

REPORT TO COUNCIL

SUBJECT

..Title

Action on a Council Written Request (Council Policy 030) Submitted by Vice Mayor Jain Requesting to Place an Agenda Item at a Future Council Meeting to Discuss the Possibility of a Ballot Measure to Change the Chief of Police and City Clerk Position from Elected to Appointed

..Report

COUNCIL PILLAR

Enhance Community Engagement and Transparency

BACKGROUND

Council Policy 030 - Adding an Item on the Agenda (Attachment 1) sets forth the procedure for written petitions. Any member of the public or Council may submit a written request raising any issue or item within the subject matter jurisdiction of the Council. Per the policy, the written request will be submitted on the agenda, in the form substantially provided by the requestor, without any staff analysis, including fiscal review, legal review and policy review. If a simple majority of the City Council supports further study of the request, then a full staff analysis shall be prepared within thirty (30) days, unless otherwise directed by the City Council.

DISCUSSION

The City Clerk's Office received a Council Written Request on June 24, 2022 requesting to place an agenda item at a future council meeting to Discuss the Possibility of a Ballot Measure to Change the Chief of Police and City Clerk positions from Elected to Appointed (Attachment 2).

In the request, Vice Mayor Jain states:

Santa Clara is the only city in the State of California with an elected Chief of Police. Also it seems that only 28% of California cities have elected City Clerks which means 2.5 times as many cities have non-elected clerks than elected clerks.

State Law says that a person needs to be a resident of the City of Santa Clara in order to run for the office of Chief of Police. I imagine that when the provision was put in our Charter for an elected Chief of Police, most of the police officers lived in the City. Currently there are only 12 sworn officers (including the Chief) out of a force of 153 sworn who live in the City.

The ranks of officers currently living in the City are as follows:

Police Chief - 1

Police Captain - 1

Police Lieutenant - 2

Police Sergeant - 1
Police Officer – 7

This seems to me to be a very limited pool to draw from and, when considering management experience, the pool shrinks even further.

I believe that Santa Clara should be able to recruit from the best police forces in the Nation for our Police Chief just like all the other cities in California do.

The Santa Clara County Sherriff has had numerous complaints and yet she kept getting re-elected. Eventually, the entire board of Supervisors voted unanimously that they had lost confidence in her and she is retiring. This shows that the power of incumbency and that name recognition can keep someone in office who probably should not be there. I explain this because the residents of Santa Clara often claim that having an elected Chief of Police makes them more accountable to the residents.

The current City Clerk position is part-time and this person handles only election related matters while the bulk of the traditional City Clerk duties (like meeting agendas and packets, meeting minutes, meeting voting, are handled by a professional Assistant City Clerk who is fulltime and is supported by a number of staff members. It makes little sense to me for the City Clerk to be someone who ran for office and is thus a political person who had to raise money and get endorsements. There are no requirements for experience or training before being elected to the position. There are also no requirements as to how many hours the City Clerk works, nor office hours held nor meeting attendance. There is essentially no accountability to anyone except to the voters every 4 years or via recall and I believe the bar for recall is extremely high. Clearly a super-majority of cities in California have chosen to make this position appointed/hired rather than elected and I believe for good reason.

I would like to have a discussion about the possibility of a ballot measure to change the Chief of Police and City Clerk positions from elected to appointed.

FISCAL IMPACT

There is no fiscal impact associated with considering the request to be placed on a future agenda except for staff time.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is an administrative activity that will not result in direct or indirect physical changes to the environment.

PUBLIC CONTACT

Public contact was made by posting the Council 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 report to Council may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov>.

ALTERNATIVES

1. Set a future Council meeting date to take action on the Written Petition received.
2. Take no action.
3. Any other City Council Action, as determined by the City Council.

RECOMMENDATION

..Recommendation

Staff makes no recommendation.

..Staff

Reviewed by: Nora Pimentel, Assistant City Clerk

Approved by: Rajeev Batra, City Manager

ATTACHMENTS

1. Policy and Procedure 030 - Adding an Item on the Agenda
2. Council Written Request submitted by Vice Mayor Jain dated June 24, 2022