City of Santa Clara

Call and Notice of Special Meeting

City Council

Monday, July 16, 2018 **4:30 PM** **City Hall Council Chambers**
1500 Warburton Avenue
Santa Clara, CA 95050

Closed Session - 4:30 PM | Special Meeting - 5:00 PM

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Mayor calls for a Special Meeting of the City Council of the City of Santa Clara to commence and convene on July 17, 2018, at 4:30 PM for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

4:30 PM CLOSED SESSION

Call to Order in the Council Chambers

Confirmation of a Quorum

Public Comment

The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.

18-1011 Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Yumori-Kaku v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 17CV319862

Convene to Closed Session (Council Conference Room)

5:00 PM COUNCIL SPECIAL MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

REPORTS OF ACTION TAKEN IN CLOSED SESSION MATTERS

CONTINUANCES/EXCEPTIONS

SPECIAL ORDER OF BUSINESS

1. **18-1020** Recognition of Outgoing D.A.R.E. Officer Lauren Larsen

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the Council or authorities on any matter not on the agenda that is within the subject matter jurisdiction of the City or Authorities. 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. Although not required, please submit to the City Clerk your name and subject matter on the speaker card available in the Council Chambers.]

PUBLIC HEARING/GENERAL BUSINESS

2. **18-951** Action on Filling the Planning Commission Vacancy

Recommendation: Staff makes no recommendation on filling the vacancy to the Planning Commission.

3. **18-988** Action on Sponsorship of the Korean American Chamber of Commerce of Silicon Valley's Korea Day Event on August 11, 2018

Recommendation: There is no staff recommendation for this issue, other than staff support not be included in the City Council's action for purpose of not setting precedent.

4. **18-639** Action on the Annual Report and Resolution of Intention for Levy of Annual Assessment for the Santa Clara Tourism Improvement District (TID)

Recommendation:

1. Approve the Annual Report for the Santa Clara Tourism Improvement District;
2. Adopt a Resolution of Intention to levy and collect assessments with the Santa Clara Tourism Improvement District area for Fiscal Year 2018/19 at the current rate of $1.00 fee from hotel guests on each occupied hotel/motel room night;
3. Set the date for the Public Hearing for August 28, 2018.

5. **18-637** Actions Related to Revenue Opportunities for a November 2018 Ballot Measure - Cannabis Business Tax

Recommendation:

1. Adopt Resolution calling for a Special Municipal Election on November 6, 2018 for a vote on a ballot measure entitled City of Santa Clara Commercial Cannabis Activity Measure which would amend Title 3 "Revenue and Finance" of the Code of the City of Santa Clara adding a new Chapter 3.60 entitled "Cannabis Business Tax";
2. Adopt Resolution requesting the consolidation of a Special Municipal Election with the Statewide General Election to be held on November 6, 2018 for the purpose of submitting a ballot measure entitled City of Santa Clara Commercial Cannabis Activity Measure related Cannabis Business Tax;
3. Adopt Resolution ordering the submission of a ballot measure entitled City of Santa Clara Commercial Cannabis Activity Measure to qualified electors of the City related to Cannabis Business Tax;
4. Authorize three members of the Council to author and submit an Argument in Favor of the ballot measure, and if necessary, a Rebuttal to an Argument Against the ballot measure; and,
5. Direct the City Attorney to prepare an Impartial Analysis for submission to the City Clerk.

6. **18-1001** Action on Submitting a Ballot Measure(s) for a Charter Amendment on the November 6, 2018 Election regarding District Elections

Recommendation: Staff makes no recommendation on this issue.

7. **18-974** Public Hearing to Receive Input on Potential District Maps for the Election of Council Members.

REPORTS OF MEMBERS AND SPECIAL COMMITTEES

CITY MANAGER/EXECUTIVE DIRECTOR REPORT

8. **18-997** Informational Report on the Management Agreement with Santa Clara Chamber of Commerce/Convention-Visitors Bureau for Management of the Santa Clara Convention Center

ADJOURNMENT

The next regular scheduled meeting is on Tuesday evening, July 17, 2018 in the City Hall Council Chambers.

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.

AB23 ANNOUNCEMENT: Members of the Santa Clara Stadium Authority, Sports and Open Space Authority and Housing Authority are entitled to receive $30 for each attended meeting.

Note: The City Council and its associated Authorities meet as separate agencies but in a concurrent manner. Actions taken should be considered actions of only the identified policy body.

LEGEND: City Council (CC); Stadium Authority (SA); Sports and Open Space Authority (SOSA); Housing Authority (HA); Successor Agency to the City of Santa Clara Redevelopment Agency (SARDA)

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 agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

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."

18-1011 **Agenda Date: 7/16/2018**

SUBJECT

Conference with Legal Counsel-Existing Litigation (CC)
Pursuant to Gov. Code § 54956.9(d)(1)
Yumori-Kaku v. City of Santa Clara, et al., Santa Clara County Superior Court Case No. 17CV319862

18-1020 **Agenda Date: 7/16/2018**

REPORT TO COUNCIL

SUBJECT
Recognition of Outgoing D.A.R.E. Officer Lauren Larsen

BACKGROUND
In 1995, the Santa Clara Police Department began teaching the Drug Abuse Resistance Education (D.A.R.E.) program. Santa Clara's D.A.R.E. program is now taught at 17 public and private schools.

D.A.R.E. is a drug abuse prevention education program designed to equip elementary school children with knowledge about drug abuse, the consequences of drug abuse, and skills for resisting peer pressure to experiment with drugs, alcohol and tobacco.

DISCUSSION
Office Lauren Larson joined the Santa Clara Police Department in July 2011, where she held assignments as Mobile Field Force Instructor, Bicycle Patrol Operations Instructor, and Citizens' Police Academy Instructor. In March 2016, Officer Lauren Larsen was assigned to the Community Services Unit of the Santa Clara Police Department where she served as a D.A.R.E. Officer for the past two years and taught the D.A.R.E. program at numerous Santa Clara schools.

Officer Larsen will be leaving the Santa Clara Police Department as she is now moving out of the area. In recognition of her dedication to Santa Clara's D.A.R.E. program and to Santa Clara's youth, Officer Larsen will be presented with a Certificate of Special Mayoral Recognition.

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 a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT
There is no fiscal impact other than staff time.

PUBLIC CONTACT
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Reviewed by: Lynn Garcia, Executive Assistant to the Mayor and City Council
Approved by: Deanna J. Santana, City Manager

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18-951 **Agenda Date: 7/16/2018**

REPORT TO COUNCIL

SUBJECT
Action on Filling the Planning Commission Vacancy

BACKGROUND
At the Council meeting of July 10, 2018, Council accepted the resignation of Michael O'Halloran from the Planning Commission, and declared a vacancy for a partial term ending on June 30, 2019.

Council also directed the Acting City Clerk to contact the candidates from the previous Planning Commission candidates from the April 10th interviews, as well as the Cultural Commission candidates interviewed the same night to seek interest on serving the partial term on the Planning Commission.

DISCUSSION
As directed, all applicants were contacted by phone and email and the following candidates have expressed a desire to be considered for the current vacancy on the Planning Commission:

Arundhati Bhowmick
Jeremy Hicks
Qian Huang
Luis Lecanda (Cultural Commission)
Ashish Mangla
Charlie Moon
Kevin Park
Martin B. Schulter
Snehalata Vedula (Cultural Commission)

At the time of finalizing this report, the Clerk's Office was still awaiting a response from the following candidate:

Jie Zhang

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(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT
There is no additional cost to the City other than administrative staff time and expense.

PUBLIC CONTACT

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ALTERNATIVES

1. Appoint a candidate from the pool of candidates previously interviewed.
2. Set a Special Meeting for a date to be determined to conduct interviews and direct the Acting City Clerk to determine an application deadline and advertise the vacancy through the City's standard notification channels, including the City Manager Blog, social media, the City's website, and posting in City facilities.

RECOMMENDATION

Staff makes no recommendation on filling the vacancy to the Planning Commission.

Reviewed by: Jennifer Yamaguma, Acting City Clerk
Approved by: Deanna J. Santana

ATTACHMENTS

1. Applications
2. Voting Guidelines

City of Santa Clara
The Center of What's Possible

APPLICATION
BOARD, COMMISSIONS, AND COMMITTEE
CITY OF SANTA CLARA

City Clerk's Office 1500 Warburton Avenue,
Santa Clara, California 95050
Phone: 408-615-2220 E-mail: Clerk@santaclaraca.gov

*If you are having trouble viewing or submitting this form please download the free version of Adobe Reader: http://get.adobe.com/reader

Board/ Commission/ Committee Applying For:	Planning Commission
Name:	Arundhati Bhowmick
Address:	[redacted]
City:	Santa Clara
State:	CA
Zip Code:	95051
E-mail Address:	[redacted]
Primary Phone Number	[redacted]
Secondary Phone Number	

Are you eligible to register to vote in Santa Clara?	☑ Yes	☐ No	☐ Unsure
Are you a registered voter of Santa Clara?	☑ Yes	☐ No	☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☐ Yes	☑ No	☐ Unsure

Present Employer:	IBM
Job Title:	Cloud Advocate

Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:

Special Interests, Hobbies or Talents:

Hiking, Traveling, Music, Painting, socializing

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
Indian Institute of Technology, Delhi, India	Computer Application	Masters of technology Degree, 1992
Indian Institute of Technology, Delhi, India	Mathematics	Masters of Science Degree, 1990
University of Delhi, India	Mathematics Hons	Bachelors of Science Degree, 1988

Special awards or recognition received:

IBM Outstanding Innovation Award, Invention Achievement Award, IBM 100% club Award, IBM Service Excellence Award, IBM IT Specialist Professional Excellence Award

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Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

I have always considered Santa Clara my home and want to contribute towards its growth and improvement.

Any other information which you feel would be useful to the City Council in reviewing your application:

I have a knack of taking up new areas of projects and proving excellence.

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☑ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☑ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

No

Signature of Applicant: Arundhati Bhowmick

Date Signed: 01/25/2018

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

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APPLICATION
BOARD, COMMISSIONS, AND COMMITTEE
CITY OF SANTA CLARA

City Clerk's Office 1500 Warburton Avenue,
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Phone: 408-615-2220 E-mail: Clerk@santaclaraca.gov

*If you are having trouble viewing or submitting this form please download the free version of Adobe Reader: http://get.adobe.com/reader

Board/ Commission/ Committee Applying For:	Planning Commission
Name:	Jeremy Hicks
Address:	[redacted]
City:	SANTA CLARA
State:	CA Zip Code: 95050
E-mail Address:	[redacted]
Primary Phone Number	[redacted]
Secondary Phone Number	
Are you eligible to register to vote in Santa Clara?	☑ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☑ Yes ☐ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☐ Yes ☑ No ☐ Unsure
Present Employer:	Intel
Job Title:	Engineer

Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:
Georgia Tech Graduate Student Senate	Senator	8/2012-6/2013

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:

Special Interests, Hobbies or Talents:

I am a student of the Farsi language

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
Georgia Tech	Electrical and Computer Engineering	Doctor of Philosophy (8/2008-6/2013)
University of Florida	Electrical and Computer Engineering	Bachelor's of Science (8/2004-12/2007)

Special awards or recognition received:

National Science Foundation Graduate Research Fellowship (2010-2013),
Summa Cum Laude (2007),
National Merit Scholarship (2004-2007)

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

I wish to become a member of the Planning Commission because I don't see young people represented in the Committee at a time when historical land use policy has so negatively impacted my generation. I am recently married, a relatively recent university graduate, and until last year was a renter in the area, so I believe I can understand and advocate for young adults. Beyond this, I greatly enjoyed my time as a representative to student government while in graduate school, and I appreciate the opportunity to effect change in my community again.

I aim to work toward getting more housing built *where it makes sense*, which in my belief is primarily where non-car transit options are readily available or will be available in the coming years.

Any other information which you feel would be useful to the City Council in reviewing your application:

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☑ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☑ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

No

Signature of Applicant: Jeremy Hicks

Date Signed: 02/23/2018

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

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APPLICATION
BOARD, COMMISSIONS, AND COMMITTEE
CITY OF SANTA CLARA

City Clerk's Office 1500 Warburton Avenue,
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Phone: 408-615-2220 E-mail: Clerk@santaclaraca.gov

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Board/ Commission/ Committee Applying For:	Planning Commission
Name:	Qian Huang
Address:	[redacted]
City:	Santa Clara
State:	CA Zip Code: 95051
E-mail Address:	[redacted]
Primary Phone Number	[redacted]
Secondary Phone Number	
Are you eligible to register to vote in Santa Clara?	☑ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☑ Yes ☐ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☑ Yes ☐ No ☐ Unsure
Present Employer:	
Job Title:	

Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:

Special Interests, Hobbies or Talents:

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
San Jose State University	EE	Master/2001

Special awards or recognition received:

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

Build a better Santa Clara for the future.

Any other information which you feel would be useful to the City Council in reviewing your application:

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☑ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☐ Yes ☑ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

No.

Signature of Applicant: Qian Huang

Date Signed: 02/24/2018

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

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APPLICATION
BOARD, COMMISSIONS, AND COMMITTEE
CITY OF SANTA CLARA

City Clerk's Office 1500 Warburton Avenue,
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Board/ Commission/ Committee Applying For:	Cultural Commission
Name:	Luis Lecanda
Address:	[redacted]
City:	Santa Clara
State:	CA Zip Code: 95050
E-mail Address:	[redacted]
Primary Phone Number	[redacted]
Secondary Phone Number	
Are you eligible to register to vote in Santa Clara?	☑ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☑ Yes ☐ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☐ Yes ☑ No ☐ Unsure
Present Employer:	Santa Clara University
Job Title:	FA Technical Specialist

Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:
Staff Senate, Santa Clara University	President	06/16-06/17
Staff Senate, Santa Clara University	Ex-Officio	06/17-Present
University Budget Council, Santa Clara University	Voting Member	06/16-06/17

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:
San Francisco Latino Film Festival	Volunteer	2005-2007
Silicon Valley Latino Leadership Summit	Member / Volunteer	2015-2018

Special Interests, Hobbies or Talents:

*****SEE ATTACHMENT*****

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
Santa Clara University	Operations MIS	Bachelors of Science
Santa Clara University	Information Systems	Masters of Science

Special awards or recognition received:

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

*****SEE ATTACHMENT*****

Any other information which you feel would be useful to the City Council in reviewing your application:

*****SEE ATTACHMENT*****

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☑ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☑ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

No

Signature of Applicant: Luis Lecanda

Date Signed: 05/22/2018

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

Luis Lecanda, Cultural Commission Applicant

Attachment

Special Interests, Hobbies or Talents:

Exploring the synergy between culture / art / music: When I stop to think about the importance of culture and society, it really is the totality of socially transmitted behavior patterns, arts, beliefs, institutions, and all other products of human work and thought. Because of the impact of it on our lives I find it important to foster my own understanding and allow opportunities for others to explore.

Reading biographies: The reason why I read biographies and autobiographies is because they provide the most valuable lessons in life. People who write their autobiographies usually have an interesting story to tell about the trials and tribulations of their own lives.

Science and Cooking: I love the synchronicity between science and food. Food preparation and cookery involve many processes which are well described by the physical sciences. Understanding the chemistry and physics of cooking leads to improvements in performance in the kitchen. 100%

The Universe: I am absolutely fascinated by the cosmos. It is composed mostly of empty space. But this space is occasionally populated by an amazing assortment of celestial objects. I occasionally wonder what it would be like to set foot on other planets. Closer to home, our solar system circles a central star in an orbital dance that has been going on for billions of years. Isn't it amazing?!!

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

My vision for the Commission: Move the needle of the Cultural Commission with innovative and creative "thinking outside the box" ideas. Think financial feasibility and leverage my network to mobilize talent from our neighborhoods and beyond with cultural programming..

Two main themes in my platform to become a member of the commission: economic development and building community.

Throughout my research of city planning and fostering vibrant neighborhoods I have seen (over and over) how cities use culture and the arts to achieve many objectives. One of these is economic development. I see us, the City of Santa Clara, competing to get the most talented and brightest workers by selling them on the cultural vibrancy of our community--the restaurants, art galleries, music scene, architecture, public gardens, and so on. It's the cities that are most successful in attracting workers are the ones that have exciting art and cultural offerings. The arts and culture sector is an integral part of the new economy. My objective as a member of this advisory board is to think in terms of economic development in the entire spectrum to benefit our wonderful citizens of our City and beyond!

Building community is integral for a vibrant society and one of my priorities is to bridge together people from different backgrounds using culture and arts. Because art is about crossing boundaries and seeing things in different ways it can be a vehicle for public discussion, understanding social issues, and building social connections. As dialogue and social connections grow, I would find it very fulfilling, if as a result of the growth in social connections, it

fosters community participation to get to citizens shape their community to reflect common values. I would use culture and art for community benefit.

Any other information which you feel would be useful to the City Council in reviewing your application:

Inclusion Program Development - Part of my job responsibility was to create programs for various heritages and cultures. At Santa Clara University I created programming for Asian, Latino, and Black students and families.

Promoting Cultural Awareness - Served as volunteer at the SF Latino Film Festival. Wide spectrum of responsibilities. I personally find education through video and other media vital to a vibrant community.

Fiscal Responsibility diligent with budgeting performance that comes from operating a "start-up" with budget constraints. Making money go the extra mile.

Art - I'd like this to say about art:

Art makes you realize people are fundamentally the same around the world and throughout all time. Sure, a lot of stuff is different. But pictures of children, men/women, pets, and pretty landscapes have a universal appeal. They all capture the human spirit that unites us all and is timeless. All people from all cultures seem to have a desire to capture those things and hold onto them. Art has an ability to captivate, make us critically think about our lives, and build a bridge among people. I see this as paramount to having a healthy community in Santa Clara!

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APPLICATION
BOARD, COMMISSIONS, AND COMMITTEE
CITY OF SANTA CLARA

City Clerk's Office 1500 Warburton Avenue,
Santa Clara, California 95050
Phone: 408-615-2220 E-mail: Clerk@santaclaraca.gov

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Board/ Commission/ Committee Applying For:	Planning Commission
Name:	Ashish Mangla
Address:	[redacted]
City:	Santa Clara
State:	CA Zip Code: 95051
E-mail Address:	[redacted]
Primary Phone Number	[redacted]
Secondary Phone Number	
Are you eligible to register to vote in Santa Clara?	☑ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☑ Yes ☐ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☑ Yes ☐ No ☐ Unsure
Present Employer:	
Job Title:	

Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:
Citizen's Independent Bond Oversight Committee of Measure J, Santa Clara	Committee Member	Sept, 2009 to Dec, 2012
Board of Library Trustee, Santa Clara	Chair and Member trustee	July 2010 to June 2018

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:
Boy Scouts of America	Assistant Scoutmaster and Merit Badge Counselor	June 2016 till now

Special Interests, Hobbies or Talents:

Scouting, Schools, Education, Teachers, Libraries

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
BITS, Pilani, India	Micro-Electronics	MS 1991-1993
REC, Kurukshetra, India	Electronics and Communications	BS 1986-1990

Special awards or recognition received:

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

Interested in hearing and providing suggestions on matters pertaining to the physical development of the City for residents of Santa Clara in general and for Children of Santa Clara in particular. Interested in Placemaking in our community as well which can serve all groups in the city of all nationalities, age and Races.

Any other information which you feel would be useful to the City Council in reviewing your application:

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☑ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☑ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

None

Signature of Applicant:

Date Signed:

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

RECEIVED
FEB 23 2018
City Clerk's Office
City of Santa Clara

City of Santa Clara
The Center of What's Possible

APPLICATION
BOARD, COMMISSIONS, AND COMMITTEE
CITY OF SANTA CLARA

City Clerk's Office 1500 Warburton Avenue,
Santa Clara, California 95050
Phone: 408-615-2220 E-mail: Clerk@santaclaraca.gov

*If you are having trouble viewing or submitting this form please download the free version of Adobe Reader: http://get.adobe.com/reader

Board/ Commission/ Committee Applying For:	Planning Commission
Name:	Charlie Moon
Address:	[redacted]
City:	Santa Clara
State:	CA Zip Code: 95051
E-mail Address:	[redacted]
Primary Phone Number	
Secondary Phone Number	
Are you eligible to register to vote in Santa Clara?	☒ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☐ Yes ☒ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☒ Yes ☐ No ☐ Unsure
Present Employer:	Self / The Halford
Job Title:	Owner

Previous Governmental Bodies/ Elective Offices Applicant has served:

Position/ Office Held:	Dates:
N/A	

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:
Farima	Head of Operation	1999 - 2001

Special Interests, Hobbies or Talents:

mechanical, Car, Art, Computer

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
Academy of Arts in San Francisco	Illustration / Computer arts	BA @ 1996

Special awards or recognition received:

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

My main point of wanting to be apart of the Planning committee is that I would like to see the infrastructure of this city built and planned out. one my goals are to see the buildings be built have unique characteristics, instead of walls of the same type of building lining along El Camino. The second goal is to see ways to make housing more affordable for all. finally work on ways to improve the education of our children.

Any other information which you feel would be useful to the City Council in reviewing your application:

I have owned an ran many business along El Camino since 2006.

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☒ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☒ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

No

Signature of Applicant: [redacted]

Date Signed: 02/25/2018

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

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Board/ Commission/ Committee Applying For:	Planning Commission
Name:	Kevin Park
Address:	[redacted]
City:	Santa Clara
State:	CA Zip Code: 95051
E-mail Address:	[redacted]
Primary Phone Number	[redacted]
Secondary Phone Number	[redacted]
Are you eligible to register to vote in Santa Clara?	☑ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☑ Yes ☐ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☑ Yes ☐ No ☐ Unsure
Present Employer:	Software services start-up
Job Title:	Software Engineer & Senior Technical Marketing Manager

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Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:
Santa Clara Sister Cities Association	Council Liaison, Executive Board	
Santa Clara Citizens' Advisory Committee	Member, Chair	
Santa Clara General Plan Steering Committee	Member	

Special Interests, Hobbies or Talents:

Teaching, traveling, reading, writing, looking at maps, attending meetings, discussing small items at length, listening to the people.

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
Caltech, Pasadena, CA	Engineering and Applied Science, with focus on Aero/Astronautics	Bachelor of Science, 1993
Stanford, Stanford, CA	Mechanical Engineering	Master of Science, 1996

Special awards or recognition received:

Caltech: Graduated with honors.
Stanford: Have no debt.

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

I am very interested in the character of Santa Clara and, as a long-time resident, how it grows in the current age.

Any other information which you feel would be useful to the City Council in reviewing your application:

I have attended many planning commission and city council meetings, following the issues somewhat closely.

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☑ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☑ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

No.

Signature of Applicant: Kevin Park

Date Signed: 02/27/2018

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

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Board/ Commission/ Committee Applying For:	Planning Commission
Name:	Martin B. Schulter
Address:	[redacted]
City:	Santa Clara
State:	CA Zip Code: 95051
E-mail Address:	[redacted]
Primary Phone Number	[redacted]
Secondary Phone Number	
Are you eligible to register to vote in Santa Clara?	☑ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☑ Yes ☐ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☑ Yes ☐ No ☐ Unsure
Present Employer:	Retired Administrator from San Jose State University
Job Title:	Associate VP Student Affairs/ Director of the Disability Resource Center

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Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:
Member & past Chairmen of the Valley Transit Authority Citizens Advisory Committee & Watchdog Committee	Watchdog Committee Member Chairperson	2001-present 2004-2007
Co-founder Disability Advisory Commission (DAC), City of San Jose, 1987 Disability Advisory Commission (DAC), City of San Jose: Chairperson of the ADA-Task Force	Co-Founder & chair Chair, member of the Comission	1987 1992-1994
San Jose Leadership Council, an alumni board for Community Leadership San Jose, www.sjleadership.org	Member of the Board and graduate of the SJL	1996-2000

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:
Senior Fellow of the American Leadership Forum Silicon Valley Silicon Valley Faces	member of the Class XII Senior Fellow member of the board	2000 www.alfsv.org to present 2011-2012
World Institute on Disability (WID), (www.wid.org)	Past Chair and member of the board of	2000-2012

Special Interests, Hobbies or Talents:

I'm an avid observer of politics, history and science including Information Technology.
Jazz & Classical music, especially live concerts
Environmental issues
Economics and world affairs
Public and Private Education

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
Brooklyn College of the City University of New York Long Island University	Bachelor of Arts, Psychology Masters of Science in Education, Counseling and Personnel Services	1974 1977
New York University, New York	40 units toward Masters in Public Administration Health Emphasis, MPH	1980 - 1982
University Committees & Boards SJSU * Member of each of the SJSU Accessible Technology Initiative committees (co-chair of web access) 2006 - 2010 * Member Academic Senate Committee advisory		

Special awards or recognition received:

Award from City of San Jose rleated to co-founder role of DAC
Award from VTA as 1st chair of measure A watchdog committee
Award from San Jose State University for role on President's Human Relations Board (Campus Climate) for assisting with the master plan for campus climate and social equities issues

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Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

My wife Monique, our daughter Evelyn and I have now lived in Santa Clara since 2013 when we moved from the Evergreen area of San Jose. In that short span of time I have witnessed many changes and some concerns for our city. Obviously, rapid gowth, increased housing costs as well as rents have almost overwhelmed our communities for better or worse.

How to manage our growth, plan for our uture to mitigate problems and leverage our asstes as a small but remarkable city is our biggest task, as I see it. Being a member of the Planning Commission would afford me an opportunity to participate in

Any other information which you feel would be useful to the City Council in reviewing your application:

* Silicon Valley Faces member of the board 2011-2012
* Past Chair and member of the board of the World Institute on Disability (WID), 2000-2012 (www.wid.org)
* Member & past Chairmen of the Valley Transit Authority Citizens Advisory Committee & Watchdog Committee with oversight for Measure A taxes 2001 – 2007 (www.vta.org); 2000 - present
* Senior Fellow of the American Leadership Forum Silicon Valley, 2000 www.alfsv.org
* Member of the San Jose Leadership Council, an alumni board for Community Leadership San Jose, 1996-2000

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☑ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☑ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

Never

Signature of Applicant: [redacted]

Date Signed:

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Board/ Commission/ Committee Applying For:	Cultural Commission
Name:	Snehalata Vedula
Address:	[redacted]
City:	Santa Clara
State:	CA Zip Code: 95054
E-mail Address:	[redacted]
Primary Phone Number	
Secondary Phone Number	
Are you eligible to register to vote in Santa Clara?	☑ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☑ Yes ☐ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☐ Yes ☑ No ☐ Unsure
Present Employer:	Tulip Kids Inc.
Job Title:	Co-Founder

Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:
SiliconAndhra	Joint Secretary	Oct 2003 - Sep 2005
SiliconAndhra	Treasurer	Oct 2006 - Sep 2008
SiliconAndhra	Director - Cultural Activities	Sep 2009 - Present
SiliconAndhra	VP for Youth Activities	Jan 2017- Present
APNRT	Coordinator	Nov 206 - Present
Team Shakti	Founder	Founded in Feb 2012

Special Interests, Hobbies or Talents:

Love dancing, Love listening to music, Enjoy running(completed 3 full marathons, 9 half marathons & have been running Golden Gate Relay for last 3 years), Love choreographing dances
Choreographed & Produced 6-7 folk dance ballets involving 100 + participants from children - Adults
Love writing, Involved in various cultural & charitable organizations in Bay Area and support causes related to women, children, education & cultural heritage
Trained in Indian folk, Training in Indian Classical dance, An intermediate Belly dancer
Have been involved in organizing events - Involved in different areas of events(Publicity, Ticketing, Fundraising, Decoration, Props Building, Event Management, Cultural etc)

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
MS In Human Resources from Golden Gate University, San Francisco		Graduated in June, 2007
Bachelors in Accounting with Honors from Utkal University, Bhubaneswar India	Accounting Honors	Graduated in June 1997

Special awards or recognition received:

Several volunteer recognition awards, Few Dance awards, Several Running Medals!

But personally I feel, Its not the awards which matter. What matters is how many hearts have you touched, how many people's lives have you impacted, How many had a smile on their face because of you :)

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

I am interested in becoming a member of this board:
1 To help facilitate-coordinate-organize cultural activities suitable for the residents of the city keeping in mind the demographics & the diversity of the residents and encourage maximum participation by the residents of the city.
2 To be able to impact & facilitate educational & sports activities & initiatives for Children, Teens & Youth.
3 To work towards the beautification of the City through Art
4 To work with the international exchange programs and create a liaison between the residents of the City of Santa Clara and countries abroad

Any other information which you feel would be useful to the City Council in reviewing your application:

I started my life in USA in May 1998 in Santa Clara. Was a resident of this beautiful city until 2003 and relocated to Cupertino, Dublin & Sunnyvale subsequently. Finally back in home(Santa Clara) since 2016 September.
Always had the desire to volunteer and give my time to the City of Santa Clara. Have a soft-corner for this wonderful city and would love to give back my energy, my time and dedicate myself in the best interests and the betterment of the City of Santa Clara.

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☐ No ☑ Unsure

If yes, please name the Organization or Employment. Tulip Kids/SiliconAndhra

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☑ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

No

Signature of Applicant: Snehalata Vedula

Date Signed: 05/15/2018

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

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Board/ Commission/ Committee Applying For:	Planning Commission
Name:	Jie Zhang
Address:	[redacted]
City:	Santa Clara
State:	CA Zip Code: 95051
E-mail Address:	[redacted]
Primary Phone Number	[redacted]
Secondary Phone Number	
Are you eligible to register to vote in Santa Clara?	☑ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☑ Yes ☐ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☐ Yes ☑ No ☐ Unsure
Present Employer:	
Job Title:	

Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:
Official Election Officer	Clerk	2016, 2017

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:

Special Interests, Hobbies or Talents:

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:

Special awards or recognition received:

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

Any other information which you feel would be useful to the City Council in reviewing your application:

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☐ No ☐ Unsure

If yes, please name the Organization or Employment. BROKERS

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☐ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

Signature of Applicant:

Date Signed:

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

CITY OF SANTA CLARA
VOTING GUIDELINES FOR THE APPOINTMENT OF APPLICANTS TO BOARDS AND COMMISSIONS

1) Council is given a copy of the applications in their weekly packet to review and consider applicant qualifications.

2) Council interviews applicant. Interviews are held at a City Council Meeting for the Planning Commission and Civil Service Commission. Interviews are held in a less formal area of City Hall for all other Boards and Commissions.

    A) Each applicant is given three (3) minutes for an opening statement. The applicant may respond to questions from the Council. The applicant has one (1) minute for a closing statement.

3) Council deliberates regarding applicants and puts a motion on the floor.

4) Council votes for applicants:

    A) If there are four (4) or fewer applicants the Council will cast one vote each for their desired appointee.

    B) If there are five (5) or more applicants, the Council will cast one vote each for their two desired appointees. Only one vote per applicant is allowed. A Councilmember may choose to vote for only one applicant but will relinquish the other vote.

5) The votes are tallied:

    A) If there are four (4) or fewer applicants the Clerk will announce the winner.
        i. If there is a tie, there will be 3 re-votes for the Council to reconsider the applicants. The Council has the opportunity to deliberate between each round of re-voting.
        ii. If there is still a tie and there is not a full Council present, the Council will defer the decision until a full Council is present, and re-interview the top two applicants.
        iii. If there is a full Council present, the Members will draw straws, with the person drawing the long straw abstaining from voting at the next round. The Council has the opportunity to deliberate.
        iv. The Council votes, with the applicant receiving the highest number of votes being the winner. The City Clerk will announce the winner.

B) If there are five (5) or more applicants, the Clerk will announce the two applicants who received the highest number of votes. The Council then has an opportunity to deliberate regarding the remaining two applicants. The Council will then cast one vote each for their desired appointee. The City Clerk will announce the winner.
    i. If there is a tie, there will be 3 re-votes for the Council to reconsider the applicants. The Council has the opportunity to deliberate between each round of re-voting.
    ii. If there is still a tie and there is not a full Council present, the Council will defer the decision until a full Council is present, and re-interview the top two applicants.
    iii. If there is a full Council present, the Members will draw straws, with the person drawing the long straw abstaining from voting at the next round. The Council has the opportunity to deliberate.
    iv. The Council votes, with the applicant receiving the highest number of votes being the winner. The City Clerk will announce the winner.

6) A Council Member makes a motion to appoint the applicant that received the highest number of votes. The Council has the opportunity to vote unanimously to appoint the applicant using the Council Chambers electronic voting equipment.

18-988 **Agenda Date: 7/16/2018**

REPORT TO COUNCIL

SUBJECT
Action on Sponsorship of the Korean American Chamber of Commerce of Silicon Valley's Korea Day Event on August 11, 2018

BACKGROUND
At the July 10, 2018 Council meeting, Mr. Ken Kim of the Korean American Chamber of Commerce of Silicon Valley (Korean Chamber) presented a petition requesting an item be placed on the Council agenda to request assistance for the Korean Chamber Korea Day.

The City requires event organizers to obtain permits as required by the Municipal Code for temporary uses, outdoor amplification of music, and other components of their special event.

The Korean Chamber has requested that the City sponsor the Korea Day event by providing marketing assistance for the event; providing assistance with event logistics; and, waiving permit fees and other costs required for the event. The Council voted unanimously to schedule the topic on the July 16, 2018 Council meeting for consideration and potential action.

DISCUSSION
The Korean Chamber has submitted a Special Event Application to determine the permits required for the Korea Day event. The Special Event Application is attached to this report.

Date:	August 11, 2018
Time:	10:30 am to 4 pm
Location:	Moonlite Shopping Center, 2636 El Camino Real.
Program:	Folk dance performances Food from participating restaurants Attendance: Approximately 2,000 with the maximum number of attendees expected at any given time to be 300

Permits
Several permits may be required from the City to accommodate the event. These permits are discussed in more detail below and include:

- Special Permit
- Amplified Music (Sound) Permit
- Fire Permit
- Building Permit
- Police Services

- Special Event Application Fee

Special Permit - $232.56
The Zoning Code requires a Special Permit for temporary uses, such as a festival on a parking lot. The Special Permit has processing fee of $232.56 for non-profit organizations. The Zoning Code provides that Special Permits be approved by Council. ***Although the event organizer is in the process of completing the Special Permit Application, there is not another Council meeting to secure the requisite approval prior to the planned event date.***

Amplified Music (Sound) Permit - $60
An Amplified Music Permit is required for outdoor amplified music, including music from a live performance, or operation of any sound system outdoor. The Korean Chamber Special Event application is not specific regarding the need for an Amplified Music Permit but the cost has been assumed as a need for this Report.

Fire Permit - $1,562
A Fire Permit is required for exhibits, trade shows, concerts, and other events with an anticipated attendance of more than 1,000 people or covered booths exceeding 1,000 square feet. The processing fee for the Fire Permit for Carnivals and Fairs is $896 and there is an expedited plan review fee of $666 for applications submitted less than four weeks prior to the day of the event. The total cost of the permit with expedited plan review is $1,562.

Stage and Building Permit - Undetermined
A building permit is required for the temporary construction of a stage with a height of 30 or more inches. The processing fee for the Building Permit depends on the rate of the labor it requires to set up and take down the stage.

The Korean Chamber has not specified the size of the stage/performance area needed for the program but anticipates the need to be anywhere from 16’ x 20’ to 20’ x 40’. A contractor has not been secured to provide this service. The Korean Chamber has requested City assistance to procure a stage and/or allow the Korean Chamber to borrow a stage owned by the City with a minimum height of six inches. The City does not have a policy to loan its resources to outside organizations.

Temporary Structures - Undetermined
Permits may be required if an event organizer uses canopies and/or tents for the event. The Special Event Application indicates that there would be six 3’ x 3’ tents but upon follow up, it appears that plans may include several 10’ by 10’ tents. The submitted diagram does not provide sufficient information to be conclusive about whether or not permits will be required and/or the cost of any potential permits.

Police Services and Safety Plan - $3,025 to $3,575
The Police Department determines whether police staffing is required (and if required, the level of staffing) for an event based on a variety of factors, such as number of attendees and event location. The cost of staffing is determined by requisite staffing levels and number of hours required. The Police Department has requested that a safety plan for the event be submitted for review and approval. Sufficient police staffing for a five to six hour event with a crowd of 2,000 people is currently estimated to be in the range of $3,025 to $3,575.

Special Event Application Fee - $25
The Special Events Application allows City staff to review the proposed components of an outdoor special event to determine the required permits and services. There is a Special Event Application processing fee of $25 for non-profit organizations. Korean American Chamber of Commerce of Silicon Valley is a California non-profit organization.

Other Notes:

Food
In the attached Special Event Application, the event organizer states that food will be prepared and sold at the event. The cooking method specified was gas. Food service requires accommodations for food handling; food protection; waste management; and restrooms. After discussing food service requirements with the County Health Department, Korean Chamber advised staff that there will be no open air food prep; open air eateries and/or food trucks at the event. Event goers would be able to purchase food by patronizing restaurants within the shopping center. As such, no permit costs have been assumed for food.

