

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,
CALLING FOR THE PLACEMENT OF ONE BALLOT MEASURE
THAT, IF PASSED, WOULD AMEND SECTIONS 600 and 700.1 OF
THE SANTA CLARA CITY CHARTER AT THE NEXT STATEWIDE
DIRECT PRIMARY ELECTION**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on December 5, 2017, the certain Santa Clara voters (Plaintiffs) filed a Complaint against the City in the Santa Clara County Superior Court (Complaint);

WHEREAS, on December 27, 2017, the Plaintiffs filed an Amended Complaint against the City in the Santa Clara County Superior Court (Amended Complaint);

WHEREAS, the Amended Complaint alleged, among other things, that the City's method of electing Councilmembers violated the California Voting Rights Act (CVRA);

WHEREAS, the Liability Phase of the trial was held between April 23, 2018, and April 26, 2018, and the Superior Court, Hon. Thomas E. Kuhnle, presiding, issued a decision dated June 6, 2018, finding the City's election system in violation of the CVRA;

WHEREAS, the Remedies Phase of the trial was held between July 18, 2018, and July 20, 2018, after which Judgment was entered on July 24, 2018 in favor of the Plaintiffs;

WHEREAS, the Judgment enjoined the City and the Registrar of Voters from holding at-large elections for any City Council members, other than the position of Mayor, and ordered that Council Members be elected by district under the map ordered by the Court;

WHEREAS, the Court retained jurisdiction over the parties and the action pursuant to California Code of Civil Procedure section 664.6;

WHEREAS, the City filed a Notice of Appeal on August 15, 2018;

WHEREAS, following briefing and oral argument the Court of Appeal rendered its decision on December 30, 2021, affirming the Amended Judgment of the Superior Court, and the Remittitur issued on March 2, 2021;

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WHEREAS, Plaintiffs and the City acknowledged that the 2018 and 2020 City Council elections were conducted in accordance with the provisions of the Judgment;

WHEREAS, on April 21, 2021, the Plaintiffs and the City entered into a Settlement Agreement in which the City agreed that on or before June 1, 2021, the City Council, shall enact a resolution calling an election to seek voter approval of an amendment to the City Charter that shall require the election of all City Council members, except the Mayor, from single-member districts with a requirement that candidates reside within their respective districts in accordance with the Judgment. The election system included in the proposed Charter Amendment shall in all respects comply with applicable governing provisions of State law;

WHEREAS, in accordance with the terms of the Settlement Agreement the City Council desires to require the placement of a ballot measure that, if passed, would amend Charter Sections 600 and 700.1 of the Santa Clara City Charter;

WHEREAS, pursuant to the requirements of the City Charter, the City is required to call and order to be held in the City of Santa Clara, California a special municipal election placing the ballot measure on the ballot;

WHEREAS, pursuant to California Elections Code section 1201, the next Statewide Direct Primary election will be held on June 7, 2022; and,

WHEREAS, in accordance with Elections Code Section 1415 the City can only call for a Special Municipal Election with the Statewide general or primary election occurring not less than 88 days after the order of the election for a charter proposal that proposes to amend a charter related to federal or state voting rights laws.

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

1. That the City Council hereby proposes to amend Santa Clara City Charter Sections 600 and 700.1, as set forth in Exhibit A, attached hereto and incorporated herein by reference (with additions to and deletions from the current text indicated thereon); and the City Council hereby approves and orders the proposed measure to be submitted to the qualified electors of the City of Santa Clara at a special municipal election on June 7, 2022. If the measure is approved by a majority of voters, City Charter Sections 600 and 700.1 shall be amended, as set forth in the measure, and the amendment shall be effective on the date that the City Council declares the results of the special municipal election.

2. That in accordance with Elections Code sections 13247 and 9051, and in order to submit the proposed measure described herein to the voters, the City Council hereby approves and orders the following ballot question to be submitted to the qualified electors of the City of Santa Clara at the special municipal election on June 7, 2022:

Measure 1

DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to elect city council members by district, excepting the mayor, to establish six districts for the election of one council member to represent each district; and to establish a 30-day residency requirement for all elected officials?	Yes	
	No	

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3. The City Clerk is directed to place a resolution on a City Council agenda not less than 88 days prior to the statewide primary election, requesting that the Board of Supervisors of the County of Santa Clara consent and agree to the consolidation of a Special Municipal Election with the Statewide Direct Primary Election on Tuesday, June 7, 2022, for the purpose of placing the measure approved in this resolution on the ballot in accordance with the requirements of section 10403 of the California Elections Code,

4. Effective date. This resolution shall become effective immediately.

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 ____ DAY OF ____ 2021, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibit A