing Ordinance for any such procurement alternatives shall include standards for solicitation, evaluation and selection of qualified proponents. No such exception or alternative process shall be applied to a Public Work unless it is part of a City-wide policy or program approved by the City Council by ordinance and the approving authority has determined that its application to that Public Works is in the best overall interests of the City.

d. **Relationship with Other Laws.** To the maximum extent allowed by law, the provisions of this Charter Section, and any Implementing Ordinance or policy consistent with the terms of this Section, shall supersede all inconsistent State Laws or regulations that may otherwise be applicable to the City's Public Works procurement processes.