Portable Restrooms
The Korean Chamber has indicated that there are not currently plans to provide portable restrooms at the event. The City feels that it is in the best interest of the event to have portable restrooms available, given the estimated number of attendees.

Additional City Assistance
In addition to the possible use of a stage owned by the City, Korean Chamber has verbally made other resource requests for assistance from the City. These requests have included: 1) marketing/advertising support and use of the City's website and social media channels to market the event and 2) City staff support to plan and execute the event. As the City does not have dedicated public events staff, the capacity within the organization would only be created by redirecting staff from other Council and/or service priorities.

The City has not used its website or other social media channels to advertise/market events that were not events of the City of Santa Clara. Providing the marketing support on behalf of a local organization for a non-City event, would likely result in similar requests from other organizations. The City does not have capacity to draft a Council Policy or City Manager Directive on the use of the City's website before this action could be considered.

The cost associated with the use of the requested City resources has not been quantified. The City does not have the staffing capacity to undertake the planning and execution of an event of this magnitude. Providing the requested staff support on behalf of a local non-profit would likely result in similar requests from other non-profit organizations which is not sustainable.

Cost Estimate
Based on the information detailed above, cost estimate based upon the information available is:

Fee/Permit/Service	Cost
Special Permit	$ 232.56
Amplified Music (Sound) Permit	$ 60.00
Fire Permit with Expedited Plan Review	$ 1,562.00
Building Permit (Stage)	$ TBD
Stage (rental) or Stage (city support)	$ TBD
Temporary Structures	$ TBD
Police Services and Safety Plan	$ 3,025 - $3,575.00
Special Event Application Fee	$ 25.00
City Staff Support	Undetermined/Capacity Not Available
TOTAL	**Minimum: $4,904.56**

To address requests for City sponsorship, a draft Sponsorship Policy has been prepared and reviewed at the Governance Committee. A final draft will be brought forward for Council consideration this summer. In addition, funds have been set aside to provide a funding source for this type of sponsorship for community events. Until the policy is approved by Council, Council action to fund specific events is required. It should be noted that sponsorship on the part of the City does not include liability or staff support for the planning and implementation of the event. The sponsorship is limited to the financial contribution to fund the fees identified above.

With Council approval, City funds would be used to pay for the fees and services and there would be no cost to the Korean American Chamber of Commerce of Silicon Valley for the permits and services associated with its August 11, 2018 Korea Day event.

ENVIRONMENTAL REVIEW

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

FISCAL IMPACT

Although the total fiscal impact associated with approval of the Korean American Chamber of Commerce's entire request is undetermined, Council has designated $100,000 in funds to pay for fees and sponsorships for fiscal year 2018/19. The available funds are budgeted in the Non-Departmental Program in the Miscellaneous Service and Supplies line item. If Council authorizes staff support to organize and execute the Korea Day event, staffing costs would be deducted from this budget line.

COORDINATION

The report has been coordinated with the Finance Department and City Attorney's Office.

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 agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

ALTERNATIVES

1. Approve the sponsorship of the required City permit fees only for the August 11, 2018 Korea Day event at no cost to the Korean American Chamber of Commerce of Silicon Valley.
2. Approve the partial sponsorship of the required City permit fees only, as noted in Alternative 1.
3. Take no action
4. Alternate action approved by Council

RECOMMENDATION

There is no staff recommendation for this issue, other than staff support not be included in the City Council's action for purpose of not setting precedent.

Reviewed by: Ruth Shikada, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Korean American Chamber of Commerce of Silicon Valley Special Events Application for August 11, 2018 Korea Day Event
2. Site plan received on July 6, 2018 via Email from Korean American Chamber of Commerce of Silicon Valley

City of Santa Clara
The Center of What's Possible

City Manager's Office
1500 Warburton Ave
Santa Clara, CA 95050

SPECIAL EVENT APPLICATION

1. This application, along with a non-refundable application fee must be mailed or submitted to the City of Santa Clara at least sixty (60) days prior to the day of the event. The fee is $250 for individuals and organizations or $25 for non-profit organizations. Applications will not be processed until they are fully completed with all required permit applications and the application fee is paid. Acceptance of application does not constitute approval of the event.

2. Please note that there may be other City permits, inspections, and associated fees required aside from the application and application fee that the event organizer is responsible for obtaining. Each section of this application provides the contact information for the department(s) responsible for issuing the required permits for your special event.

3. Any vendor providing a service for pay must have a current City of Santa Clara business license.

4. After your application has been received, you may be contacted for additional information about your event.

5. After a full review of your application, you will be issued conditional approval or denial for the event. The conditional approval will list the requirements for the event, such as permits, inspections, insurance, licenses and applicable fees. Your event, depending on its size and complexity, may require a pre-event meeting with City staff from affected departments as part of the approval process. Once these conditions are met, the event will be granted approval.

Name of Applicant: KEN KIM
Organization: KOREAN-AMERICAN CHAMBER OF COMMERCE OF S.V.
Address: [redacted]
Phone: [redacted] Email: [redacted]
Day of Event Contact: KEN KIM Day of Event Phone: [redacted]

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1. GENERAL INFORMATION

Name of Event: KOREA DAY
Type of Event (e.g. parade, fun run, festival, etc.): FEST
Event Location or Address: ☐ Civic Plaza ☐ Triton Museum ☐ Santa Clara Convention Center
☐ Franklin Square ☑ Other: MOONLITE MALL, 2900 EL CAMINO, SC. CA 95051
Date(s) of Event: AUG 11, 2018 SATURDAY
Set Up: Date: AUG 10, 2018 Start Time: 8AM End Time: 5PM
Actual Event: Date: AUG 11, 2018 Start Time: 10:30AM End Time: 4PM
Clean Up: Date: AUG 11, 2018 Start Time: 4PM End Time: 6PM
Expected # of Attendees: Total 2000 Maximum # of Attendees Expected at Any Given Time: 300

Will this event be opened to the public? [✓] Yes [ ] No

Has this event been held before? [✓] Yes [ ] No

If yes, please describe previously held locations:

AUG 13, 2016, S.V. COMMUNITY CTR, 550 E. REMINGTON, SV

SEPT 16, 2017 S.C. ARTS/WINE FEST, CTR PARK, S.C

0 Please attach map or diagram with application.

2.STREET CLOSURE AND CITY-OWNED PROPERTY

Events on City-owned property, aside from public streets, require a Right of Entry License Agreement with the City Manager's Office. Please contact the City Manager's Office at manager@santaclaraca.gov or (408) 615-2210 for more information.

Street closures require an encroachment permit and approval of your traffic control plan from the Traffic Engineering Division. Please note that the City of Santa Clara has approved two 5K run/race routes and a 10K run/race routes for organizations to use. Alternative routes may be considered, but organizer will be responsible for the cost of traffic and public safety review. Please see website to view approved routes. Please contact Traffic Engineering at engineering@santaclaraca.gov or (408) 615-3000.

In the case that your event requires traffic control services, your organization will be required to enter into a General Service Agreement with the Santa Clara Police Department for reimbursement of personnel costs. Police Department staff will reach out to you directly if your event requires this service.

Is your event a fun run or a race? [ ] Yes [✓] No

Does your special event require street closure? [ ] Yes [✓] No

If yes, please name the streets that you are requesting to be closed and include a traffic control plan with your application:

Provide the exact times that you are requesting the road(s) to be closed:

Road Closed: Date: _____ Time: _____

Road Re-Opened: Date: _____ Time: _____

N/A

3.SPECIAL PERMIT

Please note that events held in a parking lot may require a Special Permit from the Planning Division and may require City Council approval. Please contact the Permit Center at permitcenter@santaclaraca.gov or (408) 615-2420 for more information.

Will any part of your event be held in a parking lot? [✓] Yes [ ] No

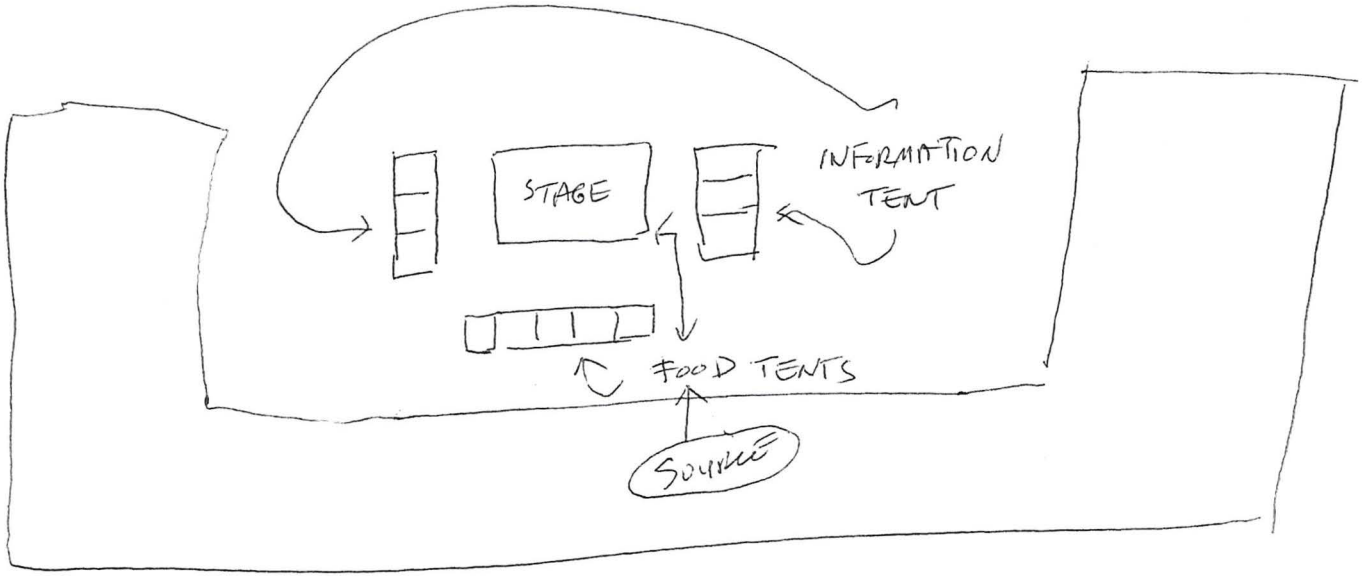
0 If yes, please provide a site plan with your application.

① OVERALL SITE MAP & SITE PLANE

EL CAMINO → S

KIELY BLVD

ENTIRE PARKING LOT



4.EVENT PARKING

Provide a map that shows parking sites and describe where event attendees are expected to park their vehicles. If the event requires more parking than what is available, please describe your plan for overflow vehicles. Depending on event and location, the Planning Department may be able to provide City approved locations for on-site parking. Please contact the Permit Center at (408) 615-2420 or permitcenter@santaclaraca.gov for more information.

MOONLITE EXISTING PARKING SPACE SHOULD BE OK

5.AMPLIFIED SOUND

Amplified sound at your event requires a permit from the Santa Clara Police Department. This permit is processed at the Business Tax and License Unit. Please contact the Business Tax and License Unit at businesslicense@santaclaraca.gov or (408) 615-2310 for more information.

Will you be using amplified sound during your event? [✓] Yes [ ] No

Address where amplified sound will be used: MOONLITE MALL, 2700 EL CAMINO

Location of amplified sound at the address (e.g. Backyard, garage, street, etc.):
SAME AS ABOVE

Request time period for amplified sound: Start: 10AM End: 4PM

*Please note that amplified sound outside of 9:00am to 10:00pm requires City Council approval.

Number of Speakers to be Used: 2

Number of Amplifiers to be Used: 1

Type of speaker(s) to be used: PLANE ON GROUND

Aggregate wattage of all amplifiers: 7.

Name of property owner: DEBBIE HEMLOCK, HAMMER, MOONLITE

Signature of property owner: Deborah Hemlock as agent for owner Moonlite Associates LLC By: SClay Mgmt Inc.

Amplified sound contractor:

Company: NOT KNOW
Contact:
Address:
Phone:

City of Santa Clara Business License No. N/A

6. TEMPORARY STRUCTURES

The Santa Clara Fire Department requires organizers to obtain operational fire permits for temporary events such as festivals, carnivals, fairs, farmers markets, mobile food truck gatherings, haunted houses, ghost walks, and similar outdoor public assemblages. These events may include ingress and egress controls, stage shows, tents/structures, pyrotechnics, temporary electrical equipment, food booths, fuel burning appliances, amusement devices, etc.

Please visit their website at http://www.santaclaraca.gov/government/departments/fire/fire-permits-guidelines or contact the Fire Prevention and Hazardous Materials Division at (408) 615-4970 to find out more information about what type of events require a permit and how to apply.

Large tents, canopies, stages and other temporary structures require building permits from the Building Division. Please note that stakes are not permitted on City grounds. Please contact the Permit Center at permitcenter@santaclaraca.gov or (408) 615-2420 for more information.

Will you be using any tents that are larger than 2,000 square feet? ☐ Yes ☑ No

If yes, please list how many, their dimensions (length, width, and height), arrangement of the tents including separation distances, and what you plan to do inside the tent(s). Arrangement of the tents must be shown on a site plan.

APPROX 12 EA / 3X3 TENTS, TABLE & CHAIR – 1 EA

Will you be using any tents that are smaller than 2,000 square feet? ☑ Yes ☐ No

If yes, please list how many, their dimensions (length, width, and height), arrangement of the tents including separation distances, and what you plan to do inside the tent(s). Arrangement of the tents must be shown on a site plan.

3X3 EA

Tent contractor: NOT KNOW YET, PREFER USUAL CITY CONTRACTOR

Company: _____
Contact: _____
Address: _____
Phone: _____

City of Santa Clara Business License No. N/A

The tents will be placed over: ☐ Grass ☐ Landscape ☑ Parking Lot

The tents will be secured with: ☑ Water Barrels ☐ Other: _____

Will you be using a stage? ☑ Yes ☐ No

If yes, please provide the length: 16 width: 16 height: 6+1

Stage contractor: NOT KNOWN YET, PREFER USUAL CITY CONTRACTOR

Company: _____
Contact: _____
Address: _____
Phone: _____

City of Santa Clara Business License No. N/A

Will you be using a dancefloor? ☑ Yes ☐ No

If yes, please provide the length: 16 width: 16

Dancefloor contractor: NOT KNOWN YET, PREFER USA BASED CONTRACTOR

Company: _____
Contact: _____
Address: _____
Phone: _____

City of Santa Clara Business License No. _____

*Please provide scale drawing, site map of locations of all tents and/or temporary structures

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7. ELECTRICAL AND LIGHTING

Generators and extension cords will require electrical permits from the Building Division. Please contact the Permit Center at permitcenter@santaclaraca.gov or (408) 615-2420 for more information.

Will you be using one or more portable generators? ☐ Yes ☑ No

If yes, please state the NO: _____ HP: _____ KVA: _____

Generator contractor:

N/A

Company: _____
Contact: _____
Address: _____
Phone: _____

City of Santa Clara Business License No. N/A

Will you be using any lighting? ☐ Yes ☑ No

If yes, please describe:

_____
_____
_____
_____

Will you be using any extension cords? ☑ Yes ☐ No If yes, please detail in site map.

Please describe the method of protection from trip hazard:

_____
_____
_____
_____

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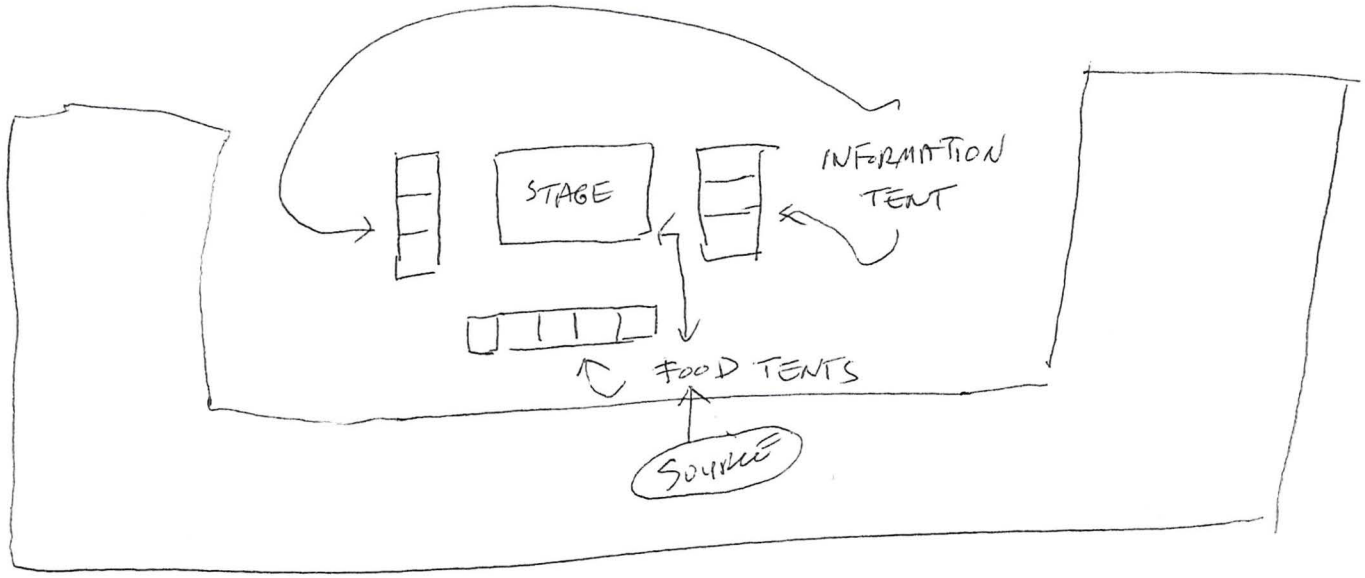
(2) TENTS & TEMP STRUCTERS

EL CAMINO → S

KIELY BLVD

ENTIRE PARKING LOT



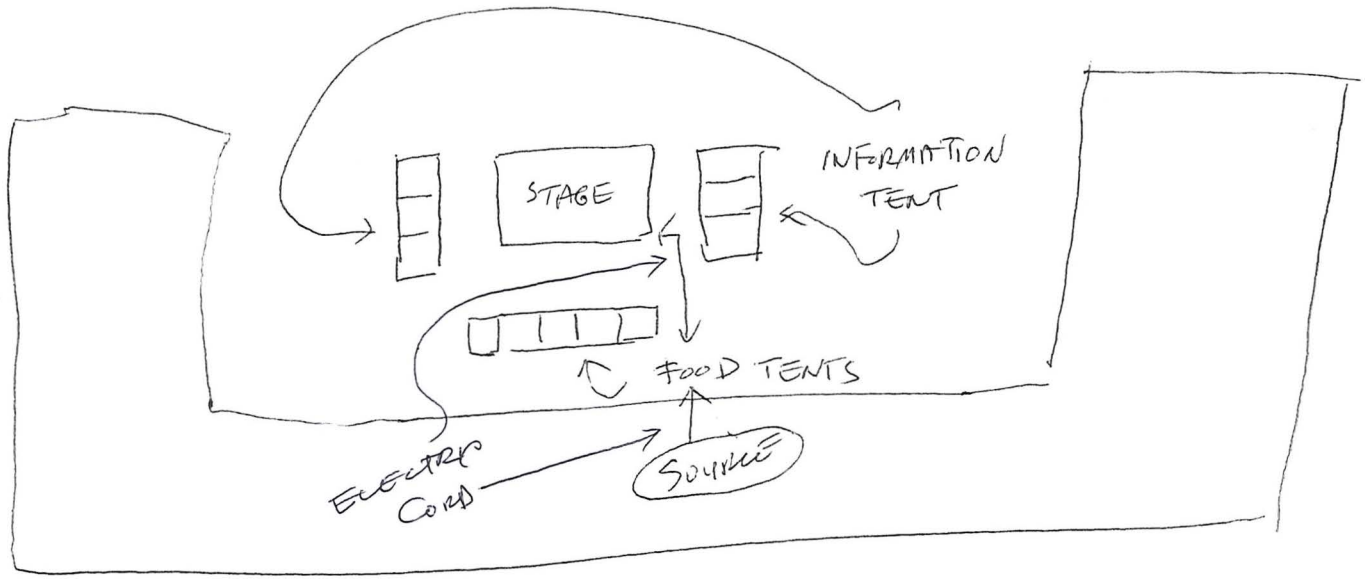
(3) ELECTRIC CORD (PROTECT W/ PLASTIC COVER)

EL CAMINO → S

ENTIRE PARKING LOT

S

KIELY BLVD



8.FOOD

The Santa Clara County Department of Environmental Health requires organizers of temporary events where food will be given away or sold to the general public to obtain a permit. Please visit https://www.sccgov.org/sites/cpd/programs/TE/Pages/home.aspx to find out more information about how to submit and obtain the required permit.

If you plan to sell alcoholic beverages at your event, you are required to obtain licenses from the State's Department of Alcoholic Beverage Control (ABC) and the Santa Clara Police Department. Your licenses will have to be displayed on site at the event. If alcohol is being provided by a caterer, caterer must have an ABC permit. Please contact the Santa Clara Police Department's Permit Unit at rthomas@santaclaraca.gov.

Please note there is a list of food trucks that are approved to operate in the City of Santa Clara. Food trucks that are not on the list cannot operate in the City of Santa Clara. Visit the City's website to view list of approved food trucks.

Will you provide food at your event? [✓] Yes [ ] No

If yes, please describe: SAMPLE KOREAN FOOD

Will food be prepared or cooked at the event? [✓] Yes [ ] No

Will food be sold at the event? [✓] Yes [ ] No

Specify cooking method: [✓] Gas [ ] Electric [ ] Charcoal [ ] Other: _____

Will food trucks be at your event? [ ] Yes [✓] No

Will alcohol be served at your event? [ ] Yes [✓] No

Will alcohol be sold at your event? [ ] Yes [✓] No

9.SANITATION

Please note that you may be required to provide portable restrooms and hand washing stations by the Department of Public Works and/or County of Santa Clara Department of Environmental Health. If required, Department of Public Work staff will reach out to you directly to provide the exact number of portable restrooms and hand washing stations to order based on the information you provide in this application. Please refer to Special Events webpage to see chart for restroom/wash station requirements.

Describe the number of restrooms available at the event site and whether you plan on providing portable restrooms and hand washing stations, and if so, how many:

LIKE to USE EXISTING RESTROOMS AT RESTAURANTS

Waste Management Plan (events with attendance over 200)

As part of your event management duties, you are responsible for keeping the event site tidy at all times and for the clean-up and disposal of all trash and recycling generated at your event. All events are required to submit a special event waste management plan or a signed contract with an approved zero waste special event service provider.

Do you plan to manage the event waste on your own? [✓] Yes [ ] No

Please describe how you plan to manage and dispose of all recycling and event waste during and after your event. Please also include what trash and recycling containers will be used and where you will dispose of the waste during (should the containers become full) and after the event.

City PROVIDE COLLECTON CONTAINERS (6EA) THAT WE WILL DUMP AT DUMPSTER AT MACE

Do you plan to hire an approved zero waste special event service provider to manage the event waste?
☐ Yes ☑ No

Below are the City approved zero waste service providers. Please contact them directly for more information on the services available to best meet your event waste reduction and recycling needs.

1. Green Mary

   www.greenmary.com

   Mary Munat: mary@green-mary.com, 707-548-7582

2. Nothing Wasted Consulting

   Melissa Baxter: Melissa@nothingwastedconsulting.com, 858-837-2178

3. San Jose Conservation Corp

   www.sjcccs.org (click on Programs, then Recycling)

   Alan Ha: alanh@scccharter.org, 408-459-6404

   Melissa Avalos: mavalos@sjccharterschool.org, (office) 408-459-6483, cell 408-595-3388

Mission Trail Waste Systems is the only authorized provider of debris bins within the Exclusive Franchise Areas of the City. Debris bins can be ordered from Mission Trail Waste Systems through the City of Santa Clara Utility Customer Service by calling (408) 615-2300 (additional fees will apply).

10. SECURITY PLAN

Certain components of a special event or number of attendees may require a security plan. If your special event requires one, Police Department staff will contact you directly.

Are you planning to hire a licensed professional security company to develop a security plan? ☐ Yes ☐ No

Security contractor: NOT SURE, CITY POLICE PRESENCE IN NEEDED

Company: _____
Contact: _____
Address: _____
Phone: _____

City of Santa Clara Business License No. _____

STAFF USE ONLY

APPLICATION REVIEW BY CITY OF SANTA CLARA STAFF

Date Application Was Received: _____

By (Name): _____ Department: _____

Application Review Required By:

__ Planning	__ Building Inspection	__ Traffic Engineering
__ City Manager	__ Public Works	__ Building Maintenance
__ Police	__ Parks & Recreation	__ Other, Please specify: _____
__ Fire	__ Finance/Business License	

__ Conditional Approval: ___ Deny:

City Manager's Approval:

Name: _____ Signature: _____ Date: _____

MOONLITE SHOPPING CENTER

SANTA CLARA, CALIFORNIA

SITE PLAN

SCALE 0 50' 100' 150'

N

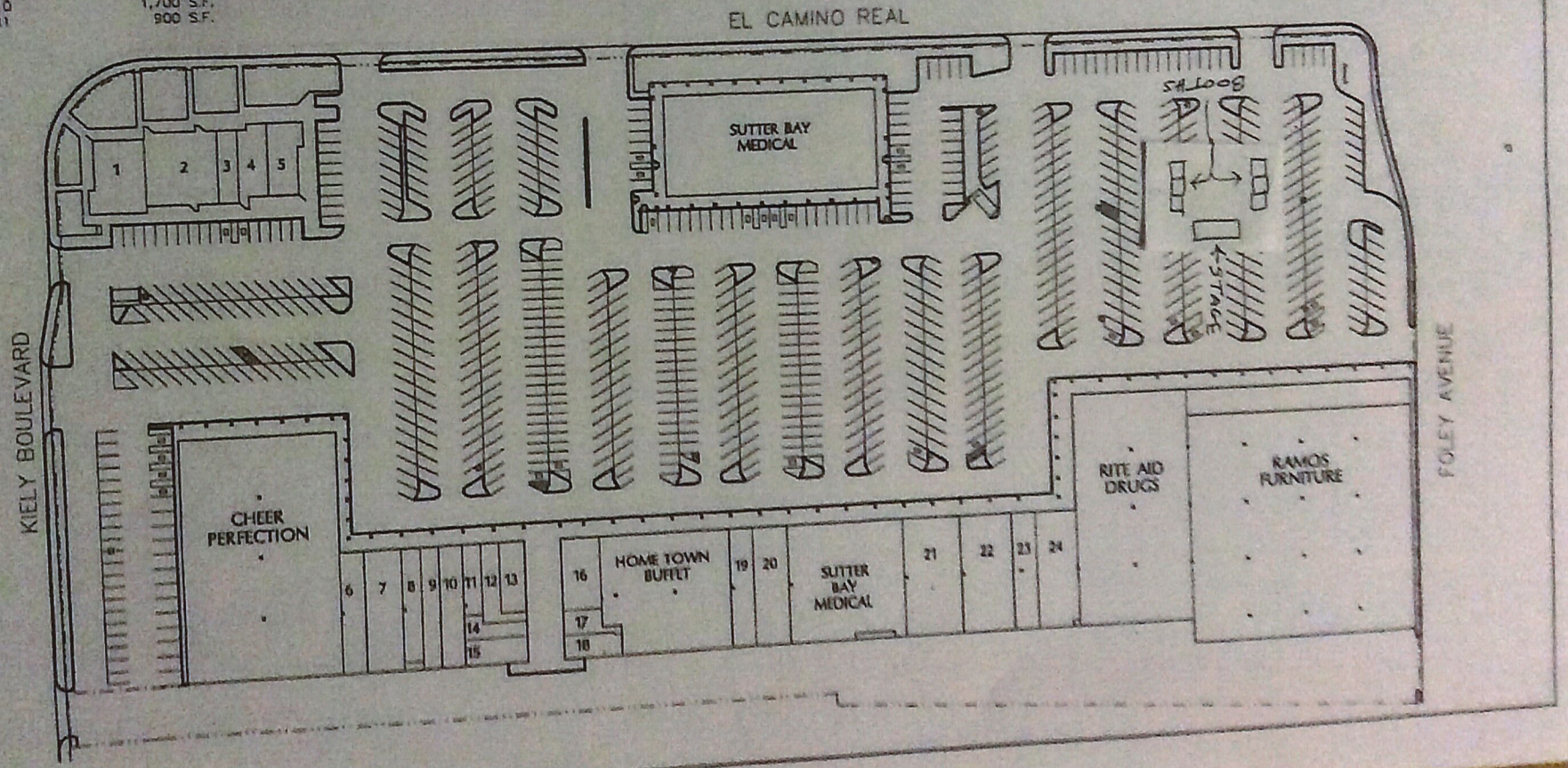
Deborah Hemlock
SClay Management, Inc.
[redacted]

TENANT	AREA
RAMOS FURNITURE	41,101 S.F.
RITEAID DRUG STORE	20,084 S.F.
CHEER PERFECTION	25,000 S.F.
SUTTER BAY MEDICAL	15,000 S.F.
HOME TOWN BUFFET	10,525 S.F.
SUTTER BAY MEDICAL	9,833 S.F.
1	2,895 S.F.
2	2,945 S.F.
3	960 S.F.
4	1,500 S.F.
5	1,773 S.F.
6	2,132 S.F.
7	3,000 S.F.
8	1,553 S.F.
9	1,504 S.F.
10	1,700 S.F.
11	900 S.F.
12	1,184 S.F.
13	1,200 S.F.
14	816 S.F.
15	1,080 S.F.
16	2,100 S.F.
17	775 S.F.
18	1,000 S.F.
19	2,000 S.F.
20	3,000 S.F.
21	5,000 S.F.
22	4,500 S.F.
23	2,100 S.F.
24	3,600 S.F.

TOTAL LEASE AREA:	170,559 S.F.
TOTAL LAND AREA:	14.34 AC.
BLDG/LAND RATIO:	27.12%
TOTAL PARKING:	785 CARS
PARKING RATIO:	4.63 CARS/1000

NOTES:
1. PLAN DIMENSIONS AND STORE FRONTAGES LISTED ARE APPROXIMATE ONLY. AREAS SHOWN ARE ACTUAL PRESENT LEASEABLE AREAS.
2. PARKING SPACE LOCATION AND ACTUAL CAR COUNT IS REASONABLY ACCURATE BASED ON GIVEN DATA AND AN ON-SITE SURVEY. THESE SPACES ARE SUBJECT TO CHANGE, HOWEVER, AND MOST CURRENT EXISTING CONDITIONS MAY NOT BE REFLECTED ON THIS DRAWING.
3. MAJOR, OR ANCHOR, TENANTS EXIST AS OF DATE OF DRAWING. HOWEVER, THESE SPACES AND THEIR TENANTS ARE SUBJECT TO CHANGE.

DRAWING PREPARED BY:
OSBORN AND VANE ARCHITECTS INC.
82008.12 \ 07 FEB 2018



18-639 **Agenda Date: 7/16/2018**

REPORT TO COUNCIL

SUBJECT

Action on the Annual Report and Resolution of Intention for Levy of Annual Assessment for the Santa Clara Tourism Improvement District (TID)

BACKGROUND

In 1989, the State Legislature passed the Parking and Business Improvement Area Law, which added Sections 36500, et seq., to the California Streets and Highways Code ("Code"). The Code was created to "promote the economic revitalization and physical maintenance of the business districts of its cities in order to create jobs, attract new businesses, and prevent erosion of the business districts." The Code had the further goal of promoting tourism. To achieve this goal, the Code allowed cities to fund property related improvements and activities through the levy of assessments upon the businesses which benefit from those improvements and activities.

Pursuant to the authority granted under the Code, on January 11, 2005, City Council adopted Ordinance No. 1797 (the "Ordinance") amending the Santa Clara Municipal Code to add Article IX entitled "Santa Clara Tourism Improvement District" to Chapter 16.10 ("Local Improvements - Acquisition and Improvement Procedure"), establishing the Tourism Improvement District ("TID") and its boundaries. The TID currently includes the following nine hotels near the Santa Clara Convention Center: Avatar Hotel, Biltmore Hotel & Suites, Embassy Suites, Hilton Santa Clara, Hyatt House, Hyatt Regency, Marriott Santa Clara, The Plaza Suites, and TownePlace Suites by Marriott. The Ordinance also established a District Advisory Board (the "Advisory Board") to administer the affairs of the TID. The Advisory Board is constituted of representatives of businesses within the TID. All hotel properties located within the District boundaries collect a $1.00 fee from hotel guests on each occupied hotel/motel room night.

Pursuant to Section 36533 of the Code and Santa Clara City Code ("SCCC") 16.10.1220, the Advisory Board is required to file with the City Clerk and submit to the City Council by April 1st of each year an annual report that includes improvements and activities during the current fiscal year, the amount of any surplus or deficit to be carried over from a previous fiscal year, and a TID budget for the following fiscal year. After the approval of the Annual Report, the City Council must follow the resolution, notice, and hearing process outlined in Sections 36534-36535 to levy the annual assessment for the upcoming fiscal year.

DISCUSSION

The TID has been in effect for thirteen years and was put into place to fund activities such as marketing campaigns to attract additional travelers, tourists, cultural groups, and conventions; print ads in travel publications; outdoor advertising campaign; and fund administrative costs of the program.

As mentioned previously, the City's Ordinance requires that the TID Annual Report be submitted by April 1st of each year. The reason that the Annual Report is to be submitted by April 1st is to allow City staff a reasonable amount of time to comply with the two-step process for levying the assessment which includes the Resolution of Intention setting the date for the Public Hearing and the Public Hearing itself. The TID Annual Report is dated May 30th and was submitted to City staff on June 5, 2018. The City received a final signed copy of the report on July 9, 2018. Since the April 1st deadline was missed a revised timeline is being put into place and the TID levy has been suspended until corrective action is completed. Following approval of the Advisory Board Annual Report and adoption of the Resolution of Intention, a Public Hearing will be noticed for August 28, 2018 and if the levy is successfully approved at the August 28th meeting the levy will resume effective September 1, 2018.

In accordance with Sections 36524-36525 of the Code, the Public Hearing will allow businesses subject to the assessment to submit comments, voice concerns, and protest the assessment. The City Council can approve the continuation of the TID assessment at the Public Hearing; unless oral or written protests are received from the businesses located within the TID that pay 50% or more of the proposed assessments. In that event, the City Council cannot consider continuation of the TID assessment for a period of at least one year from the date of the finding of the majority written protest.

The above action is being adjusted to correct inadvertent errors with submitting timely required information to allow for the seamless continuation of levied assessments. Staff is in process of evaluating past year's efforts to determine whether those were compliant with state and local laws and will report out separately at the appropriate time that findings are available.

As a separate and independent action taken by the City Council, the Council allowed the expiration of the CVB contract in support of tourism, marketing, and convention center bookings which give rise to questions whether the Chamber of Commerce ("Chamber") will continue to support services funded and authorized by the TID Advisory Board. At the time of drafting this report, and after discussion with the TID Advisory Committee members, it is unknown whether the Chamber is inclined to continue services funded by TID. Additionally, the Chamber serves as fiscal agent for a reserve of approximately $600,000 which would also need to be addressed based on the findings of the actions taken in the past, whether complete or incomplete. Given that there was no time to complete this research, any drawdowns from the Reserve should be deferred and if there is a finding that the funds were incorrectly collected, then a budget amendment should be developed which does not require use of the Reserve until a legal determination has been made on how to proceed. While the Bylaws speak to the use of the Reserve if the TID is terminated, the Bylaws are silent on the Reserves in the event that they have not been correctly collected.

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)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

If the TID assessment is successfully approved at the August 28th meeting the levy will resume effective September 1, 2018, the 2018/19 TID Budget has been revised to reflect ten months of

revenue and expenses. The projected TID assessment for Fiscal Year 2018/19 is $627,500. The total projected revenue for the TID is $757,416, which includes the use of $132,466 from Reserves. As mentioned previously, any drawdowns from the Reserve will need to be deferred until it is determined if the funds were incorrectly collected in previous years.

Of the projected revenue, $3,000 is budgeted to cover the City's administrative costs associated with collecting and disbursing the assessment. This cost will be included in the City's upcoming User Fee Study to determine if the current reimbursement is sufficient to cover the City's costs.

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 agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

1. Approve the Annual Report for the Santa Clara Tourism Improvement District;
2. Adopt a Resolution of Intention to levy and collect assessments with the Santa Clara Tourism Improvement District area for Fiscal Year 2018/19 at the current rate of $1.00 fee from hotel guests on each occupied hotel/motel room night;
3. Set the date for the Public Hearing for August 28, 2018.

Reviewed by: Angela Kraetsch, Director of Finance
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. TID Annual Report
2. TID Fiscal Year 2018/19 Budget
3. Resolution of Intention for Levy of Annual Assessment for the Santa Clara Tourism Improvement District

SANTA CLARA
SILICON VALLEY CENTRAL®
CHAMBER OF COMMERCE &
CONVENTION-VISITORS BUREAU

May 30, 2018

The Honorable Mayor and City Council
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Mayor and City Council,

Following is a report on the Santa Clara Tourism Improvement District's (TID) FY 2017-18 activities and FY 2018-19 goals.

The TID was established in 2004 as a marketing revenue supplement to assist the Santa Clara Convention and Visitors Bureau (CVB) with marketing the City of Santa Clara to hotel and convention center groups and visitors.

Each participating hotel is assessed $1.00 per occupied room night. This assessment funds the TID. The TID is composed of nine (9) Santa Clara hotels that surround the Santa Clara Convention Center. They include the Avatar Hotel, Biltmore Hotel & Suites, Embassy Suites, Hilton Santa Clara, Hyatt House, Hyatt Regency, Marriott Santa Clara, The Plaza Suites, and TownePlace Suites by Marriott.

Since the inception of the TID on February 14, 2005, the District has provided over $9.1 Million in additional funding to the CVB, which further supports the marketing of the hotels, Convention Center, attractions and entertainment venues.

The goal of the Advisory Board is to review annual programs and budget. Each TID hotel holds a seat on the Advisory Board as a voting member. Below is a recap of the TID FY 2017-18 YTD through May 29, 2018.

Group Marketing & Sales

- Provided over **$71,827** in advertising and marketing funds to promote the City of Santa Clara as a convention and meeting destination.
- Funded **$63,620** to attend trade shows, conferences, special events, city-wide bid presentations and sales trips.
- Set aside **$25,000** to provide subsidy money to groups and spent $ 32,318 in actual subsidy with: XRX Stitches, Bay Area Christian Church, California Extreme, Cultural Association of Bengal, CA Association for Behavior Analysis and several upcoming groups resulting in thousands of future hotel room nights for the City of Santa Clara.

Group Sales & Marketing cont.

- Group Business generated an estimated **$1.5 Million** in future Transient Occupancy Tax (TOT), **$309,431** in Community Facilities District (CFD) tax, and **$70,007** in TID tax.
- Hotel room night group bookings is estimated to reach over **$15.47 Million** in gross future hotel room night revenue fiscal YTD (*Food & Beverage and meeting room rental are not included in this figure*)
    - Formula # of hotel room nights booked YTD @ 70,007 x $221-ADR (Average Daily Room Rate)

Visitor Marketing & Communications

- Provided Leisure Marketing & Advertising funding of **$79,250** to promote the TID area as a leisure destination.
- Influenced hotel weekend room night bookings through leisure print and electronic ad campaign in Greater Sacramento and Fresno.
- Influenced hotel weekend room night bookings through social media promotion on multiple channels. Opt in social following is up to 55,000+.
- Generated 8,811 hotel packages outbound links (previous 12 months) from website directly to hotel package reservation pages.
- Hosted Pacific Rim receptive tour operator event, influencing over 25 Japanese and Chinese Inbound travel buyers on Santa Clara destination/travel product.
- Exhibited at U.S. Travel Association IPW tradeshow, meeting with over 35 international tour operators (mostly from Japan and China).
- Produced virtual tour videos on 50 Santa Clara visitor attractions and restaurants to be integrated onto SantaClara.org website.
- Featured on ABC Bay Area LIFE program highlighting City hotels and attractions and CVB services.

Financial/ Operational

- Contributed over **$324,699** during the 2017-18 FY to support three employees' salaries plus taxes and benefits.

For FY 2018-19, the TID has directed the Santa Clara CVB to focus on these areas:

- Market and sell the Santa Clara Tourism Improvement District as an overnight destination
- Enhance the City of Santa Clara's position as a viable meetings/convention and leisure destination and improve the overall awareness and perception of the destination
- Increase hotel occupancy and utilization of the Santa Clara Convention Center
- Direct sales effort specifically targeting sports and city-wide groups, short term business, weekend and holiday need period business and leisure, along with a variety of weekend packages and holiday packages
- Update Santa Clara destination videos, including TID hotel content
- Upgrade technology systems when necessary to compete more effectively
- Provide research funding to keep current with marketing trends and to monitor overall performance through the Internet, publicize weekend hotel packages for individual consumers and families
- Drive small group and city-wide corporate, association, sports and SMERF type "A" business to the City of Santa Clara, convention facilities and our Santa Clara hotel properties thru direct sales efforts

Our 13th year of operation has been extremely productive and successful in terms of adding additional funding for the CVB. In FY 2018-19, the TID program funding will be approximately **$898,942.00**. Providing we fully restore our CVB's staffing and funding continues we are confident that we will continue to see increases in bookings and revenue for the hotels, which in turn will provide growth in hotel room night revenue, sales tax, CFD tax, TID tax and TOT revenues for the City.

We thank you for your continued support of the Tourism Improvement District and the activities of the Santa Clara Convention and Visitors Bureau.

Sincerely,

Barbara Ratcliffe
Chair of the TID Advisory Board

Lisa Moreno
General Manager & CEO

cc:

Deanna J. Santana, City Manager
Jennifer Yamaguma, Acting City Clerk
Angela Kraetsch, Director of Finance
Barbara Ratcliffe, Chair, TID Advisory Board
Lisa Moreno, General Manager, Convention Center & CEO of the Convention & Visitors Bureau
David Andre, Vice President of Marketing and Communications
Annette Manhart, Vice President, Convention Sales, Marketing, Services & Business Information

SANTA CLARA TOURISM IMPROVEMENT DISTRICT								
	GL Acct #	Proposed Budget 2018/2019	Final Budget 2017/2018	Total Estimate 2017/2018	Over/(Under) Final vs. Est. 2017/2018	Budget to budget $ +/(-)	Budget to budget % +/(-)	Comments
Revenue		*10 months						
From Reserves		132,466						
TID Revenue	4101	627,500	753,000	778,806	25,806	(125,500)	-17%	
Interest Income	4102	450	300	591	291	150	50%	
CITY ACCOUNTING FEES	5000	(3,000)	(3,000)	(3,000)	0	0	0%	
Revenue Total		**757,416**	**750,300**	**776,397**	**26,097**	**(125,350)**	**-17%**	
Staff Subsidy								
Employee Salaries & Taxes	7101	0	212,237	147,964	(64,273)	(212,237)	-100%	3% Increase, but only had SM in at 85%
Employee Benefits	7102	0	112,463	85,225	(27,238)	(112,463)	-100%	
Mileage/expenses	7103	0	750	996	246	(750)	-100%	Add'l staff, increase in estimate for Remote office
Membership Dues	7104	0	4,275	2,463	(1,812)	(4,275)	-100%	Deleting DI membership
Monthly Operating Costs	7105	0	16,800	16,800	0	(16,800)	-100%	
Bonus Incentive	7110	0	35,000	16,400	(18,600)	(35,000)	-100%	
ADP Fees	7114	0	2,100	1,948	(152)	(2,100)	-100%	
Workers Compensation Insurance	7115	0	0	1,115	1,115	0		Not included in last year's budget
Total Staff Subsidy		**390,000**	**383,625**	**272,911**	**(110,714)**	**(383,625)**	**-100%**	
Research								
Prospecting & Research Materials	6105	0	4,000	4,000	0	(4,000)	-100%	Focus on citywide leads
DMAI Event Impact Calculator Annual License	6107	0	5,200	1,500	(3,700)	(5,200)	-100%	Cost for DMAI Impact calculator+sports module annual fee:$4100.00 and simpleview dmai event impact calculator:$1500 which brings the total to $5600
Simpleview Cvent Integration Annual Fee	NEW	0				0		Simpleview Cvent Integration annual fee
Total Research		**50,000**	**9,200**	**5,500**	**(3,700)**	**(9,200)**	**-100%**	
Advertising: Conference Media								
Media Management	6241	0	36,000	36,000	0	(36,000)	-100%	
MPI Sacramento Newsletter	6246	0	1,200	1,181	(19)	(1,200)	-100%	
CalSAE (Naylor)Executive Online Showcase	6252	0	2,475	2,300	(175)	(2,475)	-100%	
Smart Meetings eBlasts & Web Banner	6254	0	6,000	6,000	0	(6,000)	-100%	
CalSAE (Naylor) Web Tile	6272	0	2,750	2,750	0	(2,750)	-100%	
ASAE Directory - Web listing	6274	0	595	595	0	(595)	-100%	
NCCMPI Member Directory & Newsletter Ad	6288	0	1,413	1,230	(184)	(1,413)	-100%	
Convention Calendar (ind. Promo. for ea. Hotel)	6289	0	6,900	6,900	0	(6,900)	-100%	
Cvent	6291	0	14,494	14,664	170	(14,494)	-100%	
Total Advertising: Conference Media		**50,000**	**71,827**	**71,620**	**(207)**	**(71,827)**	**-100%**	
Leisure Marketing & Advertising								
Leisure PPC	6672	0	3,000	3,000	0	(3,000)	-100%	
Sacramento & Fresno Bee (print & online)	6674	0	18,250	18,228	(22)	(18,250)	-100%	
CA Visitors Guide (print & online)	6679	0	7,750	7,750	0	(7,750)	-100%	Larger ad to match neighboring cities
Website Maintenance	6681	0	12,000	12,000	0	(12,000)	-100%	Less maintenance fees. Staff trained on Wordpress.
Leisure eBlasts (3x)	6682	0	0	0	0	0		Will do in-house
U.S. Travel Association Int'l Pow Wow	6688	0	10,500	10,403	(97)	(10,500)	-100%	
Social Media Marketing	6693	0	12,000	11,927	(73)	(12,000)	-100%	

SANTA CLARA TOURISM IMPROVEMENT DISTRICT								
	GL Acct #	Proposed Budget 2018/2019	Final Budget 2017/2018	Total Estimate 2017/2018	Over/(Under) Final vs. Est. 2017/2018	Budget to budget $ +/(-)	Budget to budget % +/(-)	Comments
Pacific Rim Reception	6694	0	7,750	7,636	(114)	(7,750)	-100%	No air travel cost - in SF
Student Group Tour Magazine	6695	0	4,800	4,800	0	(4,800)	-100%	
AAA Multimedia Marketing	NEW	0	0	0	0	0		
Utrip Itinerary Builder (Year-round visitor itineraries)	6696	0	0	0	0	0		Itinerary builder includes TID hotels
Total Leisure Marketing & Advertising		**50,000**	**76,050**	**75,744**	**(306)**	**(76,050)**	**-100%**	
Internet Marketing								
Website Hosting	6401	0	4,800	4,800	0	(4,800)	-100%	
Marketing PPC	6403	0	14,000	14,000	0	(14,000)	-100%	
Incentive Marketing	6404	0	3,000	3,000	0	(3,000)	-100%	
Sports eMarketing	6405	0	7,000	6,587	(414)	(7,000)	-100%	Increase number of ads and focus on College Football Playoff
Video Marketing	6406	0	12,500	12,500	0	(12,500)	-100%	Use video from existing library
Convention & Meetings eBlasts	6407	0	6,000	6,000	0	(6,000)	-100%	
PR Newswire	6408	0	4,500	4,500	0	(4,500)	-100%	
SF Travel	6409	0	700	0	(700)	(700)	-100%	Moved to different line item
Search Engine Optimization (SEO)	6410	0	12,000	12,000	0	(12,000)	-100%	
VisitSiliconValley.org	6414	0	6,900	6,900	0	(6,900)	-100%	
Total Internet Marketing		**75,000**	**71,400**	**70,287**	**(1,114)**	**(71,400)**	**-100%**	
Direct Sales								
MPI Events	6507	0	5,500	5,433	(67)	(5,500)	-100%	
CalSAE - Seasonal Spectacular	6511	0	3,500	2,887	(613)	(3,500)	-100%	
Northern CA Sales Calls/Trips	6512	0	7,000	6,812	(188)	(7,000)	-100%	
Marketing Opportunities	6521	0	3,000	3,000	0	(3,000)	-100%	sponsoring a table
Connect Sports	6526	0	4,250	4,250	0	(4,250)	-100%	Increase in Registration Costs
National Assn. Sports Commission Symposium	6529	0	5,360	5,360	0	(5,360)	-100%	May 6 -9, 2019 Knoxville, TN. Will be held in Minneapolis April 23-26, 2018 in 2018
Client Special Event	6530	0	7,500	7,500	0	(7,500)	-100%	
Connect California	6531	0	0	0	0	0		We would like to attend the show this fiscal year. Location for 2019: TBD. Estimated $5500. 2018 will be held in N. Lake Tahoe March 13-14, 2018
Connect Faith (Rejuvenate Convention)	6537	0	0	0	0	0		
Client Sales Presentations	6540	0	5,000	4,757	(243)	(5,000)	-100%	
RCMA	6542	0	0	0	0	0		We would like to attend the show this fiscal year. Estimated cost $5500. Location for 2019: TBD. 2018 was held in Omaha Jan.30th - Feb.1, 2018
Smart Meetings Tradeshow	6543	0	5,810	5,791	(19)	(5,810)	-100%	Location for 2019: TBD. May 23-25, 2018 Scottsdale, AZ.
Sales Calls - All Markets	6544	0	4,700	4,253	(447)	(4,700)	-100%	
Destination CA	6545	0	0	6,000	6,000	0		Attending every 2 years
Connect Corporate (Collaborate Marketplace)	6546	0	6,000	5,545	(455)	(6,000)	-100%	Calvin L. Rampton Salt Palace Convention Center, Salt Lake City. August 23-25, 2018.
Connect Association Tradeshow	6548	0	6,000	0	(6,000)	(6,000)	-100%	Calvin L. Rampton Salt Palace Convention Center, Salt Lake City. August 23-25, 2018.
IMEX	NEW	0	0	0	0	0		10/16-18/2018 - Las Vegas; Includes Booth
IAEE	NEW	0	0	0	0	0		12/11-12/2018 - New Orleans
CVENT TRADESHOW	NEW	0	0	0	0	0		7/23-26/18 Las Vegas - no budget in current year to prepay
INTL. ASSOC. OF ADMIN. PROFESSIONALS	NEW	0	0	0	0	0		Small Group - monthly meetings
CONNECT CHICAGO	NEW	0	0	0	0	0		

SANTA CLARA TOURISM IMPROVEMENT DISTRICT								
	GL Acct #	Proposed Budget 2018/2019	Final Budget 2017/2018	Total Estimate 2017/2018	Over/(Under) Final vs. Est. 2017/2018	Budget to budget $ +/(-)	Budget to budget % +/(-)	Comments
MEETINGS TODAY LIVE	NEW	0	0	0	0	0		
ASAE TADESHOW	NEW	0	0	0	0	0		
CONNECT DC	NEW	0	0	0	0	0		12/5/2018 - Washington DC
Total Direct Sales		**50,000**	**63,620**	**61,588**	**(2,032)**	**(63,620)**	**-100%**	
Operational Expenses & Fees								
Subsidy Liability	7200	80,544	25,000	32,210	7,210	55,544	222%	From 03/31/2018 Subsidy Liability Report
Technology Systems	7500	0	4,000	188	(3,813)	(4,000)	-100%	
Total Operational Expenses & Fees		**80,544**	**29,000**	**32,398**	**3,398**	**51,544**	**178%**	
Overhead								
Insurance (Directors & Officers Liability)	8005	2,822	2,900	2,819	(81)	(78)	-3%	Out to bid
Audit	8010	8,550	7,000	8,550	1,550	1,550	22%	Based in prior audit
Administrative Meetings	8100	300	1,000	(18)	(1,018)	(700)	-70%	Funds in CVB as well
SCCC Admin Fee	8200	0	30,000	30,000	0	(30,000)	-100%	
Check Printing		200		0	0	200		
Total Overhead		**11,872**	**40,900**	**41,351**	**451**	**(29,028)**	**-71%**	
Total Expenses		**757,416**	**745,622**	**631,398**	**(114,224)**	**(653,206)**	**2%**	
Net Income/(Loss)		**0**	**4,678**	**144,999**	**140,321**	**527,856**		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING THE ANNUAL REPORT OF THE ADVISORY BOARD OF THE SANTA CLARA TOURISM IMPROVEMENT DISTRICT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE DISTRICT, AND TO FIX A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENT FOR THE 2018/2019 FISCAL YEAR

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

WHEREAS, tourism is a large contributor to the City's economy, and promotion of the City's scenic, recreational, cultural, and other attractions as a tourist destination is an important public purpose; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 ("PBIAL"), sections 36500 et seq. of the Streets and Highways Code, authorizes cities to establish business improvement districts for several purposes, one of which is promotion of tourism; and

WHEREAS, the Santa Clara Tourism Improvement District ("TID") was established in January 2005, by adoption of Article IX entitled "Santa Clara Tourism Improvement District" of Chapter 16.10 of the Santa Clara Municipal Code ("SCCC"), and is generally located in the northern portion of the city, as more particularly described in Resolution No. 7176; and

WHEREAS, in accordance with the requirements of Streets and Highways Code Section 36530, an Advisory Board was established to make recommendations to the City Council regarding the expenditure of revenues derived from the levy of assessments, on the classification of businesses, as applicable, and on the method and basis of levying the assessments; and

WHEREAS, the SCCC and the PBIAL require the Advisory Board to prepare and submit an annual report ("Annual Report") stating proposed changes, improvements and activities for the fiscal year, an estimate of the cost of providing the improvements and the activities for the year, the method and basis of levying the assessment, the amount of any surplus or deficit revenues to be carried over from the previous fiscal year, and the amount of any contributions to be made from sources other than assessments; and

WHEREAS, on June 5, 2018, the Advisory Board approved the Annual Report, which has been filed with the City Clerk, and provides a full and detailed description of the improvements and activities to be provided for fiscal year 2018/19, the boundaries of the area and any benefit zones within the area, and the proposed assessments to be levied upon the businesses within the area for the fiscal year.

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

1. That the City Council hereby declares its intention to continue the TID without any change to the boundaries, or in any benefit zone within the area, in accordance with the Annual Report approved by the Advisory Board.
2. That the City Council hereby declares its intention to levy and collect assessments within the TID for fiscal year 2018/19.
3. That, generally, the types of activities proposed to be funded by the continued levy of assessments on businesses in the TID are marketing and advertising activities that will promote tourism, as set forth in SCCC 16.10.1160.
4. That the assessment is not proposed to be increased and will remain $1.00 per occupied room per night for all transient occupancies.
5. That a public hearing to renew the annual levy for the TID is hereby set for August 28, 2018 at 7:00 p.m. before the City Council of the City of Santa Clara at the Santa Clara Council Chambers, 1500 Warburton Street, Santa Clara, California.
6. That at the public hearing, the testimony of all interested persons, for or against the continuation of the District, the boundaries of the District, the area of benefit within the District, the assessments to be levied, or the furnishing of specified types of improvements or activities, will be heard. A protest may be made orally or in writing by any interested person. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which the

objection is made. Written protests must be received by the City Clerk at or before the time set for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person subscribing the protest is interested sufficient to identify the business. If the person subscribing is not shown on the official records of the City as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business.

7. That if at the conclusion of the public hearing, there are of record, written protests by the owners of the tourist lodging establishments within the TID that would pay fifty percent (50%) or more of the total assessments of the entire TID, no further proceedings to renew the annual levy for the TID shall occur. New proceedings to form the TID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protests by the City Council. If the majority of written protests are only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the TID.
8. Effective date. This Resolution is effective on its 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 ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

18-637 **Agenda Date: 7/16/2018**

REPORT TO COUNCIL

SUBJECT

Actions Related to Revenue Opportunities for a November 2018 Ballot Measure - Cannabis Business Tax

EXECUTIVE SUMMARY

On July 5, 2018, following several months of public discussion regarding the City's fiscal outlook and the Council's interest in pursuing potential revenue options as one of several critical strategies to stabilize the City's 10-year fiscal outlook, the Council directed staff to bring back a measure related to a potential cannabis tax for further consideration and possible inclusion on the November 2018 ballot. This report outlines a recommendation for a ballot measure and ordinance which, with voter approval, could provide additional revenue to the City's General Fund.

BACKGROUND

During the January 2018 Council Goal Setting Session and the May 22, 2018 Fiscal Year 2018/19 Proposed Budget Study Session, the City Manager presented the City's 10-Year Fiscal Outlook which forecasts structural deficits over the next ten years. During the January session, the Council authorized staff to return with an analysis of revenue options and, by consensus, expressed support to commit to solve annual deficits with sustainable budget solutions such as on-going expenditure reductions, increases to current revenue sources, and/or identifying new revenue sources to stabilize the City's future fiscal condition.

On May 29, 2018, staff made a presentation to Council on potential revenue options aimed to stabilize the City's fiscal outlook to preserve service and staffing levels; generate more revenue to meet expenditure growth demand; and develop strategies for unfunded needs/projects. At the study session, Council considered several revenue options including:

1. Increase in the Transient Occupancy Tax (TOT) rate,
2. Increase in the Documentary Transfer Tax,
3. Establishment of a Utility User Tax (UUT),
4. Establishment of a Cannabis Tax, and/or
5. Establishment of an Infrastructure Parcel Tax.

Recognizing that both revenue and expenditure strategies are needed to balance future deficits, Council directed staff to proceed with analyzing two revenue options for the 2018 November Ballot and authorized the City Manager to enter into contracts to conduct the required community research and outreach:

1. Cannabis Tax
2. Infrastructure Bond Measure

Following the May 29, 2018 Council direction, staff began working with the Lew Edwards Group,

EMC Research and Public Dialogue Consortium to develop community outreach tools and to conduct research on the two potential revenue measures. A community research survey was developed and conducted in mid-June that included initial ballot measure language. Scientific focus groups were convened on June 28, 2018, to gather quantitative feedback.

The results of the research on the two Council-identified potential ballot measures were presented at the July 5, 2018 Council meeting. The research concluded that 65% of survey respondents agreed that the City had a need for additional funding and that 62% of the respondents expressed some level of support for a Cannabis Tax measure. Expressed priorities for use of new revenue included:

- Maintaining rapid 9-1-1 emergency response times (90% important)
- Prevent cuts to the number of firefighters and police officers (87% important)
- Repairing streets and fixing potholes (84% important)
- Maintaining essential city services (81% important)

Based upon the results, Council directed staff to pursue the Cannabis Tax measure for inclusion the November 2018 ballot with additional community meetings and the development of ballot language. Recognizing that this option could generate a level of revenue that would only partially address the projected FY 2019/20 shortfall, Council also indicated interest in preparing for possible additional tax measures as part of the November 2020 ballot.

Cannabis Business Tax

The passage of Proposition 64, the Adult Use of Marijuana Act (AUMA), on November 8, 2016, legalized personal recreational use by persons 21 and over, and regulated commercial activities related to cannabis. Subsequently, the State legislature passed Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), unifying regulations on medical and non-medical commercial cannabis activities and the personal use of cannabis.

As of January 2018, California State ("State") licensing of commercial activity, depending on license type, is overseen by the Bureau of Cannabis Control, the Department of Public Health, and the Department of Food and Agriculture. State regulations allow for six general license types for commercial cannabis enterprises: retail (including delivery); cultivation; manufacturing; transportation (microbusiness is included with transportation in license Type 12); distribution; and testing. Prior to the issuance of a State license, the State requires, among other items, a local license if local regulations have been enacted.

In the interest of expanding revenue opportunities for the City, on September 26, 2017, Council directed staff to: 1) prepare cannabis regulations for future Council consideration; and 2) prepare a corresponding fee and tax strategy for commercial cannabis activity. On December 19, 2017, Council approved a contract with SCI Consulting Group ("SCI") to assist the City with the development of commercial cannabis regulations (Health & Safety and Land Use) together with a cost-recovery fee and tax strategy.

On January 23, 2018, the Council held a study session on commercial cannabis which in turn launched a work plan to create a policy framework to allow certain cannabis activity in Santa Clara and to create a new tax.

In February 2018, SCI engaged in education and community outreach efforts holding two community meetings and two stakeholder meetings. Presentations to the public included information about the history of cannabis; the cannabis industry; State of California cannabis licensing; work effort to create policy framework for potential City of Santa Clara cannabis regulations. In addition to these outreach meetings, staff visited two established cannabis businesses in San Jose. Cannabis activities in these businesses included: retail, indoor cultivation, distribution and delivery. In May and June 2018, two more community outreach meetings were held. Most recently, at a community meeting held on July 12, 2018, residents were asked for their feedback on several topics including a Cannabis Business Tax Measure.

Local commercial cannabis policy regularly has three separate bodies of regulations that together form the overall policy framework for the operation of commercial cannabis businesses in local jurisdictions. First, Health & Safety regulations set local time, place and manner parameters, and licensing regulations, on the businesses. Second, land use regulations set local parameters and conditions on the appropriate locations where various classes of cannabis businesses may operate. Staff anticipates that the health & safety and land use regulations will be brought forward in a Council study session in August with final Council consideration of regulations in September.

The third body of policy and regulations are fiscal in nature: the imposition of regulatory fees and the establishment of new taxing regulations. Regulatory fees may be charged to businesses seeking a license to operate in the City. The calculation of such a regulatory fee would include full cost recovery of all City staffing costs associated with the licensing activity including, but not limited to, processing, background checks, review, monitoring, inspection, etc. The calculation of the fee cannot include costs associated with general deterrence or enforcement activity for activities not directly associated with the license. The regulatory fees require analysis of projected costs, and a staff recommendation to set the fees will be brought forward for Council consideration in September/October.

Many municipalities in California have been or are in the process of pursuing an overall cannabis policy and taxing structure in order to generate taxes to enhance revenue. Redwood City, Mountain View, San Jose, Pasadena, Long Beach, and Oakland all have already or are in the process of formulating cannabis policies to allow for taxation.

California Constitution Article XIIIC, Section 2, provides that no local government may increase any general tax unless submitted to the electorate and approved. In November 2016, there were more than 35 local measures on the ballot throughout the State of California relating to a cannabis tax. Taxation methodology on cannabis may be approached in several ways including: gross receipts, square footage, and/or inventory weight. (Most tax measures use gross receipts as the principal method to levy taxes.) Almost all of the more than 35 measures were passed by the voters. Unlike sales taxes, the local cannabis business tax would apply to all businesses - whether wholesaler, distributor, or retailer - regardless of whether or not they have a resale tax exemption.

A general tax measure, such as one Santa Clara is interested in pursuing, must be considered at a general election and requires a 50%+1 majority vote to pass. Funds generated by a general tax on commercial cannabis activity would be unrestricted and flow directly to the City's General Fund.

Potential tax measures must be forwarded to the Registrar of Voters 88 days prior to the November

election for placement on the ballot. As such, in order to place a measure entitled City of Santa Clara Commercial Cannabis Activity Measure which would authorize a Cannabis Business Tax onto November 6, 2018 ballot, the measure must be forwarded to the Registrar of Voters by August 10, 2018.

DISCUSSION

Prior to the effectiveness of regulations to legalize commercial cannabis in Santa Clara (health & safety and land use), a taxation system should be in place to ensure the City can generate funding for the General Fund. The proposed tax structure provides a responsible taxation system to generate new revenue for the City, while not taxing so highly that a black market on sales is encouraged.

Determining appropriate tax rates is important to the entire economic cycle of cannabis cultivation, manufacturing, and sale because a cumulative tax rate that is too high will drive the legal market underground. The City recognizes that cannabis businesses (and by extension, users of cannabis products) will be bearing initial costs to start up the local cannabis program as they adjust to the new legal environment and adhere to State and local regulations. As such, imposed tax rates are intended to secure funding for the needs of the community, while not overburdening the market.

Staff will continue to monitor the economic impact of the industry and its effect on overall business climate in the City to evaluate and report to Council. In the coming years, tracking and tracing industry trends will provide crucial data on gross revenues generated at various points within the supply chain, thereby enabling Council to be better informed as to the most appropriate taxation rates.

Recognizing the volatility of the newly-legalized cannabis market, staff recommends adoption of limited initial tax rates to balance the financial needs of the City with its desire to support this industry and the viability of the industry itself. With the uncertainty of the evolving industry both at the local and state level, retaining flexibility for Council to adopt policies that ensure a sustainable and responsible approach to management of cannabis businesses in our community is important.

To give the Council the ability to make future adjustments to the implementation and enforcement provisions of this business tax, and to respond to changes in state law governing the cannabis businesses operating in Santa Clara, but without putting additional measures on the ballot, the proposed ordinance gives the Council the authority to adopt by resolution, increases to the tax rates, once a year, so long as the increased rates do not exceed the maximum tax rates approved by the voters. The proposed ballot measure and ordinance would authorize the City Council to implement a business tax on commercial cannabis businesses of up to 10% of gross receipts and up to $25 per square foot for cultivation. The measure provides the Council with the authority to determine implementation and operational oversight of the Cannabis Business Tax with community engagement.

The language of the proposed ballot question would read as follows:

MEASURE 1 City of Santa Clara Commercial Cannabis Activity Measure To maintain fiscal stability/essential city services, including rapid 911 emergency response times; preventing cuts to police officers/firefighters; repairing streets/potholes; maintaining library/youth/senior services, shall an ordinance be adopted establishing a tax on commercial cannabis up to 10% of gross receipts and up to $25 per square foot for cultivation, generating approximately $2,200,000 annually until ended by voters, with annual independent audits, and all funds used locally?	**YES**
	NO

The Ordinance to be submitted to the voters for approval is attached as Exhibit A to the Resolution. Key provisions of the proposed Ordinance are as follows:

The initial tax rates that will go into effect if the ballot measure passes on November 6, 2018 include:

- Retail: 5% of gross receipts
- Manufacturing: 5% of gross receipts
- Cultivation: $6 per square foot of cultivation area or 5% of gross receipts, whichever is greater
- Distribution: 3% of gross receipts
- Nurseries: 3% of gross receipts
- Testing: 3% of gross receipts
- Transportation: 3% of gross receipts

Collection of the cannabis business tax would be done through the City's existing business tax process in the Department of Finance. Business tax is generally submitted annually; however, staff proposes the cannabis business tax be payable quarterly. Upon cessation of a business, any tax due would become due immediately. Failure to timely remit payment to the City, would result in a penalty of 10 percent plus 1 percent interest for the first month. If the period of delinquency exceeds one month, an additional penalty of 25 percent of the tax due, plus 1 percent interest per month after the first month, shall be assessed.

Cannabis Business Tax Ballot Measure

In order to place a Cannabis Business Tax measure on the November 2018 ballot, The Council must adopt resolution(s) submitting the question and setting applicable deadlines for Arguments, Rebuttals and the City Attorney's Impartial Analysis. Staff is recommending the adoption of three separate Resolutions. The Resolution submitting the proposed ballot measure includes a number of recitals stating the City's intent/purpose of the measure and the rationale for the imposition of a Cannabis Business Tax.

Ballot Measure and Introduction of Ordinance

Adoption of the recommended Resolution approves the ballot question and the proposed text of a Cannabis Business Tax Ordinance.

Once the measure is placed on the ballot, as a general tax, the measure requires approval from a

simple majority of voters. Per California Elections Code 9217, the Ordinance would be considered as adopted upon the date that the vote is declared by the legislative body and goes into effect 10 days after that date. However, since the land use ordinance will not be in place at that time, the effective date of the tax measure would be delayed until the effective date of the land use ordinance.

As previously mentioned, the deadline to submit a ballot measure to the Registrar of Voters for a Special Election is 5:00 pm on Friday, August 10, 2018.

Written Argument - Support or Against
If the City Council adopts the Resolution placing the measure on the ballot, it must determine whether it wishes to exercise its right to author and sign ballot arguments regarding the tax.

As with past practice, Council may wish to appoint three of its members to write and file the argument (not exceeding 300 words - Elections Code Section 9282).

If the Council chooses not to authorize any member(s) to write arguments, then any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against the Ordinance pursuant to Elections Code Section 9282. In this situation, the City Clerk will select an argument in favor of and against the measure for the ballot pamphlet in accordance with the priority order set forth in Elections Code Section 9287.

The deadline to submit ballot arguments to the City Clerk is noon on August 14, 2018.

Written Rebuttal Argument - Support or Against
The author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument (not exceeding 250 words) or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal arguments.

The deadline to submit a rebuttal argument in favor or against local ballot measures must be submitted to the City Clerk by noon on August 21, 2018.

Impartial Analysis
Under Elections Code Section 9280, at the direction of the City Council, the City Attorney "shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure." The Impartial Analysis appears preceding the arguments for and against the measure in the voter's handbook and is limited to 500 words.

The deadline to submit the Impartial Analysis to the City Clerk is noon on August 21, 2018.

In order to reduce sample ballot costs, the full text of the proposed tax measure shall be available on the City's website and the City Attorney's Impartial Analysis will contain the following statement, "The full text of the measure is available at www.santaclaraca.gov or by calling the City Clerk's Office at 408-615-2220 and a copy will be sent to you at no cost."

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)(4) in that it is a

fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

Because Santa Clara will hold a General Municipal Election November 6, 2018, there is an economy of scale with calling the Special Election for the same date.

The Registrar of Voters (ROV) has estimated costs for cities consolidating the General Municipal Election to be approximately $366,605, and assumes one ballot measure. ROV has provided cities with an estimated cost for each additional ballot measure at $90,800. There are other costs for conducting an election, including printing, translation services, publishing notices and other related costs.

Based upon these estimates, the City Clerk's Office has included costs associated with a General Municipal Election and two ballot measures in the Fiscal Year 2018/19 Operating Budget.

Following the election, the ROV will determine the actual costs and will bill the city for its pro-rata share. Should costs exceed the approved budget amount, staff will return to the council to request additional funds.

COORDINATION

This item has been coordinated with the City Clerk's Office and the City Attorney's Office.

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 agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

ALTERNATIVES

1. Approve Recommended Actions 1-5
2. Modify Recommendation 4: designate an alternate committee to prepare Arguments and authorize the submittal of Arguments to the City Clerk

RECOMMENDATION

1. Adopt Resolution calling for a Special Municipal Election on November 6, 2018 for a vote on a ballot measure entitled City of Santa Clara Commercial Cannabis Activity Measure which would amend Title 3 "Revenue and Finance" of the Code of the City of Santa Clara adding a new Chapter 3.60 entitled "Cannabis Business Tax";
2. Adopt Resolution requesting the consolidation of a Special Municipal Election with the Statewide General Election to be held on November 6, 2018 for the purpose of submitting a ballot measure entitled City of Santa Clara Commercial Cannabis Activity Measure related Cannabis Business Tax;
3. Adopt Resolution ordering the submission of a ballot measure entitled City of Santa Clara Commercial Cannabis Activity Measure to qualified electors of the City related to Cannabis

Business Tax;
4. Authorize three members of the Council to author and submit an Argument in Favor of the ballot measure, and if necessary, a Rebuttal to an Argument Against the ballot measure; and,
5. Direct the City Attorney to prepare an Impartial Analysis for submission to the City Clerk.

Reviewed by: Ruth Shikada, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Resolution Calling for Special Election
2. Resolution Consolidating Election
3. Resolution Submitting Ballot Measure
4. Cannabis Business Tax Ordinance

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR A VOTE ON ONE BALLOT MEASURE ENTITLED "CITY OF SANTA CLARA COMMERCIAL CANNABIS ACTIVITY MEASURE" THAT, IF PASSED, WOULD AMEND TITLE 3 "REVENUE AND FINANCE" OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO ADD A NEW CHAPTER 3.60 ENTITLED "CANNABIS BUSINESS TAX"

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

1. That pursuant to the requirements of the City Charter, there is called and ordered to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a special municipal election placing one measure on the ballot that, if passed, would amend Title 3 "REVENUE AND FINANCE" of "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" to add a new Chapter 3.60 entitled "CANNABIS BUSINESS TAX";

2. That the ballot question read as follows:

MEASURE 1 **City of Santa Clara Commercial Cannabis Activity Measure** To maintain fiscal stability/essential city services, including rapid 911 emergency response times; preventing cuts to police officers/firefighters; repairing streets/potholes; maintaining library/youth/senior services, shall an ordinance be adopted establishing a tax on commercial cannabis up to 10% of gross receipts and up to $25 per square foot for cultivation, generating approximately $2,200,000 annually until ended by voters, with annual independent audits, and all funds used locally?	**YES** **NO**

3. That the measure read as set forth on Exhibit A.

4. That in accordance with the City Charter and applicable state law, the City Clerk is hereby authorized and directed on behalf of the City Council to cause notice of the time and

place of the holding of the election to be published once in a newspaper of general circulation, printed, published, and circulated in the City of Santa Clara, and hereby designated for that purpose by the City Council of Santa Clara.

5. That the City Clerk is hereby authorized and directed to certify to the due adoption of this Resolution.

6. 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 _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: Exhibit A – Full text of measure
I:\RESOLUTIONS\June 2018 Special Election\Special Election Reso.doc

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING TITLE 3 "REVENUE AND FINANCE" OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO ADD A NEW CHAPTER 3.60 ENTITLED "CANNABIS BUSINESS TAX"

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

WHEREAS, the passage of Proposition 64, the Adult Use of Marijuana Act (AUMA), on November 8, 2016, legalized personal recreational use of cannabis and cannabis products by persons 21 and over, and regulated commercial activities related to cannabis;

WHEREAS, the State legislature then passed Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), unifying regulations on medical and non-medical commercial cannabis activities and the personal use of cannabis;

WHEREAS, both Proposition 64 and MAUCRSA allow for Cities to enact regulations related to commercial cannabis activities and to impose local taxes on same;

WHEREAS, in November 2017, the City Council passed and adopted Ordinance No. 1973 amending Chapter 18.102 of the Code of the City of Santa Clara ("SCCC") to temporarily ban all commercial cannabis activities until January 1, 2019, such that a regulatory and taxation scheme for such commercial activity could be studied and developed;

WHEREAS, the City Council has determined that enacting, implementing, and maintaining a new regulatory scheme overseeing commercial cannabis activities, including enforcement of such a scheme, has significant cost implications for the City's general fund which cannot be matched by revenue from the City's existing general business tax ordinance; and

WHEREAS, the Cannabis Business Tax was approved by the voters of the City of Santa Clara on November 6, 2018.

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

SECTION 1: That a new Chapter 3.60 ("Cannabis Business Tax") is added to Title 3 ("Revenue and Finance") of "The Code of the City of Santa Clara, California" ("SCCC") as follows:

"Chapter 3.60

Cannabis Business Tax

Sections:
3.60.010 Title.
3.60.020 General tax.
3.60.030 Purpose.
3.60.040 Intent.
3.60.050 Cannabis-related definitions.
3.60.060 Tax imposed.
3.60.070 Reporting and remittance of tax.
3.60.080 Delinquencies.
3.60.090 Penalties and interest.
3.60.100 Action to collect.
3.60.110 Appeal process.
3.60.120 Refunds.
3.60.130 Administration.
3.60.140 Audit and examination of records.
3.60.150 Payment of tax does not authorize unlawful business or activity.
3.60.160 Other Licenses, Permits, Taxes, Fees or Charges
3.60.170 Severability.
3.60.180 Modification, amendment or repeal.

3.60.010 Title.

This chapter shall be known as the Cannabis Business Tax.

3.60.020 General Tax.

The cannabis business tax is a general tax and not for specific purposes. All the proceeds from the tax imposed by this Chapter shall be placed in the City's general fund to be used for any legal municipal purpose. The Cannabis Business Tax set forth in this chapter is not a sales and use tax, a tax upon income, or a tax upon real property

3.60.030 Purpose

A. To impose a tax on the privilege of cultivation, manufacturing, processing, storage, laboratory testing, labeling, packaging, transportation, distribution, delivery, and/or sale of commercial cannabis and cannabis products and accessories by cannabis businesses in the City of Santa Clara, in accordance with State law.

B. To specify the type of tax and rate of tax to be levied and the method of collection.

C. To comply with all requirements for imposition of a general tax, such tax to become operative only if submitted to the electorate and approved by a majority vote of the voters voting in an election on the issue.

3.60.040 Intent.

The intent of this Ordinance is to levy a tax on all cannabis businesses that operate in the City. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

3.60.050 Definitions

The following definitions shall apply to this chapter:

A. “Business” shall include all activities engaged in or caused to be engaged in within the City, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

B. “Calendar year” means January 1st through December 31st, inclusive.

C. “Cannabis” means all parts of the Cannabis sativa Linnaeus, Cannabis Indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also

means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medicinal cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

D. “Cannabis accessory” is any device intended to aid in the use of or consumption of Cannabis or Cannabis product, but which does not itself consist in all or part of cannabis or cannabis product.

E. “Cannabis product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medicinal cannabis products.

F. “Cannabis business’ means any commercial business activity relating to cannabis, regardless of whether or not the activity is conducted for profit, including but not limited to cultivating, manufacturing, processing, storing, laboratory testing, labeling, packaging, transporting, distributing, delivering or sale of adult-use and medicinal cannabis or cannabis product, except as related to Business and Professions Code Section 19319, and as they may be amended or Health and Safety Code Sections 11362.1 through

11362.45.

G. “Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

H. “Cannabis distribution” means the procurement, sale, and transport of cannabis or cannabis products between entities licensed pursuant to the Medical and Adult Use of Cannabis Regulation and Safety Act and any subsequent State of California legislation regarding the same. “Distribution” means engaging in that conduct and “distribution facility” is any real estate, whether or not improved, used in such conduct.

I. “Cannabis manufacturing” means any aspect of extraction, infusion, processing, preparing, holding, storing, packaging, labeling, or other preparation of cannabis products. Cannabis manufacturing also includes any processing, preparing, holding, or storing of components and ingredients. “Manufacturer” also holds the same meaning as set forth in Business and Professions Code section 19300.5, as that statute may be amended or renumbered.

J. “Cannabis nursery” means a facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

K. “Cannabis retail” means business, other than a business all of whose sales constitute Cannabis Distribution, where medicinal and adult-use cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination for sale, whether for profit or not, including an establishment that delivers cannabis or cannabis products as part of a sale.

L. “Cannabis testing” means a facility, entity, or site that offers or performs tests of cannabis or cannabis products, offers no service other than testing, sells no products

other than testing supplies and materials, and is accredited as operating to ISO standard 17025 by an accrediting body, licensed and registered with the applicable State agency in accordance with all applicable laws.

M. “Canopy” means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.

N. "Delivery" means the commercial transfer of cannabis or cannabis product to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this division, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

O. “Distributor – Transport Only” means a person involved in Distribution as limited by the Business and Professions Code and Title 16 California Code of Regulations Section 5315, as may be amended.

P. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner’s family, partner, associate, agent, manager, independent contractor, or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

Q. “Engaged in business” means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate or franchise powers, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City

from an outside location to engage in such activities, and whether operated for profit or not. A person shall be deemed engaged in business within the city if:

1. Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;
2. Such person or person's employee owns or leases real property within the City for business purposes;
3. Such person or person's employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;
4. Such person or person's employee regularly conducts solicitation of business within the City;
5. Such person or person's employee performs work or renders services in the of City; and
6. Such person or person's employee utilizes the streets within the City in connection with the operation of motor vehicles for business purposes.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

R. “Gross receipts”, means the total amount actually received or receivable from all cannabis sales; the total amount or compensation actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit is allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares, or merchandise; discounts, rents, royalties, fees, commissions, dividends, and gains realized. Included in “gross receipts” shall be all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the material

used, labor or service costs, interest paid or payable, or losses or other expenses

S. “Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

T. “Sale” means and includes any sale, exchange, or barter.

U. “State” means the State of California.

V. “State license”, “license”, or “registration” means a State license issued pursuant to California Business and Professions Code Section 26000 et seq. or other applicable State law.

W. “Tax Administrator” means the Finance Director of the City of Santa Clara or his or her designee.

X. “Transporter” has the same meaning as under State laws and regulations including, but not limited to, Business and Professions Code section 19300.5.

3.60.060 Tax Imposed.

A. Tax on Cannabis Businesses by Gross Receipts and/or Square Footage: Every person who is engaged in a cannabis business in the City of Santa Clara shall pay to the City a cannabis business tax at the initial rates established as follows, should the City allow such activity. Taxpayers engaged in one or more of the following commercial activities shall pay the tax rate applicable to each such activity:

1. Retail: 5% of gross receipts; and
2. Manufacturing: 5% of gross receipts; and
3. Cultivation: $6 per sq. ft. of canopy, or 5% of gross receipts, whichever is greater; and
4. Distribution: 3% of gross receipts; and

5. Nurseries: 3% of gross receipts; and
6. Testing: 3% of gross receipts; and
7. Transportation: 3% of gross receipts.

B. The City Council may at its discretion, at any time by resolution, but not more than once per calendar year, increase or decrease the rates for the different categories of cannabis business. However, in no event may the City Council set any adjusted rate that exceeds the maximum rate. The maximum rate for all commercial cannabis businesses shall be set at ten percent (10%) of gross receipts and/or $25 per square foot area of cultivation.

3.60.070 Reporting and Remittance.

A. The cannabis business tax imposed by this chapter is a tax payable in quarterly, or monthly, installments for all commercial cannabis activities other than retail. Cannabis business tax for retail activities must be paid monthly. The tax year for purposes of this chapter is a Calendar Year. No later than the last day of the month following the end of each calendar quarter or month, each person owing cannabis business tax shall file with the Tax Administrator a statement of the tax owed for that calendar quarter or month, whichever is applicable, and the basis for calculating that tax. The tax shall be due and payable on the same date that the statement for the calendar quarter is due. The Tax Administrator may require that the statement be submitted on a form prescribed by the Tax Administrator.

B. If the due date would fall on a Saturday, Sunday or a holiday observed by the City, the due date shall be the next regular business day on which the City is open to the public.

C. The quarterly, or monthly, installment (for all cannabis taxes other than cultivation tax paid on a square footage basis) shall be no less than the amount calculated by applying the relevant tax rate to the actual gross receipts for the quarter or month.

D. The quarterly or monthly installment for cultivation tax paid on a square footage basis shall be calculated based upon a presumption that the maximum square footage of canopy allowed under the cultivation permit issued to the cannabis business by the City was used. This maximum square footage shall be multiplied by the then-applicable tax per square foot, and prorated for the period of the installment, in order to calculate the amount of the installment payment due.

E. Upon cessation of a cannabis business, for any reason, tax statements and tax payments shall be immediately due and payable for all calendar quarters up to and including the calendar quarter during which cessation occurred.

F. The Tax Administrator may require that tax payments be remitted via cashier's check, money order, wire transfer, or similar instrument.

G. The Tax Administrator need not send a delinquency or other notice or bill to any person subject to a tax or fee imposed by this chapter and failure to send such notice or bill shall not affect the validity of any tax, fee, interest or penalty due under this chapter.

H. Any quarterly, or monthly, installment or final tax payment that is not timely made shall be subject to the penalties and interest set forth in Section 3.60.090.

3.60.080 Delinquencies.

The taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Section 3.60.070.

3.60.090 Penalties and interest.

A. Any person who fails or refuses to pay the cannabis business tax pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of

the tax at the rate of one percent (1.0%) per month.

2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1.0%) per month on the unpaid tax and on the unpaid penalties.
3. Interest shall be applied at the rate of one percent (1.0%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest as provided for in this Section, and any other amount allowed under state law.

C. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

3.60.100 Action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, in exercise of its prosecutorial discretion under SCCC 1.05.070, and to seek any remedies available at law or equity, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter, or the failure to comply with any of the provisions of this Chapter.

3.60.110 Appeal process.

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the City Manager, or designee, by filing a notice of appeal with the City Clerk within thirty (30) calendar days of the serving or mailing of the determination of tax due. The notice of appeal shall state the name of the person submitting the appeal, telephone number and mailing address for the person submitting the appeal, and the basis for the appeal. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and shall give notice of same in writing to the person submitting the appeal at the address stated on the notice of appeal. The finding of the City Manager, or designee, shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this Chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

3.60.120 Refunds.

A. Whenever the amount of any cannabis business tax, delinquency amount or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due and payable.

B. The Tax Administrator, his or her designee or any other City officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Administrator to do so.

C. In the event that the cannabis business tax was erroneously paid, and the error is

attributable to the City, the City shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified.

D. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business or operation.

3.60.130 Administration.

A. The Tax Administrator is authorized to collect the taxes, delinquency amounts, interest, penalties and fees, and perform the duties required by this Chapter.

B. The Tax Administrator shall promulgate administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter to ensure the efficient and timely collection and enforcement of the cannabis business tax.

C. The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all cannabis business tax payers forms for the reporting of the tax;
2. Provide information to any taxpayer concerning the provisions of this Chapter;
3. Receive and record all taxes remitted to the city as provided by this Chapter;
4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
5. Conduct audits of taxpayer records pursuant to this Chapter;
6. Assess delinquency amounts and interest to taxpayers pursuant to this Chapter; and
7. Determine amounts owed and enforce collection pursuant to this Chapter.

3.60.140 Audit and examination of records.

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City in support of the tax calculation,

the Tax Administrator shall have the power to inspect any location where cannabis business occurs and to audit and examine all books and records of persons engaged in cannabis business. In conducting such investigation, the Tax Administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

C. If, based upon the audit and examination of records, the Tax Administrator finds that previous cannabis tax statements incorrectly computed the tax due, then the Tax Administrator shall issue a written notice to the taxpayer setting forth the amount of the underpayment, including penalties and interest as set forth in 3.60.090, and demanding immediate payment. Such demand for payment may be made by the Tax Administrator within three (3) years of the date the tax was originally due. If the taxpayer disputes the calculation, then the taxpayer may file a notice of appeal pursuant to the process set forth in 3.60.110.

3.60.150 Payment of tax does not authorize unlawful business or activity.

The cannabis business tax is enacted solely for the stated purposes and not for any other regulatory purposes. The payment of any commercial cannabis business tax required under the provisions of this Chapter shall not be construed as authorizing the conduct or continuance of any illegal business, or of a legal business in an illegal manner. Nothing in this section implies

the lawfulness of, or authorizes, any activity otherwise deemed unlawful under any applicable law.

3.60.160 Other Licenses, Permits, Taxes, Fees or Charges.

A. Nothing in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provisions of Federal, State or local law.

B. Nothing in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any other tax or fee or other charge imposed, assessed or required by any provisions of Federal, State or local law.

C. Timely payment of cannabis business tax is a prerequisite to grant of or renewal of a cannabis business permit. Failure to timely remit payment of a cannabis business tax may result in revocation of an active cannabis business permit.

3.60.170 Severability.

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

3.60.180 Modification, amendment or repeal.

This Chapter may be repealed or amended by the City Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter above the maximum rates established by this Chapter. The people of the City of Santa Clara affirm that the following actions shall not constitute an increase of a tax:

A. The restoration or adjustment of the rate of the tax to a rate that is no higher than that maximum rate set by this Chapter, if the City Council has acted to reduce the rate of the

tax; or

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter, even if the City had, for some period of time, failed to collect the tax."

SECTION 2: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 3: Effective date. This ordinance shall take effect at the later of ten (10) days after the vote is declared by the City Council pursuant to Elections Code Section 9217, or when cannabis business is made a legal land use by the City Council.

Attachments incorporated by reference: None.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT SAME DATE FOR THE PURPOSE OF SUBMITTING ONE BALLOT MEASURE TO THE VOTERS ENTITLED "CITY OF SANTA CLARA COMMERCIAL CANNABIS ACTIVITY MEASURE" RELATING TO THE ENACTMENT OF A CANNABIS BUSINESS TAX

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

WHEREAS, pursuant to California Elections Code section 1000, the next statewide general election will be held on November 6, 2018;

WHEREAS, the City Council desires to submit to the voters one proposed ballot measure relating to the enactment of a cannabis business tax, which shall be a general tax;

WHEREAS, pursuant to Santa Clara City Charter Section 600.01, such a ballot measure is considered as a Special Municipal Election;

WHEREAS, in the course of conducting a Special Municipal Election on November 6, 2018, it is desirable that such Special Municipal Election be consolidated with the General Election, pursuant to Santa Clara City Charter section 600.02, to be held on the same date as if there were only one election. It is also necessary for the City to request services of the County as set forth in this resolution; and

WHEREAS, the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418.

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

1. That pursuant to the requirements of section 10403 of the California Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to

the consolidation of a Special Municipal Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of placing one measure on the ballot that, if passed, pursuant to California Constitution Article XIIIC Section 2(b), would allow the City to levy a Cannabis Business Tax.

2. That the consolidated election shall be held and conducted, the election officers appointed, the voting precincts designated, the ballots printed, the polls 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. This City Council consents to such consolidation.

3. That the Registrar of Voters is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

4. That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

5. That 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, provided that no payment shall be made for services that the Registrar of Voters is otherwise required by law to perform.

6. 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.

7. That the City Council hereby calls and orders to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a Special Municipal Election for the purpose of submitting to the voters the following ballot measure:

A. **Measure**

The City Council hereby orders submitted to the voters the following ballot question:

MEASURE 1 **CITY OF SANTA CLARA COMMERCIAL CANNABIS ACTIVITY MEASURE** To maintain fiscal stability/essential city services, including rapid 911 emergency response times; preventing cuts to police officers/firefighters; repairing streets/potholes; maintaining library/youth/senior services, shall an ordinance be adopted establishing a tax on commercial cannabis up to 10% of gross receipts and up to $25 per square foot for cultivation, generating approximately $2,200,000 annually until ended by voters, with annual independent audits, and all funds used locally?	**YES** **NO**

8. That 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 services as may be necessary to properly and lawfully hold and conduct a Consolidated Special Municipal Election in the City on November 6, 2018, 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.

9. 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.

10. 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 Consolidated Special Municipal Election. The ballots to be used at the election shall be in form and content as required by law.

11. That in all particulars not recited in this Resolution, the Special Municipal Election shall be held and conducted as provided by law for holding municipal elections.

12. That this Resolution provides notice of the time and place of holding the Special Municipal Election, and the City Clerk is authorized, instructed and directed to give further or additional notice of the Special Municipal Election in time, form, and manner as required by law.

13. Effective date. This resolution shall become effective immediately. The proposed measure 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.

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 _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ORDERING THE SUBMISSION OF A BALLOT MEASURE ENTITLED "CITY OF SANTA CLARA COMMERICAL CANNABIS ACTIVITY MEASURE" TO THE QUALIFIED ELECTORS OF THE CITY AT SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, REGARDING PROPOSED CANNABIS BUSINESS TAX

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

WHEREAS, the City Council prioritizes services that keep Santa Clara an excellent place to live, work, and raise a family;

WHEREAS, Sacramento has taken millions of dollars in locally-controlled funds over the last decade, hurting the City's ability to continue to provide vital city services;

WHEREAS, Santa Clara needs a source of locally controlled funding that is required by law to stay local and cannot be taken by the state, keeping taxpayer dollars local to address local needs;

WHEREAS, a reliable, locally-controlled funding source is needed to help maintain essential city services identified by the public such as maintaining rapid 911 emergency response times, preventing cuts to the number of firefighters and police officers, repairing streets and fixing potholes, maintaining youth and senior recreation programs, and protecting neighborhood library services;

WHEREAS, when any resident dials 911, every second counts--fast emergency response times are critical to save lives;

WHEREAS, funds generated by this measure will ensure that our paramedics, firefighters, and police officers are ready to help when you need them the most;

WHEREAS, the Santa Clara Fire Department receives nearly 10,000 calls per year – a 14% increase from a decade ago;

WHEREAS, this measure will help support our local fire department and ensure that they have the tools needed to respond to calls quickly and save lives;

WHEREAS, Safe neighborhoods and parks, libraries, programs for children, youth, and seniors, and well-maintained roads all lead to a better quality of life;

WHEREAS, this measure funds the vital city services that make Santa Clara a better place to live, work, and raise a family;

WHEREAS, regardless of whether one supports or opposes the use of cannabis, it is now legal in the State of California;

WHEREAS, the cannabis industry should pay its fair share for the right to conduct business within our city to support essential services our residents rely on, such as police, fire 9-1-1 emergency response, street maintenance, and youth and senior programs;

WHEREAS, this measure will NOT increase taxes for local Santa Clara residents who are not commercial cannabis proprietors, as proceeds will only be paid by those who are in the business of providing cannabis products and/or services;

WHEREAS, this measure will protect Santa Clara's local funding sources and allows for independent audits and reports back to the community;

WHEREAS, all funds from this measure will stay local for the benefit of Santa Clara residents and the vital services our residents prioritize;

WHEREAS, these accountability measure will ensure that funds are spent properly;

WHEREAS, the next Statewide General Election will be held November 6, 2018;

WHEREAS, California Constitution Article XIIIC, Section 2(b) requires a proposed tax to be submitted to voters at a general municipal election;

WHEREAS, the City Council intends to submit a ballot measure and ballot question, as described in this Resolution, to the qualified electors of the City of Santa Clara at such election;

WHEREAS, in accordance with the Santa Clara County Registrar of Voters election calendar, and pursuant to applicable state law including Elections Code 9280-9287, the primary ballot arguments in favor or against a local ballot measure must be submitted no

later than August 14, 2018 at 12:00 p.m., noon, to the City Clerk or designee, and rebuttal arguments in favor or against local ballot measures must be submitted no later than August 21, 2018 at 12:00 p.m., noon, to the City Clerk or designee; and,

WHEREAS, the City Council is authorized to direct the City Attorney to prepare an impartial analysis of the measure by the August 21, 2018 at 12:00 p.m., noon, deadline, showing the operation of the measure and its effect on the existing law.

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

1. That the City Council hereby proposes to add a new Chapter 3.60 ("Cannabis Business Tax") to Title 3 ("Revenue and Finance") of "The Code of the City of Santa Clara, California" 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 November 6, 2018, to be consolidated with the general election of the same date. If the measure is approved by a majority of voters, SCCC shall be amended to add a new Chapter 3.60 ("Cannabis Business Tax") to Title 3 ("Revenue and Finance") 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 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 November 6, 2018:

MEASURE 1 **CITY OF SANTA CLARA COMMERCIAL CANNABIS ACTIVITY MEASURE** To maintain fiscal stability/essential city services, including rapid 911 emergency	**YES**

response times; preventing cuts to police officers/firefighters; repairing streets/potholes; maintaining library/youth/senior services, shall an ordinance be adopted establishing a tax on commercial cannabis up to 10% of gross receipts and up to $25 per square foot for cultivation, generating approximately $2,200,000 annually until ended by voters, with annual independent audits, and all funds used locally?	**NO**

3. That the City Council directs the City Attorney, by the established deadline of August 21, 2018 at 12:00 p.m., noon, to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure in accordance with Elections Code section 9280.

4. That the City Clerk or designee is authorized and directed to give additional notice of the election in the time, form and manner as required by law.

5. 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 _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Exhibit A – Proposed Cannabis Business Tax

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING TITLE 3 "REVENUE AND FINANCE" OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO ADD A NEW CHAPTER 3.60 ENTITLED "CANNABIS BUSINESS TAX"

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

WHEREAS, the passage of Proposition 64, the Adult Use of Marijuana Act (AUMA), on November 8, 2016, legalized personal recreational use of cannabis and cannabis products by persons 21 and over, and regulated commercial activities related to cannabis;

WHEREAS, the State legislature then passed Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), unifying regulations on medical and non-medical commercial cannabis activities and the personal use of cannabis;

WHEREAS, both Proposition 64 and MAUCRSA allow for Cities to enact regulations related to commercial cannabis activities and to impose local taxes on same;

WHEREAS, in November 2017, the City Council passed and adopted Ordinance No. 1973 amending Chapter 18.102 of the Code of the City of Santa Clara ("SCCC") to temporarily ban all commercial cannabis activities until January 1, 2019, such that a regulatory and taxation scheme for such commercial activity could be studied and developed;

WHEREAS, the City Council has determined that enacting, implementing, and maintaining a new regulatory scheme overseeing commercial cannabis activities, including enforcement of such a scheme, has significant cost implications for the City's general fund which cannot be matched by revenue from the City's existing general business tax ordinance; and

WHEREAS, the Cannabis Business Tax was approved by the voters of the City of Santa Clara on November 6, 2018.

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

SECTION 1: That a new Chapter 3.60 ("Cannabis Business Tax") is added to Title 3 ("Revenue and Finance") of "The Code of the City of Santa Clara, California" ("SCCC") as follows:

"Chapter 3.60

Cannabis Business Tax

Sections:

3.60.010 Title.
3.60.020 General tax.
3.60.030 Purpose.
3.60.040 Intent.
3.60.050 Cannabis-related definitions.
3.60.060 Tax imposed.
3.60.070 Reporting and remittance of tax.
3.60.080 Delinquencies.
3.60.090 Penalties and interest.
3.60.100 Action to collect.
3.60.110 Appeal process.
3.60.120 Refunds.
3.60.130 Administration.
3.60.140 Audit and examination of records.
3.60.150 Payment of tax does not authorize unlawful business or activity.
3.60.160 Other Licenses, Permits, Taxes, Fees or Charges
3.60.170 Severability.
3.60.180 Modification, amendment or repeal.

3.60.010 Title.

This chapter shall be known as the Cannabis Business Tax.

3.60.020 General Tax.

The cannabis business tax is a general tax and not for specific purposes. All the proceeds from the tax imposed by this Chapter shall be placed in the City's general fund to be used for any legal municipal purpose. The Cannabis Business Tax set forth in this chapter is not a sales and use tax, a tax upon income, or a tax upon real property

3.60.030 Purpose

A. To impose a tax on the privilege of cultivation, manufacturing, processing, storage, laboratory testing, labeling, packaging, transportation, distribution, delivery, and/or sale of commercial cannabis and cannabis products and accessories by cannabis businesses in the

City of Santa Clara, in accordance with State law.

B. To specify the type of tax and rate of tax to be levied and the method of collection.

C. To comply with all requirements for imposition of a general tax, such tax to become operative only if submitted to the electorate and approved by a majority vote of the voters voting in an election on the issue.

3.60.040 Intent.

The intent of this Ordinance is to levy a tax on all cannabis businesses that operate in the City. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

3.60.050 Definitions

The following definitions shall apply to this chapter:

A. “Business” shall include all activities engaged in or caused to be engaged in within the City, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

B. “Calendar year” means January 1st through December 31st, inclusive.

C. “Cannabis” means all parts of the Cannabis sativa Linnaeus, Cannabis Indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medicinal cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin

extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

D. “Cannabis accessory” is any device intended to aid in the use of or consumption of Cannabis or Cannabis product, but which does not itself consist in all or part of cannabis or cannabis product.

E. “Cannabis product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medicinal cannabis products.

F. “Cannabis business’ means any commercial business activity relating to cannabis, regardless of whether or not the activity is conducted for profit, including but not limited to cultivating, manufacturing, processing, storing, laboratory testing, labeling, packaging, transporting, distributing, delivering or sale of adult-use and medicinal cannabis or cannabis product, except as related to Business and Professions Code Section 19319, and as they may be amended or Health and Safety Code Sections 11362.1 through 11362.45.

G. “Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

H. “Cannabis distribution” means the procurement, sale, and transport of cannabis or cannabis products between entities licensed pursuant to the Medical and Adult Use of Cannabis Regulation and Safety Act and any subsequent State of California legislation regarding the same. “Distribution” means engaging in that conduct and “distribution facility” is any real estate, whether or not improved, used in such conduct.

I. “Cannabis manufacturing” means any aspect of extraction, infusion, processing, preparing, holding, storing, packaging, labeling, or other preparation of cannabis products. Cannabis

manufacturing also includes any processing, preparing, holding, or storing of components and ingredients. “Manufacturer” also holds the same meaning as set forth in Business and Professions Code section 19300.5, as that statute may be amended or renumbered.

J. “Cannabis nursery” means a facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

K. “Cannabis retail” means business, other than a business all of whose sales constitute Cannabis Distribution, where medicinal and adult-use cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination for sale, whether for profit or not, including an establishment that delivers cannabis or cannabis products as part of a sale.

L. “Cannabis testing” means a facility, entity, or site that offers or performs tests of cannabis or cannabis products, offers no service other than testing, sells no products other than testing supplies and materials, and is accredited as operating to ISO standard 17025 by an accrediting body, licensed and registered with the applicable State agency in accordance with all applicable laws.

M. “Canopy” means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.

N. "Delivery" means the commercial transfer of cannabis or cannabis product to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this division, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

O. “Distributor – Transport Only” means a person involved in Distribution as limited by the

Business and Professions Code and Title 16 California Code of Regulations Section 5315, as may be amended.

P. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner’s family, partner, associate, agent, manager, independent contractor, or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

Q. “Engaged in business” means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate or franchise powers, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities, and whether operated for profit or not. A person shall be deemed engaged in business within the city if:

1. Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;
2. Such person or person's employee owns or leases real property within the City for business purposes;
3. Such person or person's employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;
4. Such person or person's employee regularly conducts solicitation of business within the City;
5. Such person or person's employee performs work or renders services in the of City; and
6. Such person or person's employee utilizes the streets within the City in connection with the operation of motor vehicles for business purposes.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in

business."

R. “Gross receipts”, means the total amount actually received or receivable from all cannabis sales; the total amount or compensation actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit is allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares, or merchandise; discounts, rents, royalties, fees, commissions, dividends, and gains realized. Included in “gross receipts” shall be all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the material used, labor or service costs, interest paid or payable, or losses or other expenses

S. “Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

T. “Sale” means and includes any sale, exchange, or barter.

U. “State” means the State of California.

V. “State license”, “license”, or “registration” means a State license issued pursuant to California Business and Professions Code Section 26000 et seq. or other applicable State law.

W. “Tax Administrator” means the Finance Director of the City of Santa Clara or his or her designee.

X. “Transporter” has the same meaning as under State laws and regulations including, but not limited to, Business and Professions Code section 19300.5.

3.60.060 Tax Imposed.

A. Tax on Cannabis Businesses by Gross Receipts and/or Square Footage: Every person who is engaged in a cannabis business in the City of Santa Clara shall pay to the City a cannabis business tax at the initial rates established as follows, should the City allow such activity.

Taxpayers engaged in one or more of the following commercial activities shall pay the tax rate applicable to each such activity:

1. Retail: 5% of gross receipts; and
2. Manufacturing: 5% of gross receipts; and
3. Cultivation: $6 per sq. ft. of canopy, or 5% of gross receipts, whichever is greater; and
4. Distribution: 3% of gross receipts; and
5. Nurseries: 3% of gross receipts; and
6. Testing: 3% of gross receipts; and
7. Transportation: 3% of gross receipts.

B. The City Council may at its discretion, at any time by resolution, but not more than once per calendar year, increase or decrease the rates for the different categories of cannabis business. However, in no event may the City Council set any adjusted rate that exceeds the maximum rate. The maximum rate for all commercial cannabis businesses shall be set at ten percent (10%) of gross receipts and/or $25 per square foot area of cultivation.

3.60.070 Reporting and Remittance.

A. The cannabis business tax imposed by this chapter is a tax payable in quarterly, or monthly, installments for all commercial cannabis activities other than retail. Cannabis business tax for retail activities must be paid monthly. The tax year for purposes of this chapter is a Calendar Year. No later than the last day of the month following the end of each calendar quarter or month, each person owing cannabis business tax shall file with the Tax Administrator a statement of the tax owed for that calendar quarter or month, whichever is applicable, and the basis for calculating that tax. The tax shall be due and payable on the same date that the statement for the calendar quarter is due. The Tax Administrator may require that the statement be submitted on a form prescribed by the Tax Administrator.

B. If the due date would fall on a Saturday, Sunday or a holiday observed by the City, the due

date shall be the next regular business day on which the City is open to the public.

C. The quarterly, or monthly, installment (for all cannabis taxes other than cultivation tax paid on a square footage basis) shall be no less than the amount calculated by applying the relevant tax rate to the actual gross receipts for the quarter or month.

D. The quarterly or monthly installment for cultivation tax paid on a square footage basis shall be calculated based upon a presumption that the maximum square footage of canopy allowed under the cultivation permit issued to the cannabis business by the City was used. This maximum square footage shall be multiplied by the then-applicable tax per square foot, and prorated for the period of the installment, in order to calculate the amount of the installment payment due.

E. Upon cessation of a cannabis business, for any reason, tax statements and tax payments shall be immediately due and payable for all calendar quarters up to and including the calendar quarter during which cessation occurred.

F. The Tax Administrator may require that tax payments be remitted via cashier's check, money order, wire transfer, or similar instrument.

G. The Tax Administrator need not send a delinquency or other notice or bill to any person subject to a tax or fee imposed by this chapter and failure to send such notice or bill shall not affect the validity of any tax, fee, interest or penalty due under this chapter.

H. Any quarterly, or monthly, installment or final tax payment that is not timely made shall be subject to the penalties and interest set forth in Section 3.60.090.

3.60.080 Delinquencies.

The taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Section 3.60.070.

3.60.090 Penalties and interest.

A. Any person who fails or refuses to pay the cannabis business tax pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1.0%) per month.
2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1.0%) per month on the unpaid tax and on the unpaid penalties.
3. Interest shall be applied at the rate of one percent (1.0%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest as provided for in this Section, and any other amount allowed under state law.

C. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

3.60.100 Action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, in exercise of its prosecutorial discretion under SCCC 1.05.070, and to seek any remedies available at law or equity, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter, or the failure to comply with any of the provisions of this Chapter.

3.60.110 Appeal process.

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the City Manager, or designee, by filing a notice of appeal with the City Clerk within thirty (30) calendar days of the serving or mailing of the determination of tax due. The notice of appeal shall state the name of the person submitting the appeal, telephone number and mailing address for the person submitting the appeal, and the basis for the appeal. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and shall give notice of same in writing to the person submitting the appeal at the address stated on the notice of appeal. The finding of the City Manager, or designee, shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this Chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

3.60.120 Refunds.

A. Whenever the amount of any cannabis business tax, delinquency amount or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due and payable.

B. The Tax Administrator, his or her designee or any other City officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Administrator to do so.

C. In the event that the cannabis business tax was erroneously paid, and the error is attributable to the City, the City shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified.

D. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business or operation.

3.60.130 Administration.

A. The Tax Administrator is authorized to collect the taxes, delinquency amounts, interest, penalties and fees, and perform the duties required by this Chapter.

B. The Tax Administrator shall promulgate administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter to ensure the efficient and timely collection and enforcement of the cannabis business tax.

C. The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all cannabis business tax payers forms for the reporting of the tax;
2. Provide information to any taxpayer concerning the provisions of this Chapter;
3. Receive and record all taxes remitted to the city as provided by this Chapter;
4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
5. Conduct audits of taxpayer records pursuant to this Chapter;
6. Assess delinquency amounts and interest to taxpayers pursuant to this Chapter; and
7. Determine amounts owed and enforce collection pursuant to this Chapter.

3.60.140 Audit and examination of records.

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City in support of the tax calculation, the Tax Administrator shall have the power to inspect any location where cannabis business occurs and to audit and examine all books and records of persons engaged in cannabis business. In conducting such investigation, the Tax Administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all

records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

C. If, based upon the audit and examination of records, the Tax Administrator finds that previous cannabis tax statements incorrectly computed the tax due, then the Tax Administrator shall issue a written notice to the taxpayer setting forth the amount of the underpayment, including penalties and interest as set forth in 3.60.090, and demanding immediate payment. Such demand for payment may be made by the Tax Administrator within three (3) years of the date the tax was originally due. If the taxpayer disputes the calculation, then the taxpayer may file a notice of appeal pursuant to the process set forth in 3.60.110.

3.60.150 Payment of tax does not authorize unlawful business or activity.

The cannabis business tax is enacted solely for the stated purposes and not for any other regulatory purposes. The payment of any commercial cannabis business tax required under the provisions of this Chapter shall not be construed as authorizing the conduct or continuance of any illegal business, or of a legal business in an illegal manner. Nothing in this section implies the lawfulness of, or authorizes, any activity otherwise deemed unlawful under any applicable law.

3.60.160 Other Licenses, Permits, Taxes, Fees or Charges.

A. Nothing in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provisions of Federal, State or local law.

B. Nothing in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any other tax or fee or other charge imposed, assessed or required by any provisions of Federal, State or local law.

C. Timely payment of cannabis business tax is a prerequisite to grant of or renewal of a cannabis business permit. Failure to timely remit payment of a cannabis business tax may

result in revocation of an active cannabis business permit.

3.60.170 Severability.

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

3.60.180 Modification, amendment or repeal.

This Chapter may be repealed or amended by the City Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter above the maximum rates established by this Chapter. The people of the City of Santa Clara affirm that the following actions shall not constitute an increase of a tax:

A. The restoration or adjustment of the rate of the tax to a rate that is no higher than that maximum rate set by this Chapter, if the City Council has acted to reduce the rate of the tax; or

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter, even if the City had, for some period of time, failed to collect the tax."

SECTION 2: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 3: Effective date. This ordinance shall take effect at the later of ten (10) days after the vote is declared by the City Council pursuant to Elections Code Section 9217, or when cannabis business is made a legal land use by the City Council.

Attachments incorporated by reference: None.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING TITLE 3 "REVENUE AND FINANCE" OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO ADD A NEW CHAPTER 3.60 ENTITLED "CANNABIS BUSINESS TAX"

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

WHEREAS, the passage of Proposition 64, the Adult Use of Marijuana Act (AUMA), on November 8, 2016, legalized personal recreational use of cannabis and cannabis products by persons 21 and over, and regulated commercial activities related to cannabis;

WHEREAS, the State legislature then passed Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), unifying regulations on medical and non-medical commercial cannabis activities and the personal use of cannabis;

WHEREAS, both Proposition 64 and MAUCRSA allow for Cities to enact regulations related to commercial cannabis activities and to impose local taxes on same;

WHEREAS, in November 2017, the City Council passed and adopted Ordinance No. 1973 amending Chapter 18.102 of the Code of the City of Santa Clara ("SCCC") to temporarily ban all commercial cannabis activities until January 1, 2019, such that a regulatory and taxation scheme for such commercial activity could be studied and developed;

WHEREAS, the City Council has determined that enacting, implementing, and maintaining a new regulatory scheme overseeing commercial cannabis activities, including enforcement of such a scheme, has significant cost implications for the City's general fund which cannot be matched by revenue from the City's existing general business tax ordinance; and

WHEREAS, the Cannabis Business Tax was approved by the voters of the City of Santa Clara on November 6, 2018.

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

SECTION 1: That a new Chapter 3.60 ("Cannabis Business Tax") is added to Title 3 ("Revenue and

Finance") of "The Code of the City of Santa Clara, California" ("SCCC") as follows:

"Chapter 3.60

Cannabis Business Tax

Sections:
3.60.010 Title.
3.60.020 General tax.
3.60.030 Purpose.
3.60.040 Intent.
3.60.050 Cannabis-related definitions.
3.60.060 Tax imposed.
3.60.070 Reporting and remittance of tax.
3.60.080 Delinquencies.
3.60.090 Penalties and interest.
3.60.100 Action to collect.
3.60.110 Appeal process.
3.60.120 Refunds.
3.60.130 Administration.
3.60.140 Audit and examination of records.
3.60.150 Payment of tax does not authorize unlawful business or activity.
3.60.160 Other Licenses, Permits, Taxes, Fees or Charges
3.60.170 Severability.
3.60.180 Modification, amendment or repeal.

3.60.010 Title.

This chapter shall be known as the Cannabis Business Tax.

3.60.020 General Tax.

The cannabis business tax is a general tax and not for specific purposes. All the proceeds from the tax imposed by this Chapter shall be placed in the City's general fund to be used for any legal municipal purpose. The Cannabis Business Tax set forth in this chapter is not a sales and use tax, a tax upon income, or a tax upon real property

3.60.030 Purpose

A. To impose a tax on the privilege of cultivation, manufacturing, processing, storage, laboratory testing, labeling, packaging, transportation, distribution, delivery, and/or sale of commercial cannabis and cannabis products and accessories by cannabis businesses in the City of Santa Clara, in accordance with State law.

B. To specify the type of tax and rate of tax to be levied and the method of collection.

C. To comply with all requirements for imposition of a general tax, such tax to become operative only if submitted to the electorate and approved by a majority vote of the voters voting in an election on the issue.

3.60.040 Intent.

The intent of this Ordinance is to levy a tax on all cannabis businesses that operate in the City. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

3.60.050 Definitions

The following definitions shall apply to this chapter:

A. “Business” shall include all activities engaged in or caused to be engaged in within the City, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

B. “Calendar year” means January 1st through December 31st, inclusive.

C. “Cannabis” means all parts of the Cannabis sativa Linnaeus, Cannabis Indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medicinal cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable

of germination. For the purpose of this chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

D. “Cannabis accessory” is any device intended to aid in the use of or consumption of Cannabis or Cannabis product, but which does not itself consist in all or part of cannabis or cannabis product.

E. “Cannabis product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medicinal cannabis products.

F. “Cannabis business’ means any commercial business activity relating to cannabis, regardless of whether or not the activity is conducted for profit, including but not limited to cultivating, manufacturing, processing, storing, laboratory testing, labeling, packaging, transporting, distributing, delivering or sale of adult-use and medicinal cannabis or cannabis product, except as related to Business and Professions Code Section 19319, and as they may be amended or Health and Safety Code Sections 11362.1 through 11362.45.

G. “Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

H. “Cannabis distribution” means the procurement, sale, and transport of cannabis or cannabis products between entities licensed pursuant to the Medical and Adult Use of Cannabis Regulation and Safety Act and any subsequent State of California legislation regarding the same. “Distribution” means engaging in that conduct and “distribution facility” is any real estate, whether or not improved, used in such conduct.

I. “Cannabis manufacturing” means any aspect of extraction, infusion, processing, preparing, holding, storing, packaging, labeling, or other preparation of cannabis products. Cannabis manufacturing also includes any processing, preparing, holding, or storing of components

and ingredients. “Manufacturer” also holds the same meaning as set forth in Business and Professions Code section 19300.5, as that statute may be amended or renumbered.

J. “Cannabis nursery” means a facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

K. “Cannabis retail” means business, other than a business all of whose sales constitute Cannabis Distribution, where medicinal and adult-use cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination for sale, whether for profit or not, including an establishment that delivers cannabis or cannabis products as part of a sale.

L. “Cannabis testing” means a facility, entity, or site that offers or performs tests of cannabis or cannabis products, offers no service other than testing, sells no products other than testing supplies and materials, and is accredited as operating to ISO standard 17025 by an accrediting body, licensed and registered with the applicable State agency in accordance with all applicable laws.

M. “Canopy” means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.

N. "Delivery" means the commercial transfer of cannabis or cannabis product to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this division, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

O. “Distributor – Transport Only” means a person involved in Distribution as limited by the Business and Professions Code and Title 16 California Code of Regulations Section 5315,

as may be amended.

P. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner’s family, partner, associate, agent, manager, independent contractor, or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

Q. “Engaged in business” means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate or franchise powers, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities, and whether operated for profit or not. A person shall be deemed engaged in business within the city if:

1. Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;
2. Such person or person's employee owns or leases real property within the City for business purposes;
3. Such person or person's employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;
4. Such person or person's employee regularly conducts solicitation of business within the City;
5. Such person or person's employee performs work or renders services in the of City; and
6. Such person or person's employee utilizes the streets within the City in connection with the operation of motor vehicles for business purposes.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

R. “Gross receipts”, means the total amount actually received or receivable from all cannabis sales; the total amount or compensation actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit is allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares, or merchandise; discounts, rents, royalties, fees, commissions, dividends, and gains realized. Included in “gross receipts” shall be all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the material used, labor or service costs, interest paid or payable, or losses or other expenses

S. “Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

T. “Sale” means and includes any sale, exchange, or barter.

U. “State” means the State of California.

V. “State license”, “license”, or “registration” means a State license issued pursuant to California Business and Professions Code Section 26000 et seq. or other applicable State law.

W. “Tax Administrator” means the Finance Director of the City of Santa Clara or his or her designee.

X. “Transporter” has the same meaning as under State laws and regulations including, but not limited to, Business and Professions Code section 19300.5.

3.60.060 Tax Imposed.

A. Tax on Cannabis Businesses by Gross Receipts and/or Square Footage: Every person who is engaged in a cannabis business in the City of Santa Clara shall pay to the City a cannabis business tax at the initial rates established as follows, should the City allow such activity. Taxpayers engaged in one or more of the following commercial activities shall pay the tax

rate applicable to each such activity:

1. Retail: 5% of gross receipts; and
2. Manufacturing: 5% of gross receipts; and
3. Cultivation: $6 per sq. ft. of canopy, or 5% of gross receipts, whichever is greater; and
4. Distribution: 3% of gross receipts; and
5. Nurseries: 3% of gross receipts; and
6. Testing: 3% of gross receipts; and
7. Transportation: 3% of gross receipts.

B. The City Council may at its discretion, at any time by resolution, but not more than once per calendar year, increase or decrease the rates for the different categories of cannabis business. However, in no event may the City Council set any adjusted rate that exceeds the maximum rate. The maximum rate for all commercial cannabis businesses shall be set at ten percent (10%) of gross receipts and/or $25 per square foot area of cultivation.

3.60.070 Reporting and Remittance.

A. The cannabis business tax imposed by this chapter is a tax payable in quarterly, or monthly, installments for all commercial cannabis activities other than retail. Cannabis business tax for retail activities must be paid monthly. The tax year for purposes of this chapter is a Calendar Year. No later than the last day of the month following the end of each calendar quarter or month, each person owing cannabis business tax shall file with the Tax Administrator a statement of the tax owed for that calendar quarter or month, whichever is applicable, and the basis for calculating that tax. The tax shall be due and payable on the same date that the statement for the calendar quarter is due. The Tax Administrator may require that the statement be submitted on a form prescribed by the Tax Administrator.

B. If the due date would fall on a Saturday, Sunday or a holiday observed by the City, the due date shall be the next regular business day on which the City is open to the public.

C. The quarterly, or monthly, installment (for all cannabis taxes other than cultivation tax paid on a square footage basis) shall be no less than the amount calculated by applying the relevant tax rate to the actual gross receipts for the quarter or month.

D. The quarterly or monthly installment for cultivation tax paid on a square footage basis shall be calculated based upon a presumption that the maximum square footage of canopy allowed under the cultivation permit issued to the cannabis business by the City was used. This maximum square footage shall be multiplied by the then-applicable tax per square foot, and prorated for the period of the installment, in order to calculate the amount of the installment payment due.

E. Upon cessation of a cannabis business, for any reason, tax statements and tax payments shall be immediately due and payable for all calendar quarters up to and including the calendar quarter during which cessation occurred.

F. The Tax Administrator may require that tax payments be remitted via cashier's check, money order, wire transfer, or similar instrument.

G. The Tax Administrator need not send a delinquency or other notice or bill to any person subject to a tax or fee imposed by this chapter and failure to send such notice or bill shall not affect the validity of any tax, fee, interest or penalty due under this chapter.

H. Any quarterly, or monthly, installment or final tax payment that is not timely made shall be subject to the penalties and interest set forth in Section 3.60.090.

3.60.080 Delinquencies.

The taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Section 3.60.070.

3.60.090 Penalties and interest.

A. Any person who fails or refuses to pay the cannabis business tax pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1.0%) per month.
2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1.0%) per month on the unpaid tax and on the unpaid penalties.
3. Interest shall be applied at the rate of one percent (1.0%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest as provided for in this Section, and any other amount allowed under state law.

C. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

3.60.100 Action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, in exercise of its prosecutorial discretion under SCCC 1.05.070, and to seek any remedies available at law or equity, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter, or the failure to comply with any of the provisions of this Chapter.

3.60.110 Appeal process.

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the City Manager, or designee, by filing a notice of appeal with the City Clerk within thirty (30) calendar days of the serving or mailing of the determination of tax due. The notice of appeal shall state the name of the person submitting the appeal, telephone number and mailing address for the person submitting the appeal, and the basis for the appeal. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and shall give notice of same in writing to the person submitting the appeal at the address stated on the notice of appeal. The finding of the City Manager, or designee, shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this Chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

3.60.120 Refunds.

A. Whenever the amount of any cannabis business tax, delinquency amount or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due and payable.

B. The Tax Administrator, his or her designee or any other City officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Administrator to do so.

C. In the event that the cannabis business tax was erroneously paid, and the error is attributable to the City, the City shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified.

D. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business or operation.

3.60.130 Administration.

A. The Tax Administrator is authorized to collect the taxes, delinquency amounts, interest, penalties and fees, and perform the duties required by this Chapter.

B. The Tax Administrator shall promulgate administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter to ensure the efficient and timely collection and enforcement of the cannabis business tax.

C. The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all cannabis business tax payers forms for the reporting of the tax;
2. Provide information to any taxpayer concerning the provisions of this Chapter;
3. Receive and record all taxes remitted to the city as provided by this Chapter;
4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
5. Conduct audits of taxpayer records pursuant to this Chapter;
6. Assess delinquency amounts and interest to taxpayers pursuant to this Chapter; and
7. Determine amounts owed and enforce collection pursuant to this Chapter.

3.60.140 Audit and examination of records.

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City in support of the tax calculation, the Tax Administrator shall have the power to inspect any location where cannabis business occurs and to audit and examine all books and records of persons engaged in cannabis business. In conducting such investigation, the Tax Administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all

records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

C. If, based upon the audit and examination of records, the Tax Administrator finds that previous cannabis tax statements incorrectly computed the tax due, then the Tax Administrator shall issue a written notice to the taxpayer setting forth the amount of the underpayment, including penalties and interest as set forth in 3.60.090, and demanding immediate payment. Such demand for payment may be made by the Tax Administrator within three (3) years of the date the tax was originally due. If the taxpayer disputes the calculation, then the taxpayer may file a notice of appeal pursuant to the process set forth in 3.60.110.

3.60.150 Payment of tax does not authorize unlawful business or activity.

The cannabis business tax is enacted solely for the stated purposes and not for any other regulatory purposes. The payment of any commercial cannabis business tax required under the provisions of this Chapter shall not be construed as authorizing the conduct or continuance of any illegal business, or of a legal business in an illegal manner. Nothing in this section implies the lawfulness of, or authorizes, any activity otherwise deemed unlawful under any applicable law.

3.60.160 Other Licenses, Permits, Taxes, Fees or Charges.

A. Nothing in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provisions of Federal, State or local law.

B. Nothing in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any other tax or fee or other charge imposed, assessed or required by any provisions of Federal, State or local law.

C. Timely payment of cannabis business tax is a prerequisite to grant of or renewal of a cannabis business permit. Failure to timely remit payment of a cannabis business tax may

result in revocation of an active cannabis business permit.

3.60.170 Severability.

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

3.60.180 Modification, amendment or repeal.

This Chapter may be repealed or amended by the City Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter above the maximum rates established by this Chapter. The people of the City of Santa Clara affirm that the following actions shall not constitute an increase of a tax:

A. The restoration or adjustment of the rate of the tax to a rate that is no higher than that maximum rate set by this Chapter, if the City Council has acted to reduce the rate of the tax; or

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter, even if the City had, for some period of time, failed to collect the tax."

SECTION 2: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 3: Effective date. This ordinance shall take effect at the later of ten (10) days after the vote is declared by the City Council pursuant to Elections Code Section 9217, or when cannabis business is made a legal land use by the City Council.

Attachments incorporated by reference: None.

18-1001 **Agenda Date: 7/16/2018**

REPORT TO COUNCIL

SUBJECT

Action on Submitting a Ballot Measure(s) for a Charter Amendment on the November 6, 2018 Election regarding District Elections

BACKGROUND

On June 6, 2018, the Santa Clara County Superior Court issued a ruling stating that the City of Santa Clara's current way of electing its council members in City-wide elections is in violation of the California Voting Rights Act (CVRA). On June 26, 2018, the Court issued an Order <http://santaclaraca.gov/home/showdocument?id=58277> regarding the Schedule for the Remedies Phase of Trial. The Court will hold the remedies phase of the proceedings beginning July 18, 2018.

In accordance with the Court's orders following two public hearings, the Ad-hoc Advisory Districting Committee and staff, submitted five maps by the set deadline of July 6, as follows:

a) One 2-District Map (the same map previously approved by the Council based on the recommendation of the Ad-hoc Advisory Districting Committee. Under this map, City Council Members would be elected by two districts (Districts 1 and 2) with three Council Members representing each district;

b) Two 3-District Maps. Under these maps, City Council Members would be elected by three Districts (Districts, 1 2 and 3) with two Council Members representing each district;

c) Two 6-District Maps. Under these maps, City Council Members would be elected by six districts (Districts 1, 2, 3, 4, 5 and 6) with one Council Member representing each district.

These City's map options were developed with data from the 2010 census, as required by law, and previously public input received for the development of the 2-district map. It is extremely important to note that a re-districting process for the 2020 Census would be legally required and it is unknown whether a Court remedy will impact the November 2020 election and/or future elections in Santa Clara.

At the third public hearing held on July 11, 2018, the professional demographer presented an Amended 6-District Draft Plan 3 to take into account the school boundaries and public input received at the prior hearings. The Committee took three actions:

1) Recommended the Amended 6-District Draft Plan 3

2) Recommended having the Mayor continue to be elected at-large.

3) Recommended sequencing to allow a candidate in District 1, with the highest Asian Citizen Voting

Age Population (CVAP), to be elected in November 2020, a presidential election, which typically is a higher voter turnout. Taking that into account, as well as incumbency, the Committee recommended that candidates in Districts 2 and 3 be elected in November 2018 and Districts 1, 4, 5 and 6 be elected in November 2020.

In addition to the Ad-hoc Advisory Districting Committee meetings, public input was received via email to districts@santaclaraca.gov <mailto:districts@santaclaraca.gov> and solicited through an *Open City Hall* survey, which was posted on July 9 and will remain open until midnight, July 17. All correspondence and survey results have been posted to the City's website. For more information and to view the Ad-hoc Advisory Districting Committee agenda materials draft proposed maps, and to watch recordings of the meetings, visit the City's website at www.santaclaraca.gov/districts <http://www.santaclaraca.gov/districts>.

DISCUSSION

With the unknown outcome of the trial or possibility of appeal, the Council may consider placing one or more ballot measure on the November 2018 election to seek voter input on the way Council Members are elected beginning with the November 2020 election.

In order to submit a ballot measure to the voters, the deadline is August 10, 2018 and Council would need to adopt a series of Resolutions formally calling a Special Election for the purpose of submitting this ballot measure; requesting that the Special Election be consolidated with the Statewide General Election; and, submitting the measure to voters and authorizing certain related actions, including directing the City Attorney to prepare an impartial analysis of the measure.

Due to the scheduled Council recess, staff has prepared two policy alternatives that provide two different frameworks for how to approach this issue: Alterative 1 maximizes the community input and sequentially provides the voters with the right to determine whether there are Council Districts and if so, how many. Alternative 2 accelerates community input and voter decision on the number of Council districts prior to the boundaries being established and assumes that Santa Clara voters want to elect Council Members by districts.

Alternative 1 - Advisory Vote on Council Districts

MEASURE 1 ADVISORY VOTE: BY DISTRICT COUNCIL ELECTIONS. Shall the City of Santa Clara engage the voters in a public process to draft a Charter Amendment ballot measure to elect its Council Members, other than the Mayor, by district?	**YES**
	NO

Staff Commentary

An advisory vote would allow Santa Clara voters to cast their vote on whether or not they support district elections. This would also allow for a robust public outreach and engagement process that complies with the California Elections Code, Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution.

If the advisory measure passes, the City would be able to meet the legal requirements for districting, in addition to the more robust community outreach goals that the Council has traditionally used for

more significant City efforts.

The City would be able to submit the Charter Amendment to the voters at the 2020 primary election expected in June after a thorough public engagement process with sufficient time to hear all voices and process the complicated demographic data necessary in compliance with the law.

This approach would seek public input on: the number of districts, the boundary lines for districts, election sequencing and a transition plan.

Alternative 2 - Charter Amendment for Council Districts

As an alternative, three potential ballot measures for the November 2018 election are presented for the Council's consideration to submit to the voters to amend the Charter to move to district elections:

- Two Districts
- Three Districts
- Six Districts

The Council may submit one, two or three of these ballot measures to the voters at the November 2018 election. In order to effect a change to the Charter, a ballot measure must receive 50%+1 of the votes. In the event that the Council places more than one measure on the ballot, it should be noted that it is possible that more than one ballot measure can achieve 50%+1 because voters may cast their vote on each ballot question. In this instance, the measure that has achieved the highest vote will prevail (e.g., if one if measure passes by 52% and one passes by 60%, the second measure would be enacted).

In each of these options (2 districts, 3 districts or 6 districts), the proposed Charter amendments would modify Charter Sections 600, 700.1 and add a new Section 700.2.

The following are the ballot questions for each of the alternatives:

a) Two Districts

MEASURE 2 BY DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to change how Council Members are elected by establishing two districts beginning in 2020 each represented by three Council Members with sequencing and terms to be established by ordinance of the City Council?	**YES**
	NO

b) Three Districts

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MEASURE 1B BY DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to change how Council Members are elected by establishing three districts beginning in 2020 each represented by two Council Members with sequencing and terms to be established by ordinance of the City Council?	**YES**
	NO

c) Six Districts

MEASURE 1C BY DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to change how Council Members are elected by establishing six districts beginning in 2020 each represented by one Council Member with sequencing and terms to be established by ordinance of the City Council?	**YES**
	NO

Staff Commentary

As stated above, Alternative 2 accelerates voter decision on the number of Council districts prior to the boundaries being established and assumes that Santa Clara voters want to elect Council Members by districts.

A vote in November 2018 would require a less robust community engagement process (e.g., the number of district options has been determined), for which voters may not entirely understand the impacts of their decision and unintended consequences of each structure. Additionally, against the backdrop of candidates running for the November 2018 election and the City Council introducing options for Council district boundaries, there would be a level of voter confusion that would be very difficult to overcome through a City-sponsored education effort.

Any public outreach and engagement process would need to comply with the California Elections Code, Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution. The City would be able to meet the legal requirements for districting, in addition to community outreach goals that the Council has traditionally used for more significant City efforts.

The City also would be able to submit the Charter Amendment to the voters at the 2020 primary election expected in June after a thorough public engagement process with sufficient time to hear all voices and process the complicated demographic data necessary in compliance with the law.

See the discussion above relative to the election outcome with respect to 50%+1 or failure to obtain that threshold.

Ballot Arguments and Impartial Analysis

The City Council may determine whether the Council or members of the Council authorized by the Council will draft any arguments. If the City Council decides not to draft the argument itself, any registered voter or bona fide association of citizens may submit a proposed argument to the City Clerk. If the Clerk receives multiple proposed arguments, the Clerk shall select one of the arguments in adherence to Elections Code Section 9287. Ballot arguments must be submitted no later than August 14, 2018 at 12:00 p.m., noon, to the City Clerk and rebuttal arguments must be submitted no later than August 21, 2018 at 12:00 p.m., noon, to the City Clerk. The City Attorney shall draft an impartial analysis on the measure, which is also due August 21, 2018 at 12:00 p.m., noon, to the City

Clerk.

Voter Education and Outreach
Several efforts are underway to inform the public of the current Court Order and the efforts of the Ad-hoc Advisory Districting Committee and the Charter Review Committee. A separate webpage <http://www.santaclaraca.gov/districtelections> has been created to provide information related to district-based elections, including opportunities for when and how the public can contribute to providing their input.

Should the Council submit a ballot measure for the November election, a Communications Outreach plan will be created to utilize the many public outreach channels available to Santa Clara residents, including the following:

- City website and e-Notify
- Social media (Facebook, Twitter, Nextdoor)
- Government Access Channels
- Press Release
- Publication of ad in local and ethnic media outlets
- Postcard mailers to all Santa Clara residents
- Flyer distribution to City facilities
- Flyer email distribution to constituent database and community leaders/groups
- Utility bill inserts
- Translation of materials in eight languages, including Chinese, Hindu, Korean, Japanese, Portuguese, Spanish, Tagalog, Vietnamese

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(a) as it has not potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

Because Santa Clara will hold a General Municipal Election November 6, 2018, there is an economy of scale with calling the Special Election for the same date.

The Registrar of Voters (ROV) has estimated costs for consolidating the General Municipal Election to be approximately $366,605, and assumes one ballot measure. The ROV has provided cities with an estimated cost for each additional ballot measure at $90,800. There are other costs for conducting an election, including printing, translation services, publishing notices and other related costs.

Based upon these estimates, the City Clerk’s Office budgeted costs with conducting both a General Municipal Election and Special Election with two ballot measures in its Fiscal Year 2018/19 Operating Budget.

Following the election, the ROV will determine the actual costs and will bill the city for its pro-rata share. Should costs exceed the approved budget amount, staff will return to the council to request additional funds.

On June 26, 2018, the Council authorized the City Manager to enter into necessary agreements and appropriated funds for consultant services, as needed, to respond to the CVRA case.

COORDINATION
This report was coordinated with the City Attorney's Office and City Manager's Office.

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 agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

ALTERNATIVES
1. Adopt requisite Resolutions to submit an **advisory ballot measure** on the November 6, 2018 election to seek whether Santa Clara voters want to elect Council Members by district.
2. Adopt requisite Resolutions to submit a ballot measure on the November 6, 2018 election for a Charter Amendment to change the way Council Members are elected where Council Members would be elected by **two districts** (Districts 1 and 2) with three Council Members representing each district.
2. Adopt requisite Resolutions to submit a ballot measure on the November 6, 2018 election for a Charter Amendment to change the way Council Members are elected where Council Members would be elected by **three districts** (Districts 1, 2 and 3) with two Council Members representing each district.
3. Adopt requisite Resolutions to submit a ballot measure on the November 6, 2018 election for a Charter Amendment to change the way Council Members are elected where Council Members would be elected by **six districts** (Districts 1, 2, 3, 4, 5 and 6) with one Council Member representing each district.
4. Maintain the status-quo and await the Court's ruling on the CVRA case.

RECOMMENDATION
Staff makes no recommendation on this issue.

Reviewed by: Jennifer Yamaguma, Acting City Clerk
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS
1. Requisite Resolutions for Advisory Ballot Measure
2. Requisite Resolutions for 2 Districts
3. Requisite Resolutions for 3 Districts
4. Requisite Resolution for 6 Districts
5. City Draft Maps
6. Plaintiff Draft Maps

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REQUESTING, PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE, THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT SAME DATE FOR THE PURPOSE OF SUBMITTING ONE ADVISORY BALLOT MEASURE TO ENAGE THE VOTERS REGARDING FOR DISTRICT ELECTIONS

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

WHEREAS, pursuant to California Elections Code section 1200, the next statewide general election will be held on November 6, 2018;

WHEREAS, the City Council desires to submit to the voters one proposed advisory ballot measure to ask the voters whether the City should engage the voters in a public process to draft an amendment to the City Charter to change the method of elections from at-large to by-district for City Council Members only.

WHEREAS, pursuant to Santa Clara City Charter Section 600.01, such a ballot measure is considered as a Special Municipal Election; and,

WHEREAS, in the course of conducting a Special Municipal Election on November 6, 2018, it is desirable that such Special Municipal Election be consolidated with the Statewide General Election to be held on the same date as if there were only one election. It is also necessary for the City to request services of the County as set forth in this resolution.

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

1. That pursuant to the requirements of section 10403 of the California Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to

the consolidation of a Special Municipal Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of placing one measure on the ballot that, if passed, would amend the City Charter relating to the establishment of by-district elections with the creation of three districts.

2. That the consolidated election shall be held and conducted, the election officers appointed, the voting precincts designated, the ballots printed, the polls 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. This City Council consents to such consolidation.

3. That the Registrar of Voters is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

4. That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

5. That 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.

6. 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.

7. That the City Council hereby calls and orders to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a Special Municipal Election for the purpose of submitting to the voters the following ballot measure:

A. **Measure 1**

The City Council hereby orders submitted to the voters the following ballot question:

MEASURE 1 **ADVISORY VOTE: BY DISTRICT COUNCIL ELECTIONS.** Shall the City of Santa Clara engage the voters in a public process to draft a Charter Amendment ballot measure to elect its Council Members, other than the Mayor, by district?	**YES**
	NO

8. That 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 services as may be necessary to properly and lawfully hold and conduct a Consolidated Special Municipal Election in the City on November 6, 2018, 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.

9. 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.

10. 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 Consolidated Special Municipal Election. The ballots to be used at the election shall be in form and content as required by law.

11. That in all particulars not recited in this Resolution, the Special Municipal Election shall be held and conducted as provided by law for holding municipal elections.

12. That this resolution provides notice of the time and place of holding the Special Municipal Election, and the City Clerk is authorized, instructed and directed to give further or additional notice of the Special Municipal Election in time, form, and manner as required by law.

13. That 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. 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 SPECIAL MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ORDERING THE SUBMISSION OF AN ADVISORY BALLOT MEASURE TO THE QUALIFIED ELECTORS OF THE CITY AT SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, TO ENGAGE THE VOTERS REGARDING DISTRICT ELECTIONS; AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS

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

WHEREAS, the next Statewide General Election will be held November 6, 2018;

WHEREAS, the City Council intends to submit an advisory ballot measure and ballot question, as described in this Resolution, to the qualified electors of the City of Santa Clara at such election;

WHEREAS, in accordance with the Santa Clara County Registrar of Voters election calendar, and pursuant to Elections Code 9280-9287, the primary ballot arguments in favor or against a local ballot measure must be submitted no later than August 14, 2018 at 12:00 p.m., noon, to the City Clerk and rebuttal arguments in favor or against local ballot measures must be submitted no later than August 21, 2018 at 12:00 p.m., noon, to the City Clerk; and,

WHEREAS, the City Council is authorized to direct the City Attorney to prepare an impartial analysis of the measure by the August 21, 2018 at 12:00 p.m., noon, deadline, showing the operation of the measure and its effect on the existing law.

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, 700.1 and 700.2 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 November 6, 2018. If the measure is

approved by a majority of voters, City Charter Sections 600 and 700.1 be amended and Section 700.2 shall be added 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 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 November 6, 2018:

MEASURE 1 **ADVISORY VOTE: BY DISTRICT COUNCIL ELECTIONS.** Shall the City of Santa Clara engage the voters in a public process to draft a Charter Amendment ballot measure to elect its Council Members, other than the Mayor, by district?	**YES**
	NO

3. That the City Council directs the City Attorney, by the established deadline of August 21, 2018 at 12:00 p.m., noon, to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure in accordance with Elections Code section 9280.

4. That the City Clerk is authorized and directed to give additional notice of the election in the time, form and manner as required by law.

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5. 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 SPECIAL MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR AN ADVISORY MEASURE ON WHETHER TO ENGAGE THE VOTERS REGARDING DISTRICT ELECTIONS

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

1. That pursuant to the requirements of the City Charter, there is called and ordered to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a special municipal election placing one advisory measure on the ballot to ask the voters whether the City should engage the voters in a public process to draft an amendment to the City Charter to change the method of elections from at-large to by-district for City Council Members only.

2. That the ballot question read as follows:

MEASURE 1	
ADVISORY VOTE: BY DISTRICT COUNCIL ELECTIONS. Shall the City of Santa Clara engage the voters in a public process to draft a Charter Amendment ballot measure to elect its Council Members, other than the Mayor, by district?	**YES**
	NO

3. That in accordance with Section 700 of the City Charter, sections 12101 and 12111 of the California Elections Code, and section 6061 of the California Government Code, the Acting City Clerk is hereby authorized and directed on behalf of the City Council to cause notice of the time and place of the holding of the election to be published once in a newspaper of general circulation, printed, published, and circulated in the City of Santa Clara and hereby designated for that purpose by the City Council of Santa Clara.

4. That the City Clerk is hereby authorized and directed to certify to the due adoption of this Resolution.

5. 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 SPECIAL MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR A VOTE ON ONE BALLOT MEASURE THAT, IF PASSED, WOULD AMEND SECTIONS 600 AND 700.1 AND ADD SECTION 700.2 TO THE SANTA CLARA CITY CHARTER

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

1. That pursuant to the requirements of the City Charter, there is called and ordered to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a special municipal election placing one measure that, if passed, would amend Charter Sections 600 and 700.1 and add Section 700.2 to the Santa Clara City Charter;

2. That the ballot question read as follows:

MEASURE 1	
BY DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to change how Council Members are elected by establishing two districts beginning in 2020 each represented by three Council Members with sequencing and terms to be established by ordinance of the City Council?	**YES**
	NO

3. That the measure read as follows:

The Charter of the City of Santa Clara shall be amended as follows:

Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 600 City elected officers.

No person shall be eligible to hold ~~any~~ the elective office ~~in the City including~~ of Mayor~~,~~ ~~City Council~~, Chief of the Police Department ~~and~~ or City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member other than Mayor unless he or she is a resident and a qualified elector of the City in the district represented by the Council Member office.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk shall be elected from the City ~~at large~~ 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 a successor is elected and qualified. 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, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. 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.

Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 700.1 Elections – City Council ~~Designation of seats~~.

Members of the City Council shall be elected by district. There shall be two districts to be known as District 1 and District 2, with elections to be conducted as follows:

(a) Each District shall be represented by three (3) Council Members.

(b) The sequence of elections and terms of office for each district shall be enacted by ordinance of the City Council. The method by which Districts are to be drawn and redrawn shall be enacted by ordinance of the City Council. Upon any redistricting pursuant to the provisions of this section of the Charter or the ordinances enacted hereunder, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and represent the district by which the member was elected prior to such redistricting, notwithstanding any provision of Section 600 requiring a member to be a resident of the district represented by such member.

Section 700.2 of the Charter of the City of Santa Clara is added to be entitled and to read as follows:

Section 700.2 Method of Elections.

All City elected officers shall be elected by the method of election set forth in Elections Code Section 15450.

4. That in accordance with Section 700 of the City Charter, sections 12101 and 12111 of the California Elections Code, and section 6061 of the California Government Code, the City Clerk is hereby authorized and directed on behalf of the City Council to cause notice of the time and place of the holding of the election to be published once in a newspaper of general circulation, printed, published, and circulated in the City of Santa Clara and hereby designated for that purpose by the City Council of Santa Clara.

5. That the City Clerk is hereby authorized and directed to certify to the due adoption of this Resolution.

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6. 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 SPECIAL MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REQUESTING, PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE, THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT SAME DATE FOR THE PURPOSE OF SUBMITTING ONE BALLOT MEASURE TO THE VOTERS TO CONSIDER CHARTER AMENDMENTS RELATING TO BY-DISTRICT ELECTIONS

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

WHEREAS, pursuant to California Elections Code section 1200, the next statewide general election will be held on November 6, 2018;

WHEREAS, the City Council desires to submit to the voters one proposed ballot measure amending the City Charter relating to the establishment of by-district elections with the creation of two districts;

WHEREAS, pursuant to Santa Clara City Charter Section 600.01, such a ballot measure is considered as a Special Municipal Election; and,

WHEREAS, in the course of conducting a Special Municipal Election on November 6, 2018, it is desirable that such Special Municipal Election be consolidated with the Statewide General Election to be held on the same date as if there were only one election. It is also necessary for the City to request services of the County as set forth in this resolution.

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

1. That pursuant to the requirements of section 10403 of the California Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to

the consolidation of a Special Municipal Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of placing one measure on the ballot that, if passed, would amend the City Charter relating to the establishment of by-district elections with the creation of two districts.

2. That the consolidated election shall be held and conducted, the election officers appointed, the voting precincts designated, the ballots printed, the polls 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. This City Council consents to such consolidation.

3. That the Registrar of Voters is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

4. That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

5. That 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.

6. 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.

7. That the City Council hereby calls and orders to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a Special Municipal Election for the purpose of submitting to the voters the following ballot measure:

A. **Measure 1**

The City Council hereby orders submitted to the voters the following ballot question:

MEASURE 1	
BY DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to change how Council Members are elected by establishing two districts beginning in 2020 each represented by three Council Members with sequencing and terms to be established by ordinance of the City Council?	**YES**
	NO

8. That 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 services as may be necessary to properly and lawfully hold and conduct a Consolidated Special Municipal Election in the City on November 6, 2018, 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.

9. 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.

10. 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 Consolidated Special Municipal Election. The ballots to be used at the election shall be in form and content as required by law.

11. That in all particulars not recited in this Resolution, the Special Municipal Election shall be held and conducted as provided by law for holding municipal elections.

12. That this resolution provides notice of the time and place of holding the Special Municipal Election, and the City Clerk is authorized, instructed and directed to give further or additional notice of the Special Municipal Election in time, form, and manner as required by law.

13. That 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.

13. 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 SPECIAL MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ORDERING THE SUBMISSION OF A BALLOT MEASURE TO THE QUALIFIED ELECTORS OF THE CITY AT SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, REGARDING PROPOSED CITY CHARTER AMENDMENTS TO ESTABLISH BY DISTRICT ELECTIONS; AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS

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

WHEREAS, the next Statewide General Election will be held November 6, 2018;

WHEREAS, the City Council intends to submit a ballot measure and ballot question, as described in this Resolution, to the qualified electors of the City of Santa Clara at such election;

WHEREAS, in accordance with the Santa Clara County Registrar of Voters election calendar, and pursuant to Elections Code 9280-9287, the primary ballot arguments in favor or against a local ballot measure must be submitted no later than August 14, 2018 at 12:00 p.m., noon, to the City Clerk, and rebuttal arguments in favor or against local ballot measures must be submitted no later than August 21, 2018 at 12:00 p.m., noon, to the City Clerk; and,

WHEREAS, the City Council is authorized to direct the City Attorney to prepare an impartial analysis of the measure by the August 21, 2018 at 12:00 p.m., noon, deadline, showing the operation of the measure and its effect on the existing law.

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, 700.1 and 700.2 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 November 6, 2018. If the measure is

approved by a majority of voters, City Charter Sections 600 and 700.1 shall be amended and Section 700.2 shall be added 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 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 November 6, 2018:

MEASURE 1	
BY DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to change how Council Members are elected by establishing two districts beginning in 2020 each represented by three Council Members with sequencing and terms to be established by ordinance of the City Council?	**YES**
	NO

3. That the City Council directs the City Attorney, by the established deadline of August 21, 2018 at 12:00 p.m., noon, to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure in accordance with Elections Code section 9280.

4. That the City Clerk is authorized and directed to give additional notice of the election in the time, form and manner as required by law.

5. 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 SPECIAL MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Exhibit A – Proposed Charter Amendments

EXHIBIT A

The Charter of the City of Santa Clara shall be amended as follows:

Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 600 City elected officers.

No person shall be eligible to hold ~~any~~ the elective office ~~in the City including~~ of Mayor~~, City Council~~, Chief of the Police Department ~~and~~ or City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member other than Mayor unless he or she is a resident and a qualified elector of the City in the district represented by the Council Member office.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk shall be elected from the City ~~at large~~ 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 a successor is elected and qualified. 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, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. 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.

Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 700.1 Elections – City Council ~~Designation of seats~~.

Members of the City Council shall be elected by district. There shall be two districts to be known as District 1 and District 2, with elections to be conducted as follows:

(a) Each District shall be represented by three (3) Council Members.

(b) The sequence of elections and terms of office for each district shall be enacted by ordinance of the City Council. The method by which Districts are to be drawn and redrawn shall be enacted by ordinance of the City Council. Upon any redistricting pursuant to the provisions of this section of the Charter or the ordinances enacted hereunder, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and represent the district by which the member was elected prior to such redistricting, notwithstanding any provision of Section 600 requiring a member to be a resident of the district represented by such member.

Section 700.2 of the Charter of the City of Santa Clara is added to be entitled and to read as follows:

Section 700.2 Method of Elections.

All City elected officers shall be elected by the method of election set forth in Elections Code Section 15450.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR A VOTE ON ONE BALLOT MEASURE THAT, IF PASSED, WOULD AMEND SECTIONS 600 AND 700.1 AND ADD SECTION 700.2 TO THE SANTA CLARA CITY CHARTER

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

1. That pursuant to the requirements of the City Charter, there is called and ordered to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a special municipal election placing one measure that, if passed, would amend Charter Sections 600 and 700.1 and add Section 700.2 to the Santa Clara City Charter;

2. That the ballot question read as follows:

MEASURE 1	
BY DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to change how Council Members are elected by establishing three districts beginning in 2020 each represented by two Council Members with sequencing and terms to be established by ordinance of the City Council?	**YES**
	NO

3. That the measure read as follows:

The Charter of the City of Santa Clara shall be amended as follows:

Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 600 City elected officers.

No person shall be eligible to hold ~~any~~ the elective office ~~in the City including~~ of Mayor~~,~~ ~~City Council~~, Chief of the Police Department ~~and~~ or City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member other than Mayor unless he or she is a resident and a qualified elector of the City in the district represented by the Council Member office.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk shall be elected from the City ~~at large~~ 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 a successor is elected and qualified. 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, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. 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.

Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 700.1 Elections – City Council ~~Designation of seats~~.

Members of the City Council shall be elected by district. There shall be three districts to be known as District 1, District 2, and District 3, with elections to be conducted as follows:

(a) Each District shall be represented by two (2) Council Members.

(b) The sequence of elections and terms of office for each district shall be enacted by ordinance of the City Council.

(c) The method by which Districts are to be drawn and redrawn shall be enacted by ordinance of the City Council. Upon any redistricting pursuant to the provisions of this section of the Charter or the ordinances enacted hereunder, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and represent the district by which the member was elected prior to

such redistricting, notwithstanding any provision of Section 600 requiring a member to be a resident of the district represented by such member.

Section 700.2 of the Charter of the City of Santa Clara is added to be entitled and to read as follows:

Section 700.2 Method of Elections.

All City elected officers shall be elected by the method of election set forth in Elections Code Section 15450.

4. That in accordance with Section 700 of the City Charter, sections 12101 and 12111 of the California Elections Code, and section 6061 of the California Government Code, the City Clerk is hereby authorized and directed on behalf of the City Council to cause notice of the time and place of the holding of the election to be published once in a newspaper of general circulation, printed, published, and circulated in the City of Santa Clara and hereby designated for that purpose by the City Council of Santa Clara.

5. That the City Clerk is hereby authorized and directed to certify to the due adoption of this Resolution.

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6. 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 SPECIAL MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REQUESTING, PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE, THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT SAME DATE FOR THE PURPOSE OF SUBMITTING ONE BALLOT MEASURE TO THE VOTERS TO CONSIDER CHARTER AMENDMENTS RELATING TO BY-DISTRICT ELECTIONS

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

WHEREAS, pursuant to California Elections Code section 1200 the next statewide general election will be held on November 6, 2018;

WHEREAS, the City Council desires to submit to the voters one proposed ballot measure amending the City Charter relating to the establishment of by-district elections with the creation of three districts;

WHEREAS, pursuant to Santa Clara City Charter Section 600.01, such a ballot measure is considered as a Special Municipal Election; and,

WHEREAS, in the course of conducting a Special Municipal Election on November 6, 2018, it is desirable that such Special Municipal Election be consolidated with the Statewide General Election to be held on the same date as if there were only one election. It is also necessary for the City to request services of the County as set forth in this resolution.

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

1. That pursuant to the requirements of section 10403 of the California Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to

the consolidation of a Special Municipal Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of placing one measure on the ballot that, if passed, would amend the City Charter relating to the establishment of by-district elections with the creation of three districts.

2. That the consolidated election shall be held and conducted, the election officers appointed, the voting precincts designated, the ballots printed, the polls 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. This City Council consents to such consolidation.

3. That the Registrar of Voters is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

4. That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

5. That 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.

6. 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.

7. That the City Council hereby calls and orders to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a Special Municipal Election for the purpose of submitting to the voters the following ballot measure:

A. **Measure 1**

The City Council hereby orders submitted to the voters the following ballot question:

MEASURE 1	
BY DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to change how Council Members are elected by establishing three districts beginning in 2020 each represented by two Council Members with sequencing and terms to be established by ordinance of the City Council?	**YES**
	NO

8. That 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 services as may be necessary to properly and lawfully hold and conduct a Consolidated Special Municipal Election in the City on November 6, 2018, 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.

9. 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.

10. 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 Consolidated Special Municipal Election. The ballots to be used at the election shall be in form and content as required by law.

11. That in all particulars not recited in this Resolution, the Special Municipal Election shall be held and conducted as provided by law for holding municipal elections.

12. That this resolution provides notice of the time and place of holding the Special Municipal Election, and the City Clerk is authorized, instructed and directed to give further or additional notice of the Special Municipal Election in time, form, and manner as required by law.

13. That 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. 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 SPECIAL MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ORDERING THE SUBMISSION OF A BALLOT MEASURE TO THE QUALIFIED ELECTORS OF THE CITY AT SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, REGARDING PROPOSED CITY CHARTER AMENDMENTS TO ESTABLISH BY DISTRICT ELECTIONS; AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS

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

WHEREAS, the next Statewide General Election will be held November 6, 2018;

WHEREAS, the City Council intends to submit a ballot measure and ballot question, as described in this Resolution, to the qualified electors of the City of Santa Clara at such election;

WHEREAS, in accordance with the Santa Clara County Registrar of Voters election calendar, and pursuant to Elections Code 9280-9287, the primary ballot arguments in favor or against a local ballot measure must be submitted no later than August 14, 2018 at 12:00 p.m., noon, to the City Clerk, and rebuttal arguments in favor or against local ballot measures must be submitted no later than August 21, 2018 at 12:00 p.m., noon, to the City Clerk; and,

WHEREAS, the City Council is authorized to direct the City Attorney to prepare an impartial analysis of the measure by the August 21, 2018 at 12:00 p.m., noon, deadline, showing the operation of the measure and its effect on the existing law.

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, 700.1 and 700.2 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 November 6, 2018. If the measure is

approved by a majority of voters, City Charter Sections 600 and 700.1 shall be amended and Section 700.2 shall be added 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 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 November 6, 2018:

MEASURE 1	
BY DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to change how Council Members are elected by establishing three districts beginning in 2020 each represented by two Council Members with sequencing and terms to be established by ordinance of the City Council?	**YES**
	NO

3. That the City Council directs the City Attorney, by the established deadline of August 21, 2018 at 12:00 p.m., noon, to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure in accordance with Elections Code section 9280.

4. That the City Clerk is authorized and directed to give additional notice of the election in the time, form and manner as required by law.

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5. 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 SPECIAL MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Exhibit A – Proposed Charter Amendments

EXHIBIT A

The Charter of the City of Santa Clara shall be amended as follows:

Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 600 City elected officers.

No person shall be eligible to hold ~~any~~ the elective office ~~in the City including~~ of Mayor~~, City Council~~, Chief of the Police Department ~~and~~ or City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member other than Mayor unless he or she is a resident and a qualified elector of the City in the district represented by the Council Member office.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk shall be elected from the City ~~at large~~ 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 a successor is elected and qualified. 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, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. 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.

Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 700.1 Elections – City Council ~~Designation of seats~~.

Members of the City Council shall be elected by district. There shall be three districts to be known as District 1, District 2, and District 3, with elections to be conducted as follows:

(a) Each District shall be represented by two (2) Council Members.

(b) The sequence of elections and terms of office for each district shall be enacted by ordinance of the City Council.

(c) The method by which Districts are to be drawn and redrawn shall be enacted by ordinance of the City Council. Upon any redistricting pursuant to the provisions of this section of the Charter or the ordinances enacted hereunder, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and represent the district by which the member was elected prior to such redistricting, notwithstanding any provision of Section 600 requiring a member to be a resident of the district represented by such member.

Section 700.2 of the Charter of the City of Santa Clara is added to be entitled and to read as follows:

Section 700.2 Method of Elections.

All City elected officers shall be elected by the method of election set forth in Elections Code Section 15450.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR A VOTE ON ONE BALLOT MEASURE THAT, IF PASSED, WOULD AMEND SECTIONS 600 AND 700.1 AND ADD SECTION 700.2 TO THE SANTA CLARA CITY CHARTER

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

1. That pursuant to the requirements of the City Charter, there is called and ordered to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a special municipal election placing one measure that, if passed, would amend Charter Sections 600 and 700.1 and add Section 700.2 to the Santa Clara City Charter;

2. That the ballot question read as follows:

MEASURE 1 **BY DISTRICT COUNCIL ELECTIONS.** Shall the City Charter be amended to change how Council Members are elected by establishing six districts beginning in 2020 each represented by one Council Member and terms to be established by ordinance of the City Council?	**YES**
	NO

3. That the measure read as follows:

The Charter of the City of Santa Clara shall be amended as follows:

Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 600 City elected officers.

No person shall be eligible to hold ~~any~~ the elective office ~~in the City including~~ of Mayor~~,~~ ~~City Council~~, Chief of the Police Department ~~and~~ or City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member other than Mayor unless he or she is a resident and a qualified elector of the City in the district represented by the Council Member office.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk shall be elected from the City ~~at large~~ 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 a successor is elected and qualified. 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, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. 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.

Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 700.1 Elections – City Council ~~Designation of seats~~.

Members of the City Council shall be elected by district. There shall be six districts to be known as District 1, District 2, District 3, District 4, District 5, and District 6, with elections to be conducted as follows:

(a) Each District shall be represented by one (1) Council Member.

(b) The sequence of elections and terms of office for each district shall be enacted by ordinance of the City Council.

(c) The method by which Districts are to be drawn and redrawn shall be enacted by ordinance of the City Council. Upon any redistricting pursuant to the provisions of this section of the Charter or the ordinances enacted hereunder, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and represent the district by which the member was elected prior to

such redistricting, notwithstanding any provision of Section 600 requiring a member to be a resident of the district represented by such member.

Section 700.2 of the Charter of the City of Santa Clara is added to be entitled and to read as follows:

Section 700.2 Method of Elections.

All City elected officers shall be elected by the method of election set forth in Elections Code Section 15450.

4. That in accordance with Section 700 of the City Charter, sections 12101 and 12111 of the California Elections Code, and section 6061 of the California Government Code, the City Clerk is hereby authorized and directed on behalf of the City Council to cause notice of the time and place of the holding of the election to be published once in a newspaper of general circulation, printed, published, and circulated in the City of Santa Clara and hereby designated for that purpose by the City Council of Santa Clara.

5. That the City Clerk is hereby authorized and directed to certify to the due adoption of this Resolution.

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6. 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 SPECIAL MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REQUESTING, PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE, THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT SAME DATE FOR THE PURPOSE OF SUBMITTING ONE BALLOT MEASURE TO THE VOTERS TO CONSIDER CHARTER AMENDMENTS RELATING TO BY-DISTRICT ELECTIONS

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

WHEREAS, pursuant to California Elections Code section 1200, the next statewide general election will be held on November 6, 2018;

WHEREAS, the City Council desires to submit to the voters one proposed ballot measure amending the City Charter relating to the establishment of by-district elections with the creation of six districts;

WHEREAS, pursuant to Santa Clara City Charter Section 600.01, such a ballot measure is considered as a Special Municipal Election; and,

WHEREAS, in the course of conducting a Special Municipal Election on November 6, 2018, it is desirable that such Special Municipal Election be consolidated with the Statewide General Election to be held on the same date as if there were only one election. It is also necessary for the City to request services of the County as set forth in this resolution.

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

1. That pursuant to the requirements of section 10403 of the California Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of placing one measure on the ballot that, if

passed, would amend the City Charter relating to the establishment of by-district elections with the creation of six districts.

2. That the consolidated election shall be held and conducted, the election officers appointed, the voting precincts designated, the ballots printed, the polls 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. This City Council consents to such consolidation.

3. That the Registrar of Voters is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

4. That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

5. That 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.

6. 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.

7. That the City Council hereby calls and orders to be held in the City of Santa Clara, California, on Tuesday, November 6, 2018, a Special Municipal Election for the purpose of submitting to the voters the following ballot measure:

A. **Measure 1**

The City Council hereby orders submitted to the voters the following ballot question:

MEASURE 1	
BY DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to change how Council Members are elected by establishing six districts beginning in 2020 each represented by one Council Member sequencing and terms to be established by ordinance of the City Council?	**YES**
	NO

8. That 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 services as may be necessary to properly and lawfully hold and conduct a Consolidated Special Municipal Election in the City on November 6, 2018, 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.

9. 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.

10. 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 Consolidated Special Municipal Election. The ballots to be used at the election shall be in form and content as required by law.

11. That in all particulars not recited in this Resolution, the Special Municipal Election shall be held and conducted as provided by law for holding municipal elections.

12. That this resolution provides notice of the time and place of holding the Special Municipal Election, and the City Clerk is authorized, instructed and directed to give further or additional notice of the Special Municipal Election in time, form, and manner as required by law.

13. That 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. 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 _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ORDERING THE SUBMISSION OF A BALLOT MEASURE TO THE QUALIFIED ELECTORS OF THE CITY AT SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, REGARDING PROPOSED CITY CHARTER AMENDMENTS TO ESTABLISH BY DISTRICT ELECTIONS; AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS

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

WHEREAS, the next Statewide General Election will be held November 6, 2018;

WHEREAS, the City Council intends to submit a ballot measure and ballot question, as described in this Resolution, to the qualified electors of the City of Santa Clara at such election;

WHEREAS, in accordance with the Santa Clara County Registrar of Voters election calendar, and pursuant to Elections Code 9280-9287, the primary ballot arguments in favor or against a local ballot measure must be submitted no later than August 14, 2018 at 12:00 p.m., noon, to the City Clerk, and rebuttal arguments in favor or against local ballot measures must be submitted no later than August 21, 2018 at 12:00 p.m., noon, to the City Clerk; and,

WHEREAS, the City Council is authorized to direct the City Attorney to prepare an impartial analysis of the measure by the August 21, 2018 at 12:00 p.m., noon, deadline, showing the operation of the measure and its effect on the existing law.

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, 700.1 and 700.2 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 November 6, 2018. If the measure is

approved by a majority of voters, City Charter Sections 600, 700.1 shall be amended and Section 700.2 shall be added 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 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 November 6, 2018:

MEASURE 1	
BY DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to change how Council Members are elected by establishing six districts beginning in 2020 each represented by one Council Member sequencing and terms to be established by ordinance of the City Council?	**YES**
	NO

3. That the City Council directs the City Attorney, by the established deadline of August 21, 2018 at 12:00 p.m., noon, to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure in accordance with Elections Code section 9280.

4. That the City Clerk is authorized and directed to give additional notice of the election in the time, form and manner as required by law.

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5. 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 SPECIAL MEETING THEREOF HELD ON THE ___ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Exhibit A – Proposed Charter Amendments

EXHIBIT A

The Charter of the City of Santa Clara shall be amended as follows:

Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 600 City elected officers.

No person shall be eligible to hold ~~any~~ the elective office ~~in the City including~~ of Mayor~~, City Council~~, Chief of the Police Department ~~and~~ or City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member other than Mayor unless he or she is a resident and a qualified elector of the City in the district represented by the Council Member office.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk shall be elected from the City ~~at large~~ 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 a successor is elected and qualified. 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, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. 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.

Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 700.1 Elections – City Council ~~Designation of seats~~.

Members of the City Council shall be elected by district. There shall be six districts to be known as District 1, District 2, District 3, District 4, District 5, and District 6, with elections to be conducted as follows:

(a) Each District shall be represented by one (1) Council Member.

(b) The sequence of elections and terms of office for each district shall be enacted by ordinance of the City Council.

(c) The method by which Districts are to be drawn and redrawn shall be enacted by ordinance of the City Council. Upon any redistricting pursuant to the provisions of this section of the Charter or the ordinances enacted hereunder, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and represent the district by which the member was elected prior to such redistricting, notwithstanding any provision of Section 600 requiring a member to be a resident of the district represented by such member.

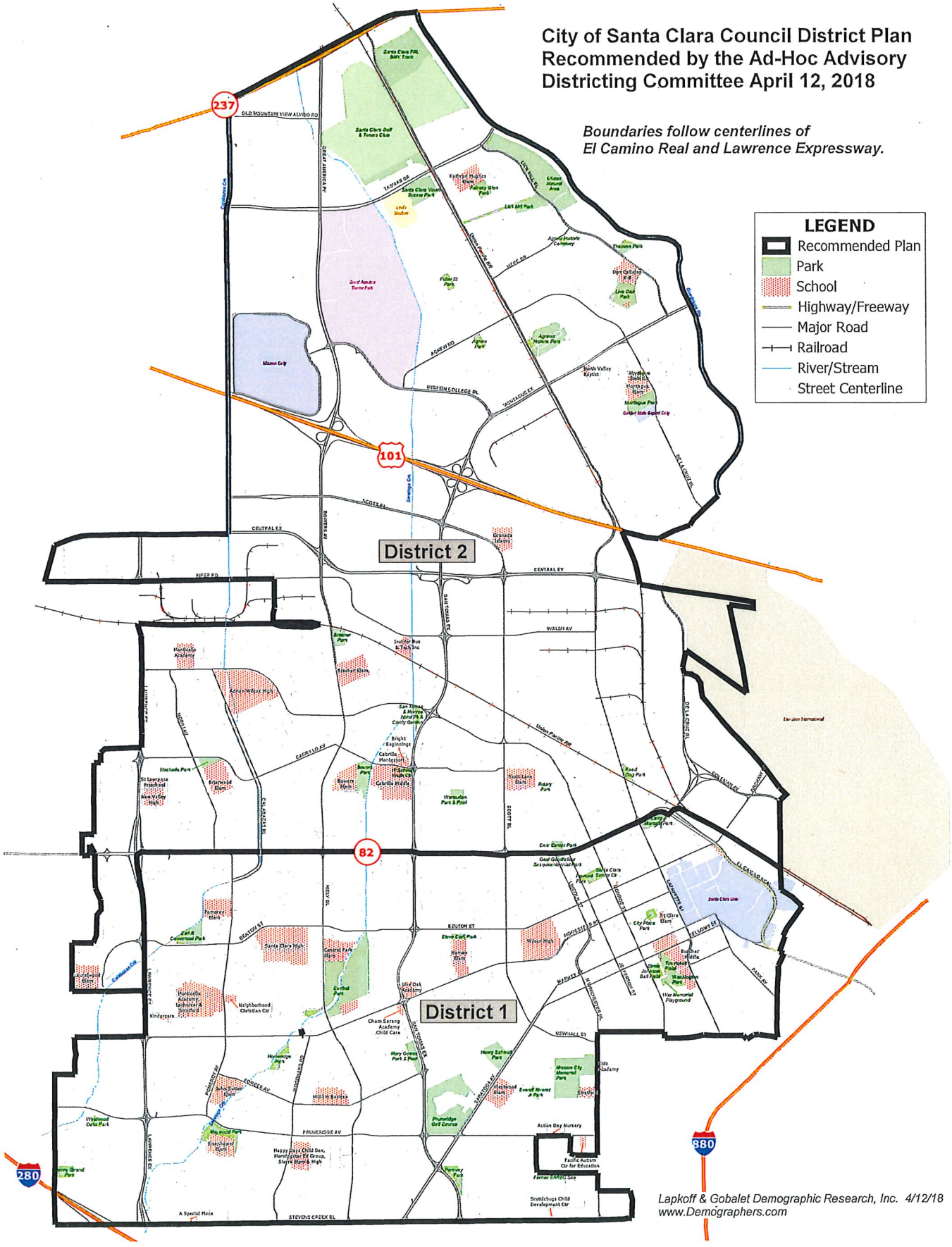
Section 700.2 of the Charter of the City of Santa Clara is added to be entitled and to read as follows:

Section 700.2 Method of Elections.

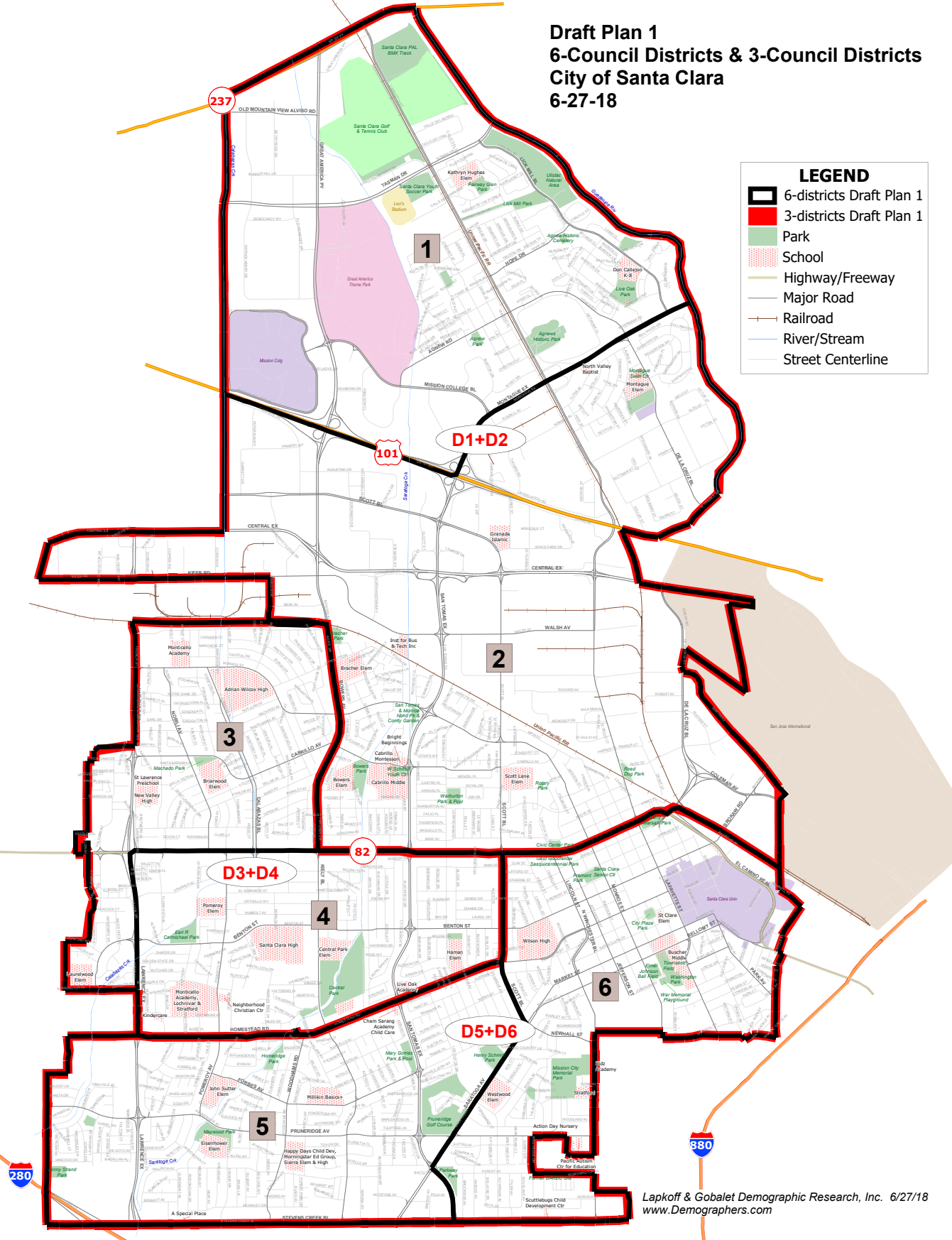
All City elected officers shall be elected by the method of election set forth in Elections Code Section 15450.

City of Santa Clara Council District Plan Recommended by the Ad-Hoc Advisory Districting Committee April 12, 2018

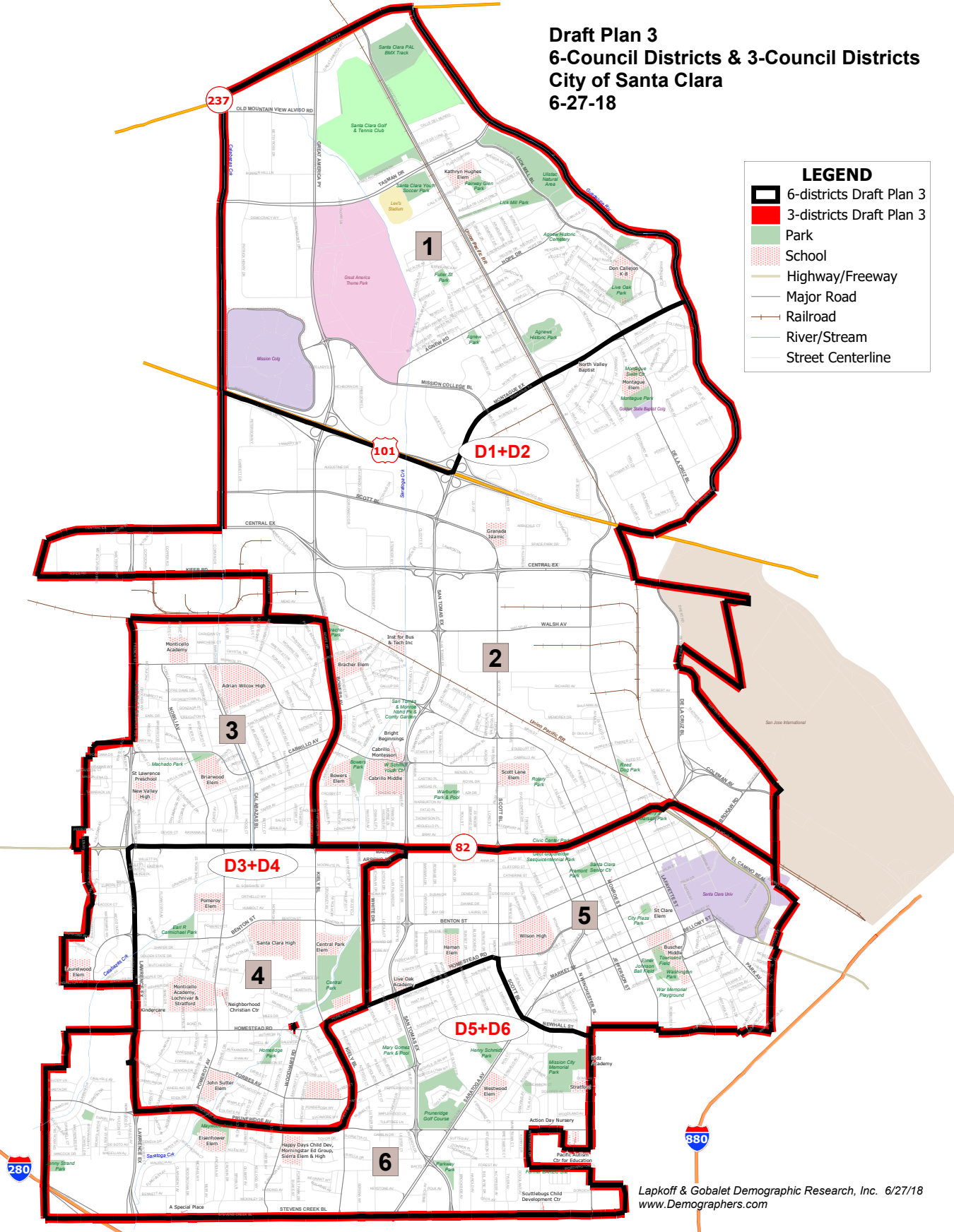
Boundaries follow centerlines of El Camino Real and Lawrence Expressway.



Lapkoff & Gobalet Demographic Research, Inc. 4/12/18
www.Demographers.com

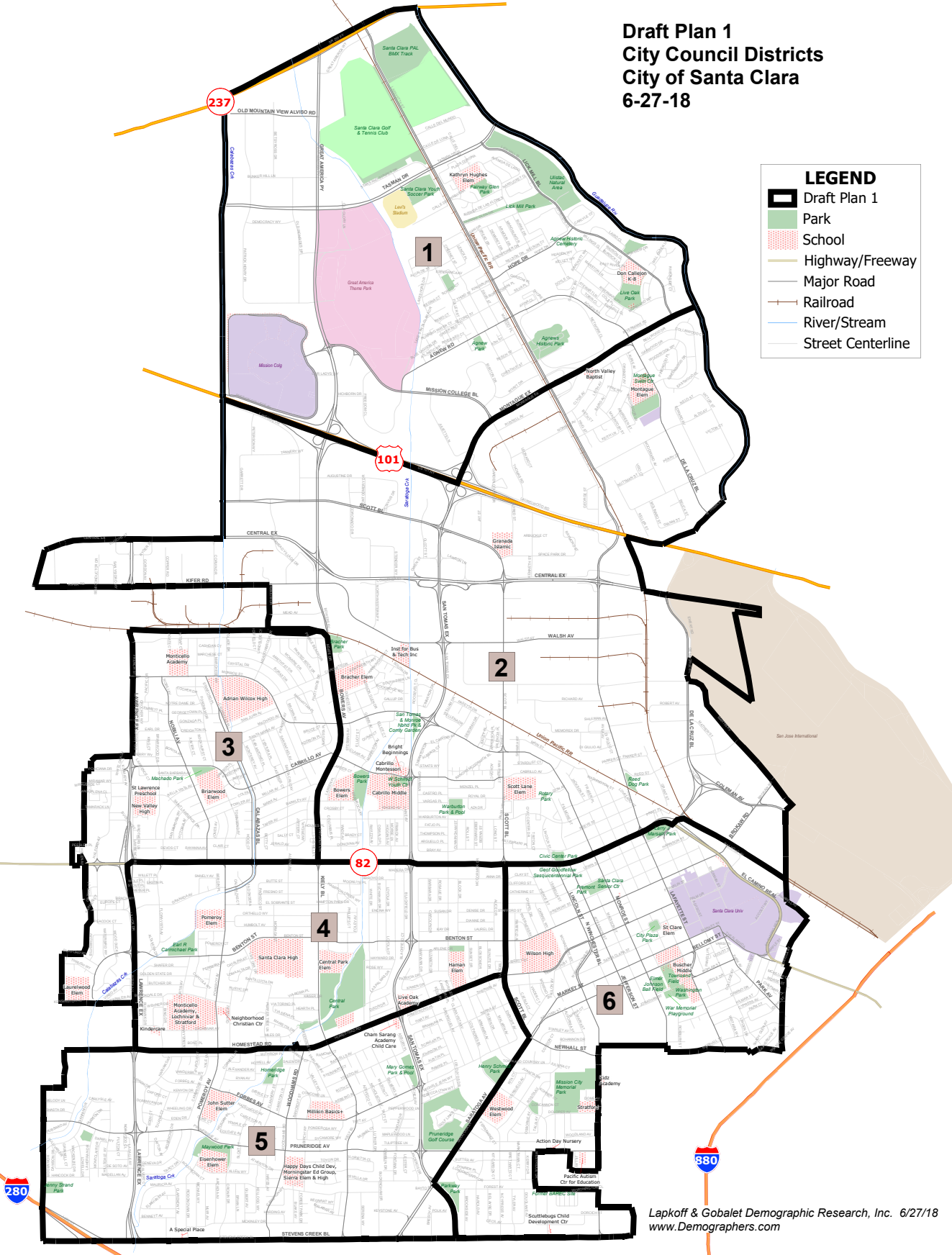

Draft Plan 1
6-Council Districts & 3-Council Districts
City of Santa Clara
6-27-18
LEGEND
6-districts Draft Plan 1
3-districts Draft Plan 1
Park
School
Highway/Freeway
Major Road
Railroad
River/Stream
Street Centerline
1
2
3
4
5
6
D1+D2
D3+D4
D5+D6
237
101
82
280
880
OLD MOUNTAIN VIEW ALVISO RD
MISSION COLLEGE BL
SCOTT BL
CENTRAL EX
WALSH AV
BENTON ST
HOMESTEAD RD
PRUNERIDGE AV
STEVENS CREEK BL
Lapkoff & Gobalet Demographic Research, Inc. 6/27/18
www.Demographers.com

Draft Plan 3
6-Council Districts & 3-Council Districts
City of Santa Clara
6-27-18

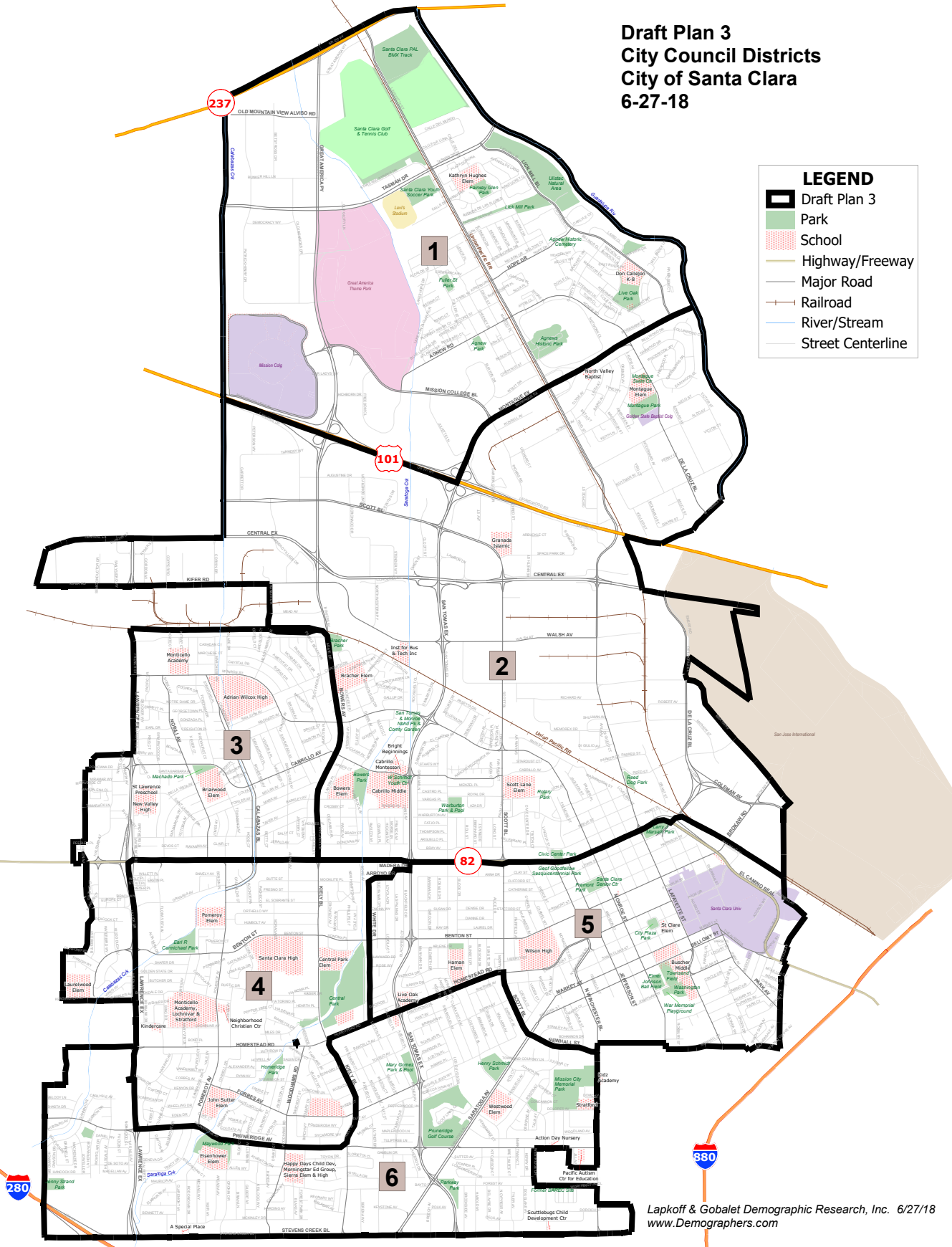


Lapkoff & Gobalet Demographic Research, Inc. 6/27/18
www.Demographers.com

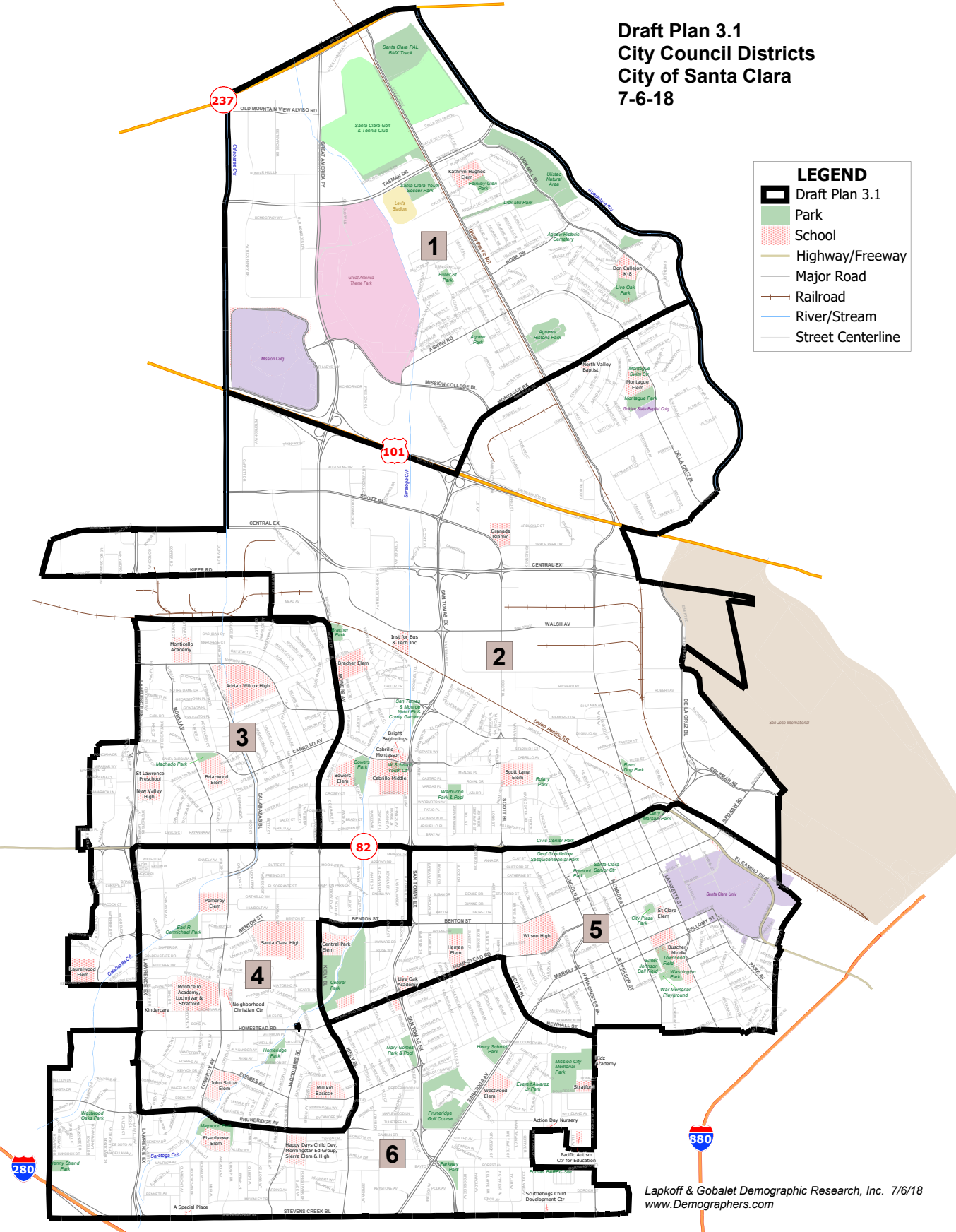
Draft Plan 1
City Council Districts
City of Santa Clara
6-27-18



Draft Plan 3
City Council Districts
City of Santa Clara
6-27-18



Lapkoff & Gobalet Demographic Research, Inc. 6/27/18
www.Demographers.com


Draft Plan 3.1
City Council Districts
City of Santa Clara
7-6-18
LEGEND
Draft Plan 3.1
Park
School
Highway/Freeway
Major Road
Railroad
River/Stream
Street Centerline
1
2
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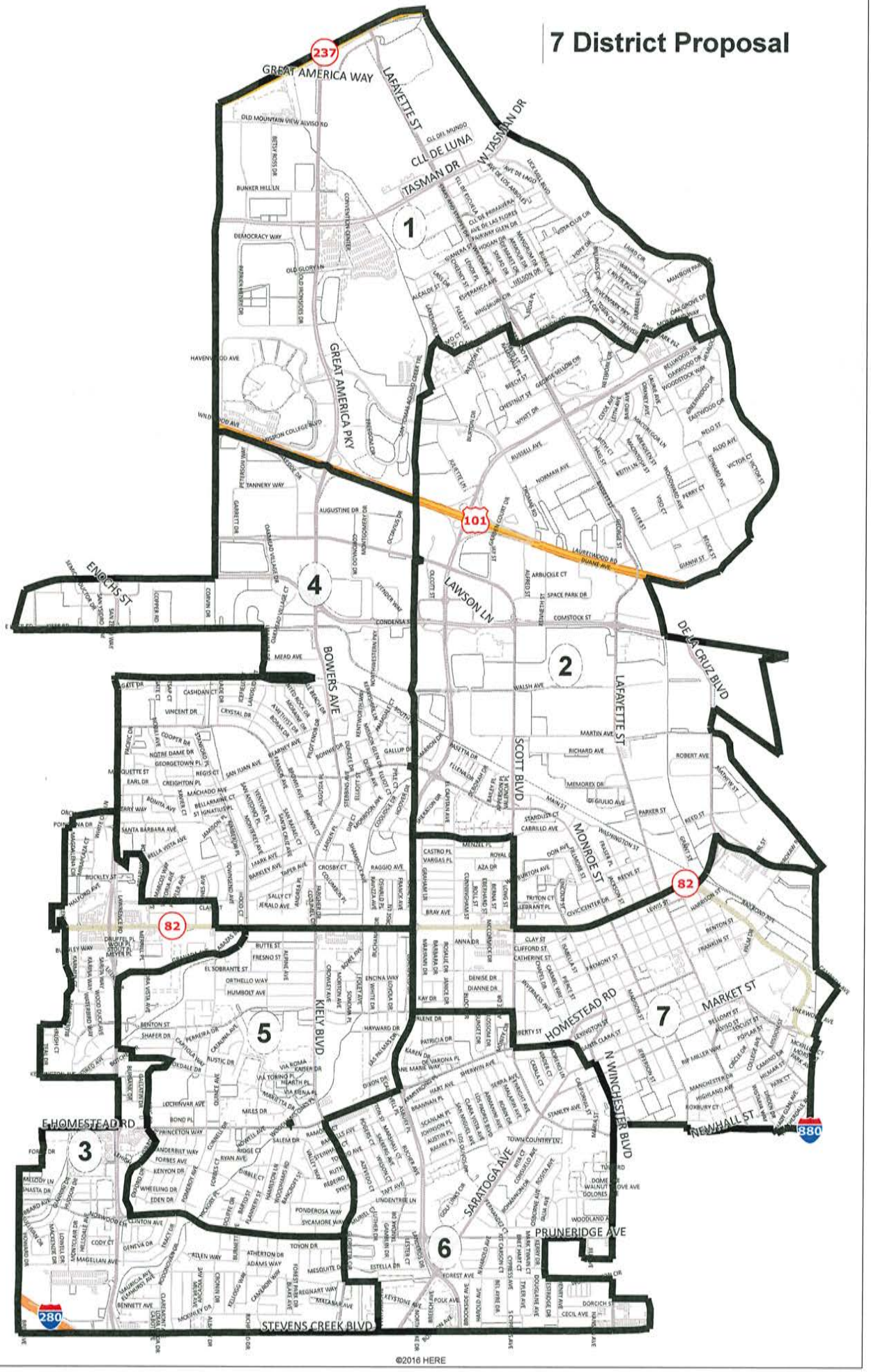
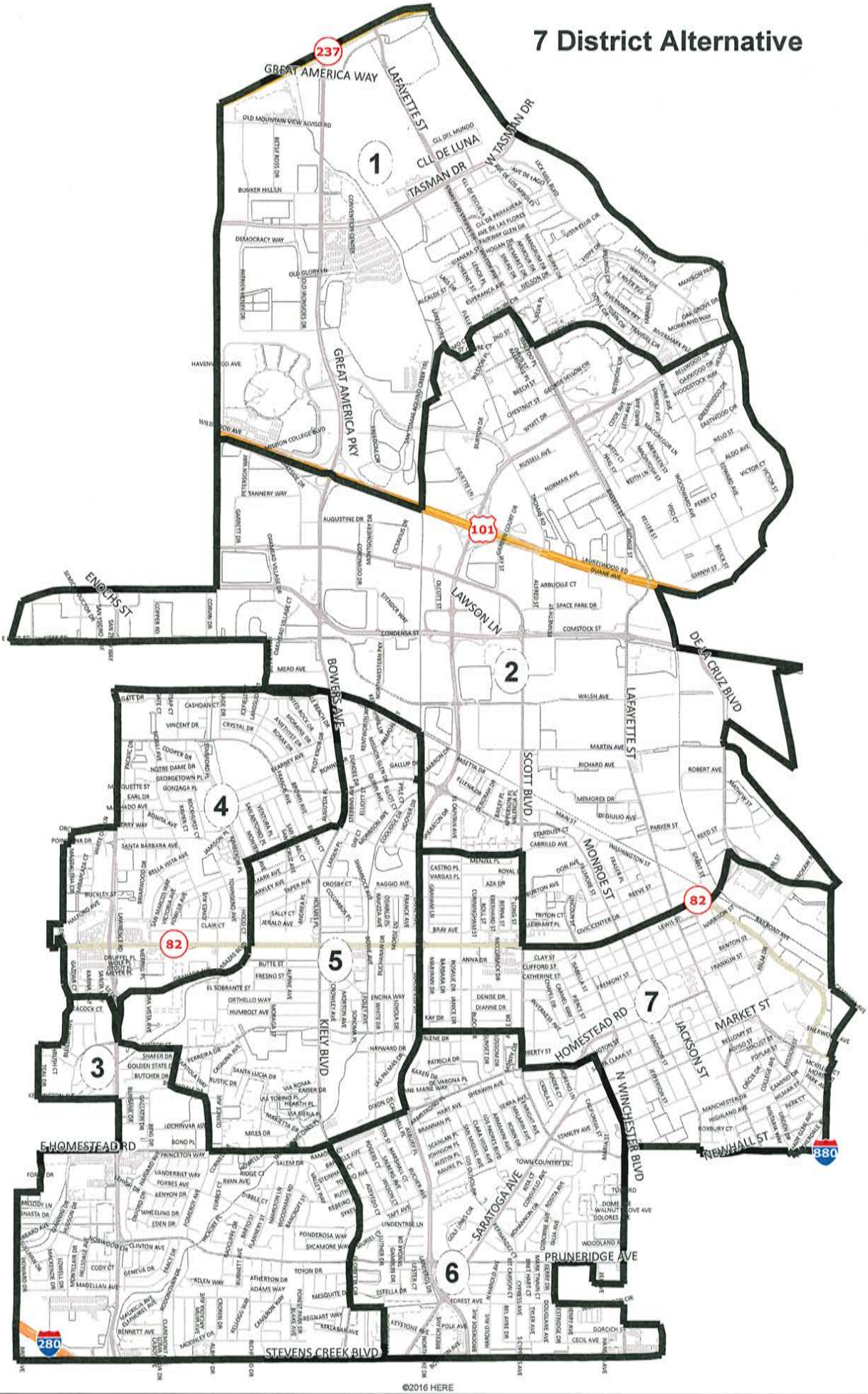
237
101
82
280
880
OLD MOUNTAIN VIEW ALVISO RD
MISSION COLLEGE BL
SCOTT BL
CENTRAL EX
KIFER RD
WALSH AV
CABRILLO AV
BENTON ST
HOMESTEAD RD
PRUNERIDGE AV
STEVENS CREEK BL
Lapkoff & Gobalet Demographic Research, Inc. 7/6/18
www.Demographers.com

7 District Proposal



7 District Alternative



18-974 **Agenda Date: 7/16/2018**

SUBJECT

Public Hearing to Receive Input on Potential District Maps for the Election of Council Members.

BACKGROUND

On June 26, 2018, the Santa Clara County Superior Court issued an Order requiring the City to take immediate actions to public hearings before July 22, 2018 for receiving public input on potential district maps for the election of Council members. A change in elections by district will be a substantial change in how Santa Clara voters elect their Council members. If the Court orders district elections, the voters will only be able to elect Council members who live in the same district as those voters.

In accordance with the Order, three Public Hearings have already been held, as follows:

1. July 3, 2018, 6:00 pm in the City Hall Council Chambers
2. July 5, 2018, 4:30 pm in the Redwood Room at Central Park Library
3. July 11, 2018 at 6:00 pm in the City Hall Council Chambers

This will be the fourth public hearing held on the Court Ordered Council Districting process, the previous three public hearings were held at Ad-hoc Advisory District Committee meetings.

For more information, including agenda material, Powerpoint presentations, and video recordings of the meetings, visit www.santaclaraca.gov/districts <http://www.santaclaraca.gov/districts>.

ATTACHMENTS

1. Email from Morris J. Baller (Goldstein, Borgen, Dardarian & Ho), dated July 12, 2018
2. Court Order
3. Minutes from Ad-hoc Districting Committee Meeting of July 3, 2018
4. Minutes from Ad-hoc Districting Committee Meeting of July 5, 2018
5. Minutes from Ad-hoc Districting Committee Meeting of July 11, 2018
6. Email Correspondence
7. Open City Hall Survey Results
8. Communications Outreach Plan

From: Steve Churchwell <steve@churchwellwhite.com>
Sent: Thursday, July 12, 2018 9:41 PM
To: Brian Doyle; Jennifer Yamaguma
Cc: Kevin Calia; Elaine Won
Subject: Fw: Yumori Kaku v. City of Santa Clara - 4th public meeting cancelled

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From: Mike Baller <mballer@gbdhlegal.com>
Sent: Thursday, July 12, 2018 5:57 PM
To: Steve Churchwell
Cc: Nubia Goldstein; Vincent Vu
Subject: Yumori Kaku v. City of Santa Clara - 4th public meeting cancelled

Steve,

We just found out that the City has just cancelled the fourth public meeting that *it* had scheduled for July 21, on the stated grounds (according to the website posting) that the court changed the remedy hearing date from July 23 to July 18. Of course, that change was ordered on July 2nd, 10 days ago. There was plenty of time then, and there still is enough time now, for the City to schedule a fourth public meeting before the hearing date. Why not hold one on Saturday, Sunday, Monday or Tuesday? Given the City's professed concern for public input, its failure to schedule such a meeting calls its real motives with regard to the hearing process into question.

Sincerely,

Morris J. Baller (Mike)
Of Counsel
Goldstein, Borgen, Dardarian & Ho
300 Lakeside Drive, Suite 1000
Oakland, CA 94612
(510) 763-9800
(510) 287-4320 (direct line)
(510) 835-1417 (fax)
mjb@gbdhlegal.com

Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 6/26/2018 8:43 AM
Reviewed By: R. Walker
Case #17CV319862
Envelope: 1660919

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

LADONNA YUMORI KAKU et al., Plaintiffs, vs. CITY OF SANTA CLARA, and DOES 1 to 50, Defendants.	Case No. 17CV319862 **ORDER RE: SCHEDULE FOR THE REMEDIES PHASE OF TRIAL**

On June 6, 2018, the Court issued a Statement of Decision that found the City of Santa Clara's (the "City") at-large method of election for City Council members impairs the ability of Asian Americans to elect candidates as a result of the dilution and abridgment of their voting rights. Having found the City liable under the California Voting Rights Act ("CVRA"), the Court is required under law to "implement appropriate remedies including the imposition of district-based elections that are tailored to remedy the violation." (Elec. Code § 14029.)

The parties have discussed the concern that if an appropriate remedy is not selected for the November 2018 elections, those elections may be jeopardized. Just a few years ago this happened in Palmdale, California, when CVRA violations were not corrected before its 2013 elections. (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781, 791.) There, the court

enjoined Palmdale from certifying the results of its City Council elections. The Court and the parties are committed to avoiding that result here.

Drawing City Council districts that comply with the CVRA is not going to be an easy task. The Court must adopt a remedy that ensures all City voters are able to exercise their voting rights to the fullest extent, including but not limited to Asian Americans. During the liability phase of trial, both sides retained well-respected statistics experts who carefully collected and analyzed precinct-level data. The parties and the Court discussed several months ago the need to use that same data for a possible remedies phase. Plaintiffs have also retained an expert demographer. The tools the parties have invested in are commonly used in both federal and state actions. Consequently, having invested substantial time and money in retaining experts to analyze all relevant data, the Court believes both parties will be prepared to present proposals that comply with both the CVRA and Section 2 of the federal Voting Rights Act.

In drawing districts, the law requires the Court to consider factors such as topography, geography, cohesiveness, contiguity, integrity, compactness and community of interests. (Elections Code § 21601.) One way of assessing these factors is to consider public input, and for this reason, Section 10010 of the Elections Code requires political subdivisions (here, the City) to hold public meetings before and after proposed districting plans are considered.

The City, of course, has been soliciting public input on its election methods since those methods were challenged in 2011. Over these years the City has commissioned lengthy reports that summarize comments and concerns on districting plans. These reports are posted on the City's website. (See, e.g., Jeanne Gobalet, *Choosing a Council District Plan & Deciding Election Sequencing* (April 12, 2018) [a 31 page presentation for the Ad Hoc Advisory Committee on Council Districting that analyzed eight redistricting plans].) The Court is keenly aware that the schedule set forth below for selecting a remedy to the CVRA violation has short deadlines. The schedule, however, is driven by the need to conduct a fair election in November 2018. The Court hopes and expects that the combination of additional public meetings in June and July, and summaries of input received from the public by the City over the past seven years, will assist the Court and the parties in drawing district lines.

At the June 20, 2018 case management conference, the Court outlined a proposed schedule for selecting a remedy, including the City's obligation to comply with Elections Code section 10010. The Court asked Plaintiffs to propose a draft schedule, and for the City to provide comments for the Court to consider.

It is in this context that the Court was surprised by the City's comments, which were filed on June 25, 2018. The City did not provide constructive suggestions on how the proposed schedule might be improved. Instead, the City's comments suggested it would be impossible to hold public meetings on such short notice, and that any attempt to order the City to comply with Elections Code section 10010 could be immediately appealed, and as a consequence, the City could not be ordered to do anything.[1] Instead of making best efforts to ensure the November 2018 elections comply with the California Voting Rights Act, the City submitted comments that described how the City might bring those efforts to a halt.

To ensure the City fulfills its obligation to comply with Elections Code section 10010, and that a CVRA-compliant election takes place in November 2018, the Court sets the following schedule:

1. The City shall use its best efforts to hold two public meetings at which the public is invited to provide input regarding the composition of the districts. (Elections Code § 10010, subd. (a)(1).) These meetings shall take place on or before July 9, 2018. The Court is aware that the City utilizes many facilities for public meetings. It suggests as possibilities the Central Park Library, the Northern Branch Library, the Staff Conference Room at City Hall and City Hall Council Chambers. The City should also make best efforts to publicize these meetings including making announcements at City Council meetings, using email lists of residents including those who participated in earlier redistricting efforts, posting notices on the City's website, posting notices at libraries, and perhaps using print publications for notice. The notices should, to the best of the City's ability, be translated into the many languages spoken by City residents. Like other City meetings, the City Clerk (or a delegate) should keep minutes.

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[1] The City argues the Plaintiff's proposed scheduling order would amount to a mandatory injunction that could be immediately appealed, which under California law would result in an automatic stay. As the party subject to the alleged mandatory injunction, the City would be the party that would need to file the appeal.

2. On July 10, 2018, the parties shall serve and file proposed district maps, make them available to the public, and propose the sequence of the elections. (Elections Code § 10010, subd. (a)(2).) To ensure input from residents throughout the City, the Court is hopeful the City will post these maps on its website.

3. Between July 11, 2018 and July 22, 2018, the City shall make best efforts to hold two additional meetings at which the public will have the opportunity to provide input on the draft maps and the proposed sequence of elections (Elections Code § 10010, subd. (a)(2).) The suggestions above about the location, public notice and recordkeeping for the meetings apply to these meetings, too.

4. The Court will hold an evidentiary hearing on remedies that will commence on July 23, 2018 at 9:00 a.m. in Department 5. Pre-trial briefs, including requests for interim relief, shall be filed on or before July 19, 2018. If the parties so stipulate, direct testimony can be presented in the form of a declaration. Such declarations will need to be filed and served on or before July 19, 2018. The Court is hopeful that the City will inform the Court of any input it receives at the public meetings.

5. If a draft map is revised at, or following, the evidentiary hearing, the City shall make best efforts to post it on its website and make it available in its Clerk's Office. (Elections Code § 10010, subd. (a)(2).)

6. The Court expects to make a final decision on remedies on or before August 3, 2018. The Court is hopeful that with this information the City will set an appropriate nominations period and be prepared to have all election materials timely prepared and distributed.

The Court understands that the City will need to take immediate action to reserve meetings spaces, notify the public of the time and place of the meetings, and provide staff to keep minutes. These tasks, however, are manageable. The Court also understands that a longer timetable might result in more public input. The Court is optimistic, however, that the City can take advantage of its exhaustive efforts spent in the last seven years soliciting public comments

on districting, including comments received on the specific proposals developed by the City, to be able to inform the Court of the needs and preferences of its residents.

Dated: June 26, 2018

Thomas E. Kuhnle
Judge of the Superior Court

City of Santa Clara
The Center of What's Possible

AD-HOC ADVISORY DISTRICTING COMMITTEE
City Hall Council Chambers
1500 Warburton Avenue
Santa Clara, CA 95050

Ad-hoc Advisory Districting Committee Minutes
Tuesday, July 3, 2018

Committee Members in attendance:
Yuki Ikezi
Stephen Ricossa
Barbara A. Estrada

City Staff in attendance:
Brian Doyle, City Attorney
Nadine Nader, Assistant City Manager
Jennifer Yamaguma, Acting City Clerk
Kendra Davis, Management Analyst

Approximately 42 members of the public attended this meeting.

1. **Call to Order and Roll Call**

   Chairperson Ikezi called the meeting of the Ad-hoc Advisory Districting Committee Meeting to order at 6:00 pm in the City Hall Council Chambers. All members of the Committee were present during Roll Call.

2. **Public Presentations**

   No member of the public made a public presentation.

3. **Review of Court Order Received on June 26, 2018 and Legal Requirements**

   City Attorney Doyle reviewed the Court Order received by the City on June 26th, 2018. He also explained that on June 26, the Council granted the City Manager authority to convene this committee to hold the public hearings required by the Court, as well as authority to take actions as required by the court order to meet deadlines. He expressed gratitude to the members of the Ad-hoc Advisory Districting Committee for reconvening to receive input from the public on the Court Ordered Council districting process.

   Based on information from a Case Management Conference between the Court, the plaintiffs and the City of Santa Clara that was held on July 2, 2018, updates were made to the original schedule created and advertised by the City. Those changes are as follows:

   - Both plaintiffs and the City must provide maps with proposed districts on July 6th;
   - Hearing date was moved up from July 23rd to July 18th, so it is unlikely that the City will continue with its original community meeting scheduled on July 21st, as the information gathered there will not be used at the hearing; and
   - The Court will make a decision by July 23rd.

DRAFT

City Attorney Doyle outlined the responsibilities of the Ad-hoc Committee as holding the public hearings; listening and gathering public comment; reviewing the demographer's recommendations; and, based on public input, providing a recommendation on a district map and sequencing of the elections. He then answered Commission questions.

4. **Public Hearing to receive input and form a recommendation on District Boundaries and Election Sequencing for Council consideration in response to Court Order:**

   A. **Presentation by Professional Demographer**

      A copy of Dr. Gobalet's PowerPoint from this meeting is attached.

   B. **Public testimony (Up to 3 minutes per speaker, may be reduced subject to number of speakers)**

   The following members of the public addressed the Committee:

      Bern Steves
      Diane Harrison
      Nancy Biagini
      Rob Jerdonek
      Josefina Pulido
      Rick Bertaut
      Wes Mukoyama
      Keith Adams
      Charles Sedlacer
      Paul Creger
      Ellen Ratner
      David Cary
      John McLemore
      Steve Chessin
      Anthony Becker
      Hosam Haggag
      Kevin Park
      Bern Steves

   Motion was made by Commissioner Estrada, seconded and unanimously carried, to close the public hearing.

5. **Adjournment**

   Motion was made by Committee Member Ricossa, seconded and unanimously carried, to adjourn the meeting In Memory of Larry Marsalli, former Mayor of Santa Clara, who passed away yesterday.

   Next Meeting: July 5, 2018, 4:30 p.m. Central Park Library, Redwood Room, 2635 Homestead Road, Santa Clara

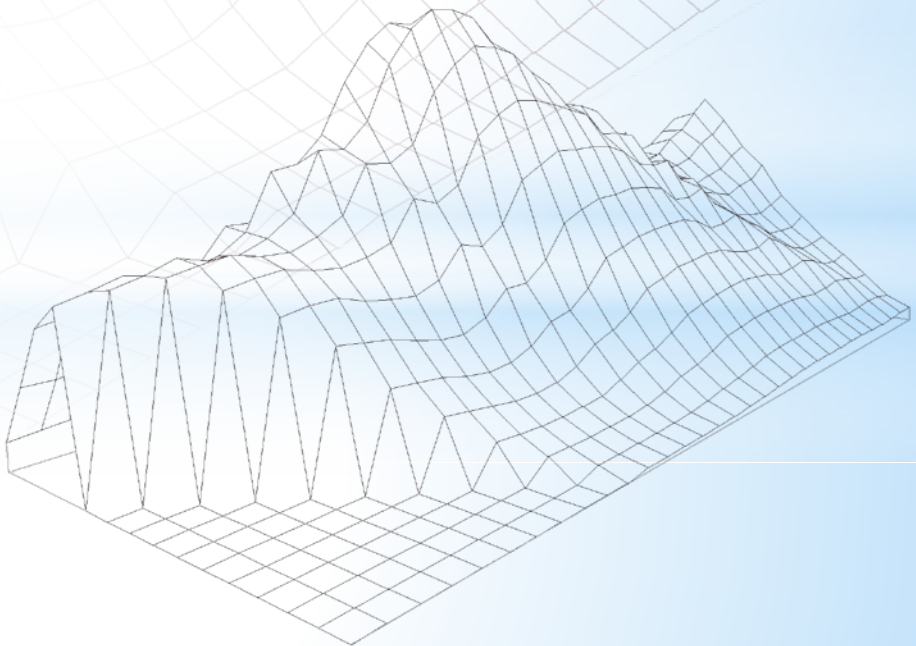
DRAFT

City Council Election District Boundaries
Three Draft Plans – Six Council Districts

City of Santa Clara

Jeanne Gobalet, Ph.D.
Lapkoff & Gobalet
Demographic Research, Inc.
www.Demographers.com

July 3, 2018, Public Hearing



Agenda

* Districting criteria used by demographers
* Relevant demographic data for the City as a whole
* Computer mapping data (“layers”) used when drawing election districts
* Background maps
* Three draft plans for 6 Council districts
* Questions?

Districting Criteria used by Demographers

- Population Equality – Census 2010 data
- Federal Voting Rights Act
- State Elections Code
- Other criteria

Required Districting Criteria: Population Equality

- **Census 2010 population data must be used in districting** (until 2020 Census data are available)
- **New election districts must be nearly equal in total population:**
  - No more than 10% total deviation using 2010 population
  - Santa Clara's Census 2010 population was 116,468. Each of six City Council districts must contain approximately one-sixth of this total (about 19,411 residents).
    - Population difference between most- and least-populous districts should not exceed 1,941. This is called "total deviation".
    - The City's post-2010 housing and population growth has been geographically uneven. We can take the added estimated population into account to a very limited extent by giving the Council districts with the most growth smaller total populations (deviation must not exceed 10%, however).

Required Districting Criteria: Federal Voting Rights Act

- **Election districts should provide members of protected groups the opportunity to elect representatives of their choice (or possibly to influence the election of representatives of their choice)**
  - **Supreme Court decisions (Shaw v. Reno and others) say race cannot be the "predominant" factor in redistricting, unless there is a "compelling state interest."**
  - **Supreme Court decision (Evenwel et al. *v*. Abbott, Governor of Texas, et al., 2016) affirmed that *total* population is to be used to balance election districts.**

Traditional Districting Criteria
California Elections Code

District lines may be drawn that consider:

- **Topography (e.g., rivers, natural barriers)**
- **Geography (e.g., municipal boundaries)**
- **Cohesiveness, contiguity, integrity, & compactness of territory**
- **"Communities of interest," which may be:**
  - **Geographic communities (e.g., neighborhoods)**
  - **Socioeconomic groups (e.g., Federal Voting Rights Act protected groups, etc.)**

In addition, when drawing election districts, we try to use major roads and other identifiable features as boundaries.

Further Criteria Emphasized by Courts

- Respect boundaries of existing political subdivisions, when possible (e.g. voting precincts, etc.)
- Respect existing census geography (e.g., city blocks)
- Avoid head-to-head contests between incumbents
- Other criteria which may address unique local concerns

Computer Mapping (GIS) Data ("layers") used by Demographers

- **U.S. Census 2010 blocks** (building blocks for election districts—Census Bureau population data are for these geographical units)
- **Santa Clara County precincts** (used by Registrar of Voters to implement districting plan)
- **GIS layers from the City's GIS**
  - **Streets, parcels…**
- **GIS layers from the U.S. Census Bureau**
  - **railroads, water features, landmarks…**
- **Santa Clara Unified School District attendance area boundaries**
- **Nextdoor neighborhood map**

Demographic measures used in districting (City of Santa Clara totals)

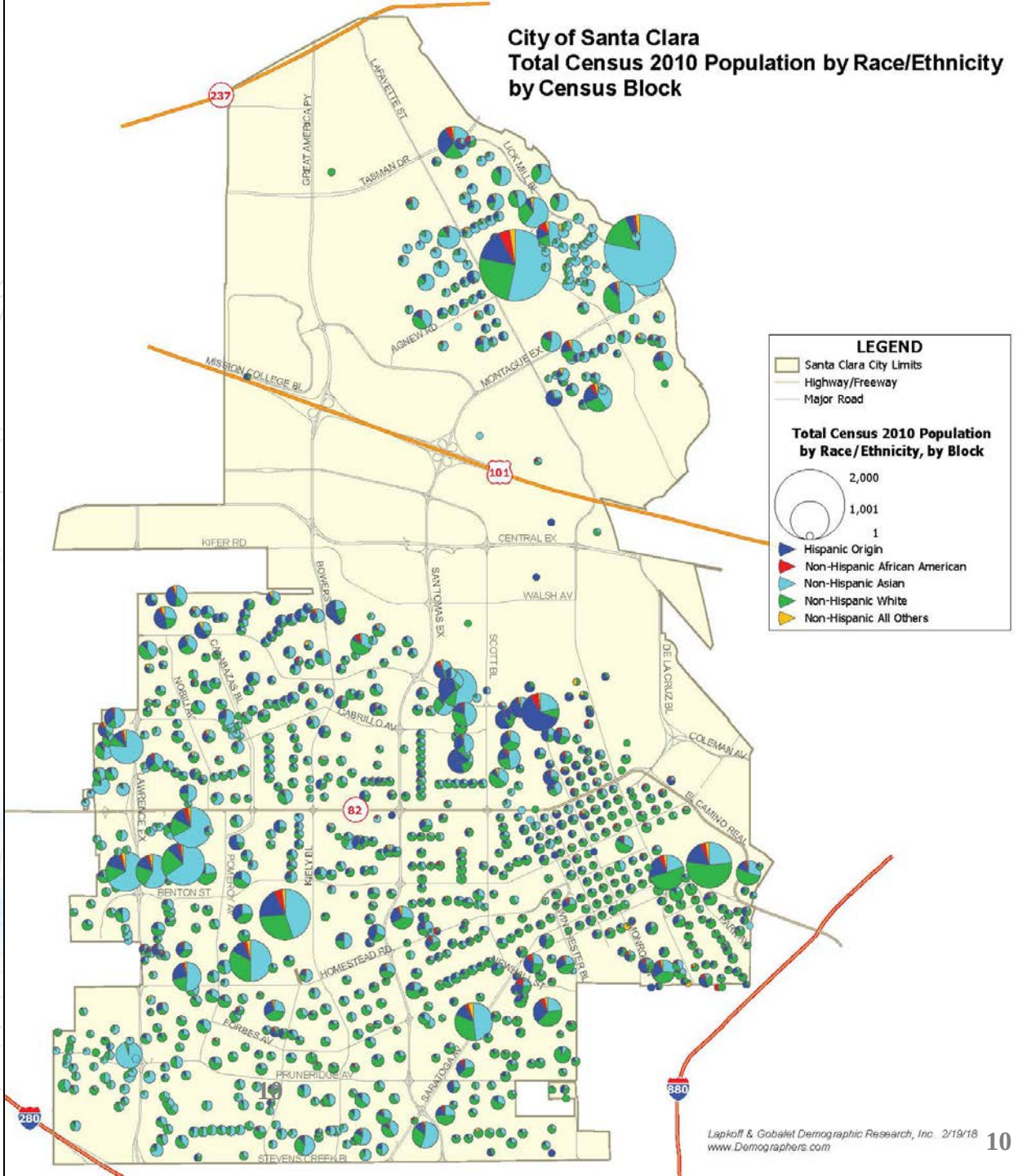
	Census 2010 total population	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
2010 Census population	116,468	45,681	42,026	22,589	3,334	492	745	420	1,181
Percent		39%	36%	19%	3%	0%	1%	0%	1%
	est total CVAP 2012-16	NH Asian CVAP	NH White CVAP	Hispanic origin CVAP	all Other CVAP				
American Community Survey 2012-16 estimated Citizen Voting Age Population (CVAP)	66,036	19,252	33,644	11,086	2,054				
Percent		29%	51%	17%	3%				

We combine Census blocks (the smallest unit of Census geography) and aggregate block numbers for Pieces (subareas of the City). We use Pieces to develop draft districting plans.

Census 2010 distribution of the City's population by race/ethnicity (by Census block)

Data from the U.S. Census 2010 Redistricting Data Release (PL94-171)

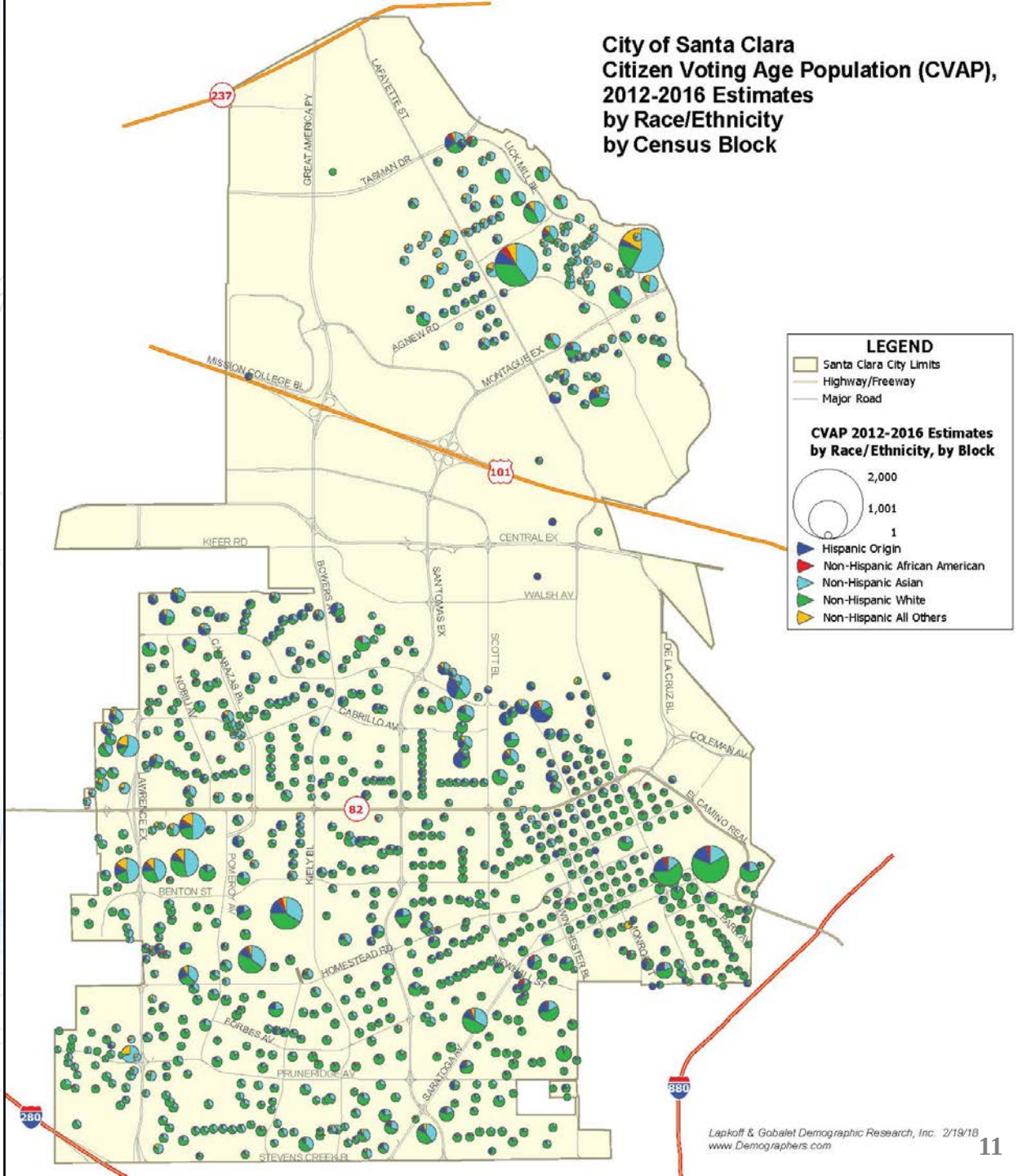
Race/ethnic identity is chosen by Census survey respondents



Estimated CVAP (Citizen Voting Age Population) by Census Block

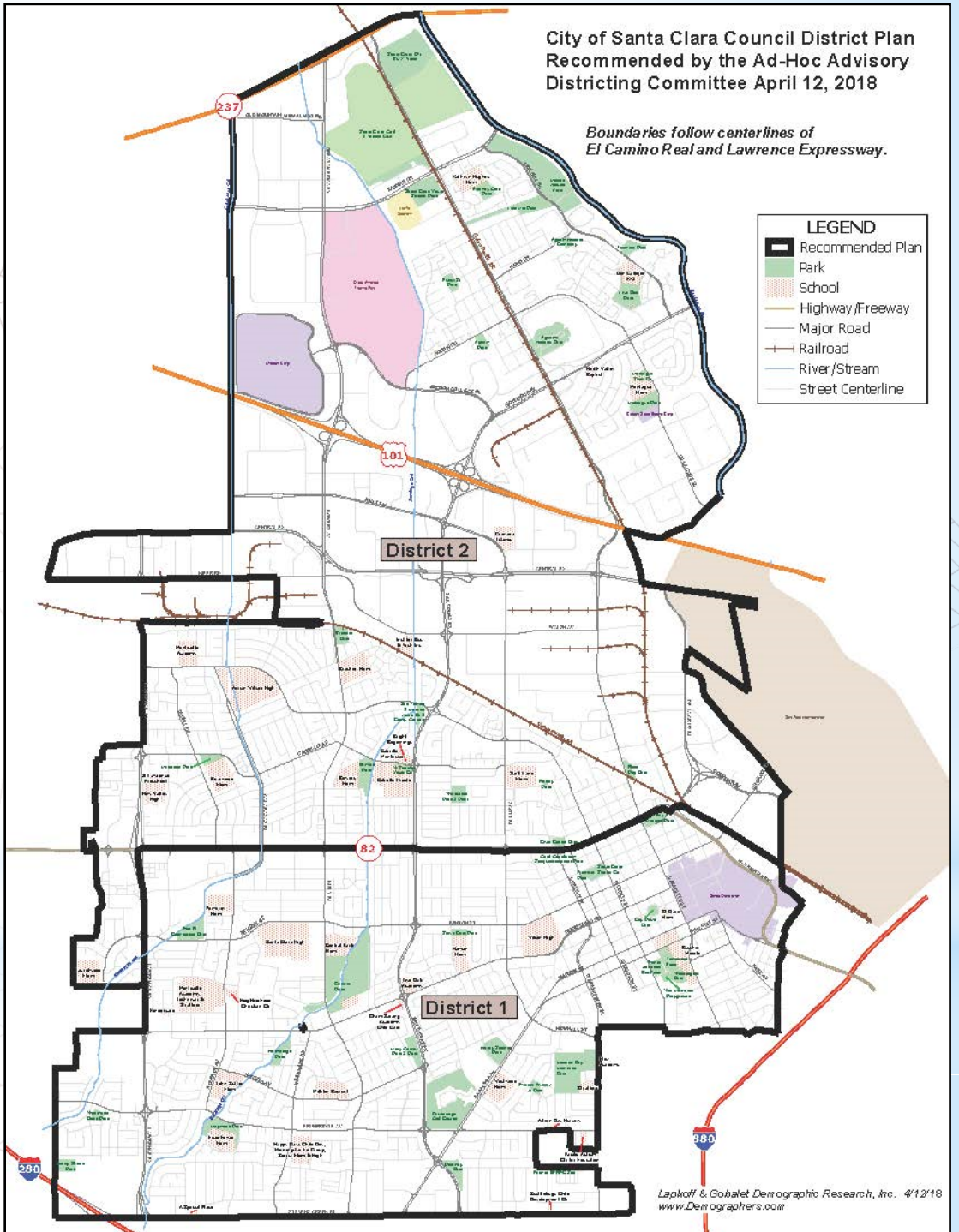
CVAP estimates for Census blocks are from a special tabulation of American Community Survey 2012-16 data by the U.S. Census Bureau. These estimates are from small samples and are inexact.

http://statewidedatabase.org/



Background:
2-District Plan

Rejected by voters (Measure A)

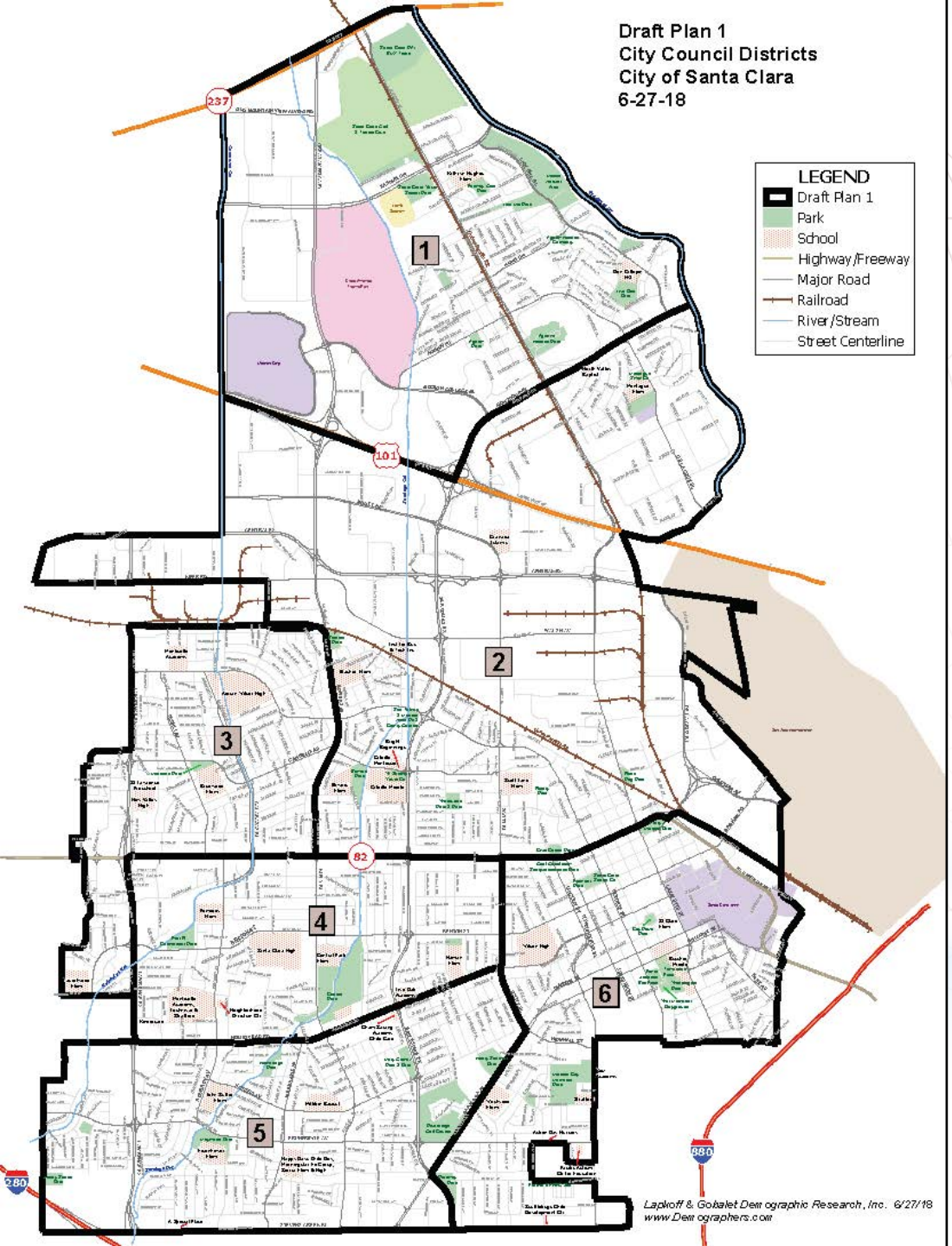


Draft Plans

Draft Plans 1, 2, 3:

- **Each has 6 Council districts with (relatively) equal 2010 total populations**
- **All three plans use the May 8, 2018, 2-district plan boundary (mostly following El Camino Real)**
- **Plans built from Census blocks aggregated to construct Pieces**
- **Boundaries are major thoroughfares, when possible**

In all three plans, Districts 3 and 4 have the smallest populations to take into account estimated post-2017 population growth from new housing.



Draft Plan 1

6 Council Districts

Note boundary between D1 and D2 (in the north) – Draft Plan 2 shows a different possibility

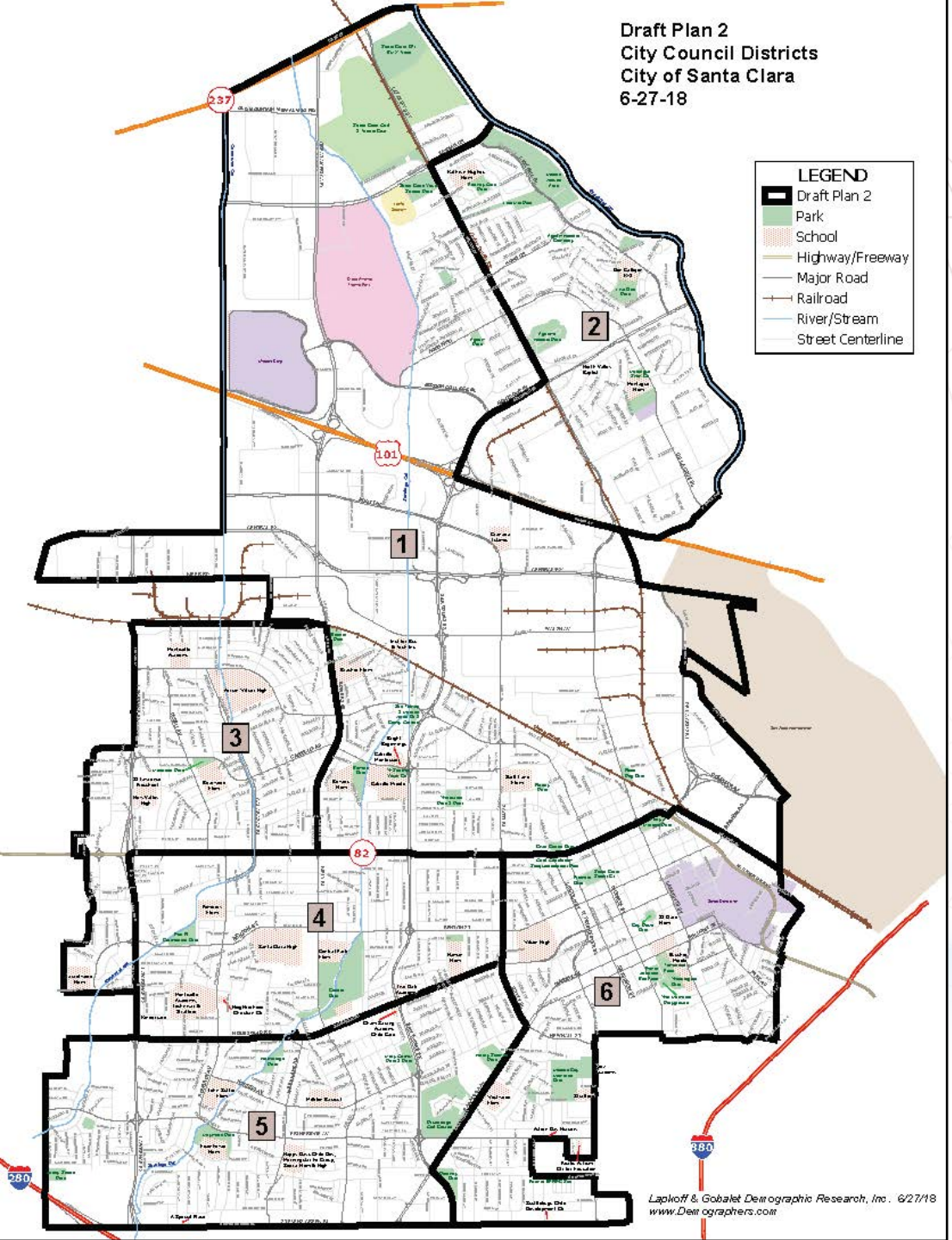
Draft Plan 1 data

Plan deviation = 7.5%

Draft Plan 1											
6 Council Districts											
District	Census 2010 total population	Deviation (ideal district pop. = 19,411)	% Deviation	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
1	19,271	-140	-0.7%	11,811	4,221	2,213	591	41	72	83	239
2	20,070	659	3.4%	6,877	5,779	6,125	690	89	223	53	234
3	18,614	-797	-4.1%	7,811	5,815	4,005	404	99	160	110	210
4	18,678	-733	-3.8%	7,542	6,577	3,610	536	85	84	66	178
5	19,874	463	2.4%	7,861	8,897	2,386	393	63	74	48	152
6	19,961	550	2.8%	3,779	10,737	4,250	720	115	132	60	168
Total	116,468	1,456	7.5%	45,681	42,026	22,589	3,334	492	745	420	1,181

Citizen Voting Age Population (CVAP) - estimated 2012-2016								
District	est total CVAP 2012-16			est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16	Row Total
1	9,707			51%	35%	11%	4%	100%
2	10,823			27%	42%	27%	4%	100%
3	10,018			33%	46%	19%	2%	100%
4	10,567			31%	50%	17%	3%	100%
5	11,495			27%	60%	10%	2%	100%
6	13,427			13%	67%	17%	4%	100%
Total	66,036			29%	51%	17%	3%	100%

Deviation when taking into account the estimated post-2010 population growth from new housing = 11.2%



Draft Plan 2

6 Council Districts

Different D1-D2 boundary, otherwise the same as Draft Plan 1

Draft Plan 2 data

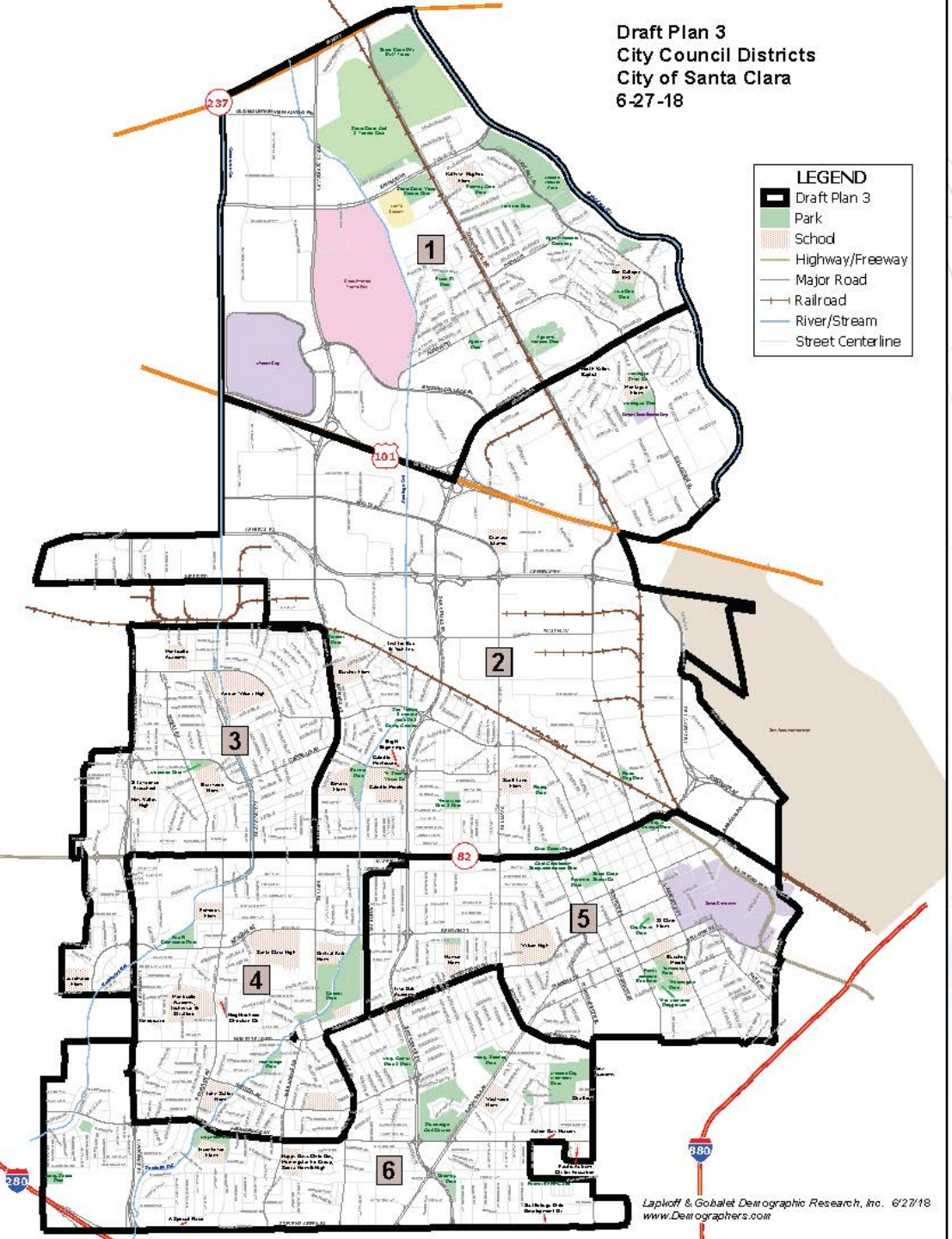
Plan deviation = 8.8%

Draft Plan 2											
6 Council Districts											
District	Census 2010 total population	Deviation (ideal district pop. = 19,411)	% Deviation	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
1	20,314	903	4.7%	7,660	5,650	5,828	660	75	174	55	212
2	19,027	-384	-2.0%	11,028	4,350	2,510	621	55	121	81	261
3	18,614	-797	-4.1%	7,811	5,815	4,005	404	99	160	110	210
4	18,678	-733	-3.8%	7,542	6,577	3,610	536	85	84	66	178
5	19,874	463	2.4%	7,861	8,897	2,386	393	63	74	48	152
6	19,961	550	2.8%	3,779	10,737	4,250	720	115	132	60	168
Total	116,468	1,700	8.8%	45,681	42,026	22,589	3,334	492	745	420	1,181

Citizen Voting Age Population (CVAP) - estimated 2012-2016

District	est total CVAP 2012-16			est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16	Row Total
1	10,768			30%	41%	26%	4%	100%
2	9,762			48%	36%	12%	4%	100%
3	10,018			33%	46%	19%	2%	100%
4	10,567			31%	50%	17%	3%	100%
5	11,495			27%	60%	10%	2%	100%
6	13,427			13%	67%	17%	4%	100%
Total	66,036			29%	51%	17%	3%	100%

Deviation when taking into account the estimated post-2010 population growth from new housing = 12.5%



Draft Plan 3

6 Council Districts

Nextdoor neighborhood boundaries used to the extent possible

Same D1 and D2 as Draft Plan 1

D4, D5, and D6 from the differ from the other plans

Draft Plan 3 data

Plan deviation = 8.8%

Draft Plan 3											
6 Council Districts											
District	Census 2010 total population	Deviation (ideal district pop. = 19,411)	% Deviation	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
1	19,271	-140	-0.7%	11,811	4,221	2,213	591	41	72	83	239
2	20,070	659	3.4%	6,877	5,779	6,125	690	89	223	53	234
3	18,614	-797	-4.1%	7,811	5,815	4,005	404	99	160	110	210
4	18,649	-762	-3.9%	7,719	6,819	3,205	503	87	81	66	169
5	19,535	124	0.6%	3,917	10,137	4,343	652	119	130	64	173
6	20,329	918	4.7%	7,546	9,255	2,698	494	57	79	44	156
Total	116,468	1,715	8.8%	45,681	42,026	22,589	3,334	492	745	420	1,181

Citizen Voting Age Population (CVAP) - estimated 2012-2016								
District	est total CVAP 2012-16			est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16	Row Total
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3	10,018			33%	46%	19%	2%	100%
4	10,527			31%	51%	15%	3%	100%
5	12,980			14%	65%	18%	3%	100%
6	11,982			25%	61%	11%	3%	100%
Total	66,036			29%	51%	17%	3%	100%

Deviation when taking into account the estimated post-2010 population growth from new housing = 12.0%

Pieces are Building blocks for Council Districts

- **Members of the public who wish to design Council Districts may use the Excel file posted on the City's website ("Calculator for 6-District plans with Pieces map 070318.xlsx"). It is based on Pieces data (for 36 subareas of the City). The Pieces can be modified upon request. The Excel file provides automatic calculations of a draft plan's deviation and CVAP characteristics.**
  - **The "Pieces" were drawn while taking into account:**
    - **Major thoroughfares**
    - **Neighborhoods**
    - **Communities of interest**
    - **Election precinct boundaries**
    - **Santa Clara Unified School District's elementary attendance areas**
  - **More about "Pieces"**
    - **They do *not* have equal populations: they are intended to be useful for building Council districts**
    - **Boundaries can be adjusted--subdivided or revised--if it seems useful to do so**
- **An Excel file containing *Census block-level data* will be posted on the City's website. There were nearly 1,900 Census blocks in the City in 2010, too many for most people to use to build plans. This database could be used by those with GIS capability.**

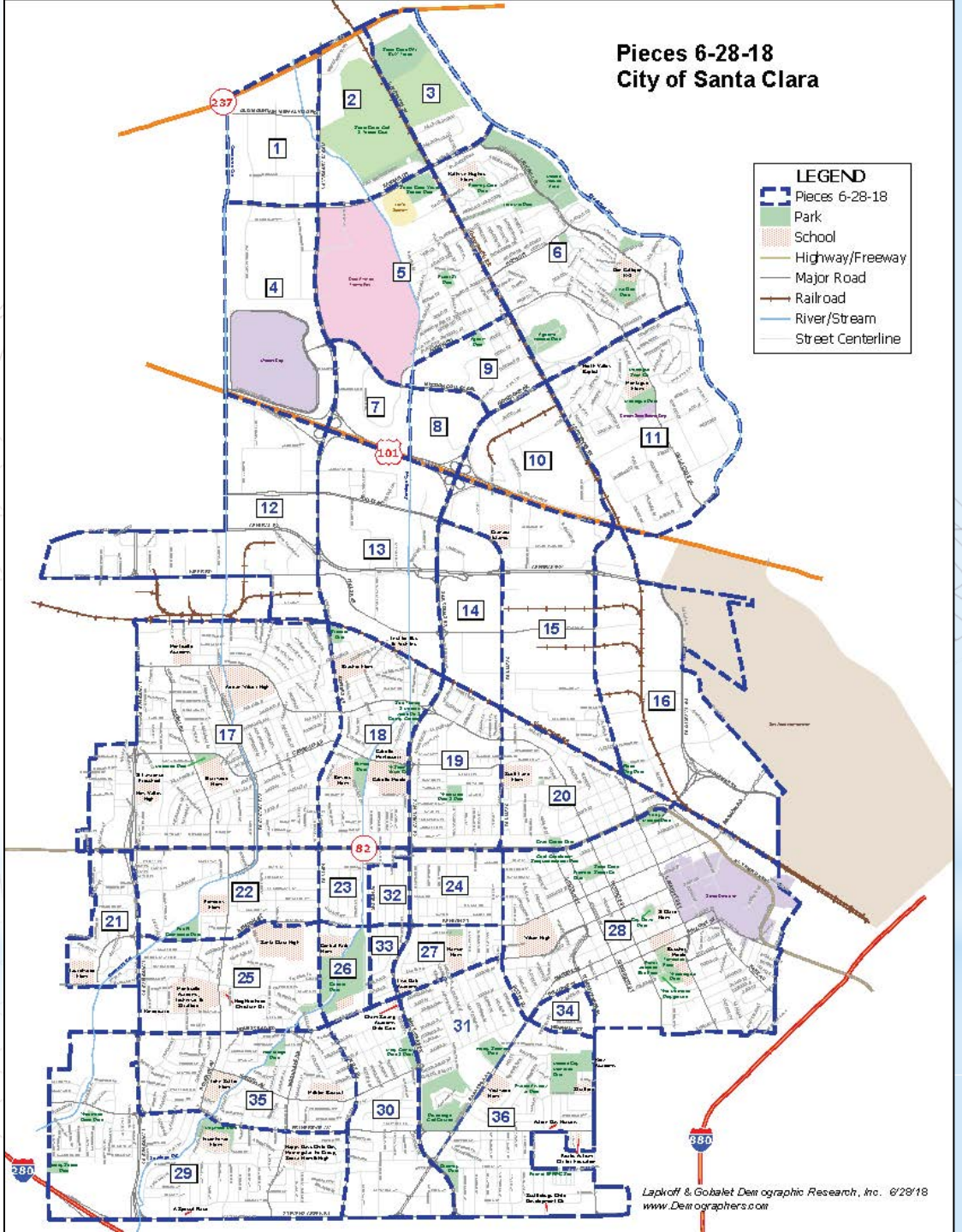
See background information, maps, data, and Draft Plans on the City's website.

City of Santa Clara subareas / "pieces" can be combined to create Council district scenarios – June 28 version

These subareas were created by the city's demographer.

They can be modified (subdivided or revised) if it seems useful to do so.

An Excel file for use in connection with this map will be posted on the City's website.



Comments /Questions?

Jeanne Gobalet, Ph.D.

Lapkoff & Gobalet
Demographic Research, Inc.

http://santaclaraca.gov/residents/court-ordered-council-districting-process

City of Santa Clara
The Center of What's Possible

AD-HOC ADVISORY DISTRICTING COMMITTEE
Central Park Library - Redwood Room
2635 Homestead Road
Santa Clara, CA 95050

Ad hoc Advisory Districting Committee Minutes
Tuesday, July 5, 2018

Committee Members in attendance:
Yuki Ikezi
Stephen Ricossa
Barbara A. Estrada

City Staff in attendance:
Brian Doyle, City Attorney
Nadine Nader, Assistant City Manager
Kendra Davis, Management Analyst

Approximately 70 members of the public attended this meeting.

1. **Call to Order and Roll Call**

   Chairperson Ikezi called the meeting of the Ad-hoc Advisory Districting Committee Meeting to order at 4:32 pm in the Redwood Room of the Santa Clara Central Library. All members of the Committee were present during Roll Call.

2. **Public Presentations**

   No member of the public made presentations.

3. **Review of Court Order Received on June 26, 2018 and Legal Requirements**

   City Attorney Doyle noted that this is the second public hearing to gather input per the Court Order issued on June 26, 2018. He also explained that on June 26, the Council granted the City Manager authority to convene this committee to hold the four public hearings required by the Court, as well as authority to take actions as required by the court order to meet deadlines.

   Based on information from a Case Management Conference between the Court, the Plaintiffs and the City of Santa Clara that was held on July 2, 2018, updates were made to the original schedule created and advertised by the City. Those changes are as follows:
   - Both the plaintiffs and the City must provide maps with proposed districts on July 6th;
   - The hearing date was moved up from July 23rd to July 18th, so it is unclear how that will affect the originally scheduled community meeting on July 21st, as the information gathered there will not be used at the hearing; and
   - The Court will make a decision by July 23rd.

   City Attorney Doyle outlined the responsibilities of the Ad-hoc Committee as holding the public hearings; listening and gathering public comment; reviewing the demographer's recommendations; and, based on public input, providing a recommendation on a district map and sequencing of the elections. He then answered Committee questions.

DRAFT

4. **Public Hearing to receive input and form a recommendation on District Boundaries and Election Sequencing for Council consideration in response to Court Order:**

A. **Presentation by Professional Demographer**

A copy of Dr. Gobalet's PowerPoint from this meeting is attached.

B. **Public testimony**

The following members of the public addressed the Committee:

Keith Adams
Bern Steves
Bruce
Leslie Kelsay
Pat Wadell
Charles Sedlacek
Carlos Puig
David Cary
Diane Harrison
Paul Johnson
Dave Kadlecek
Anthony Becker
Paul Creger
Kimberly Cowell
Umar Kamal
Barbara McCune
Stephen Peck
Judy Garton-Zavesky
Kevin Park
Hosam Haggag

Motion was made by Committee Member Ricossa, seconded and unanimously carried, to close public hearing.

Motion was made by Committee Member Estrada, seconded and unanimously carried, that the City Attorney Doyle submit to the Court a total of five maps without a recommendation from the Ad-hoc Advisory Districting Committee: two 6-District Draft Plans (Draft Plans 1 and 3), two 3-District Draft Plans based on the 6-District Draft Plans 1 and 3 (following the creation of such maps by the professional demographer), and the previously recommended 2-District Map (recommended by the Ad-hoc Advisory Districting Committee – April 12, 2018).

A Committee discussed followed regarding sequencing. One member of the public spoke on this item: Hosam Haggag.

Motion was made by Committee Member Ricossa, seconded and unanimously carried, to continue the discussion on sequencing until the July 11, 2018 Committee meeting.

DRAFT

Motion was again made by Committee Member Ricossa, seconded and unanimously carried, to close public hearing.

5. **Adjournment**

Motion was made by Committee Member Estrada, seconded and unanimously carried, to adjourn.

Next Meeting: July 11, 2018, 4:30 p.m. City Hall, City Council Chambers, 1500 Warburton Avenue, Santa Clara

DRAFT

City Council Election District Boundaries
Three Draft Plans – Six Council Districts

City of Santa Clara

Jeanne Gobalet, Ph.D.
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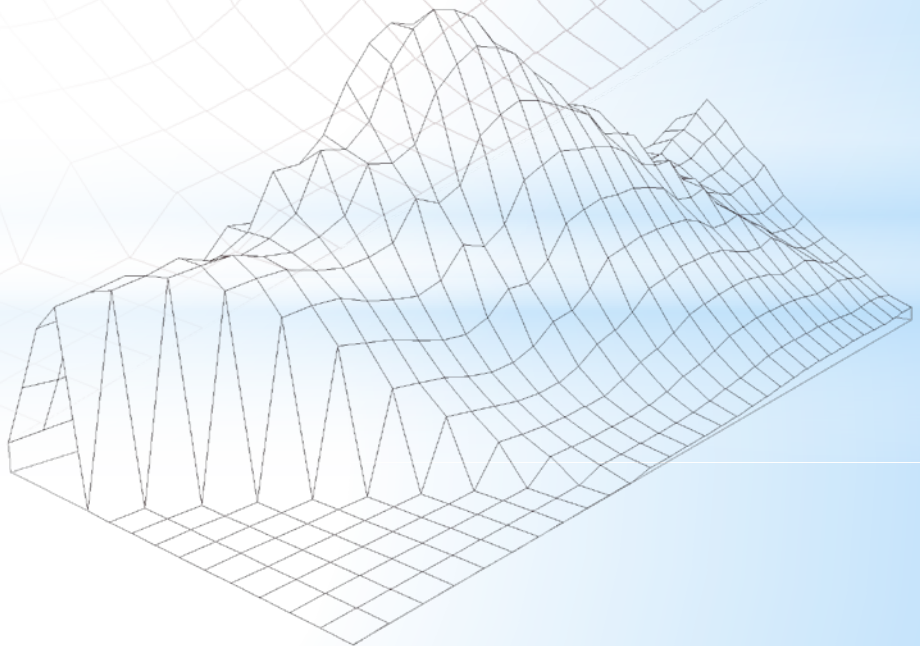
July 5, 2018, Public Hearing



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  - **Geographic communities (e.g., neighborhoods)**
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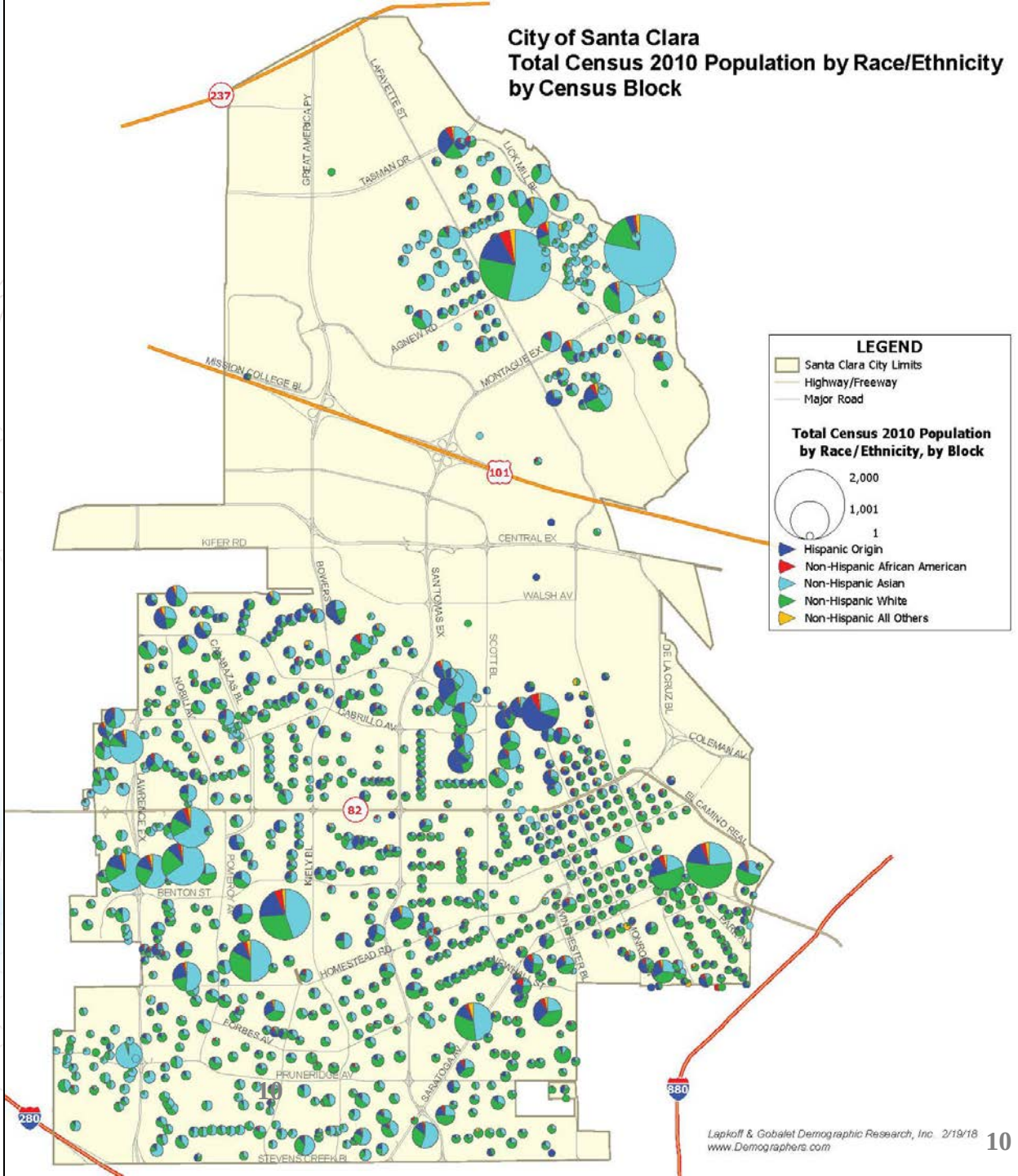
In addition, when drawing election districts, we try to use major roads and other identifiable features as boundaries.

Census 2010 distribution of the City's population by race/ethnicity (by Census block)

Data from the U.S. Census 2010 Redistricting Data Release (PL94-171)

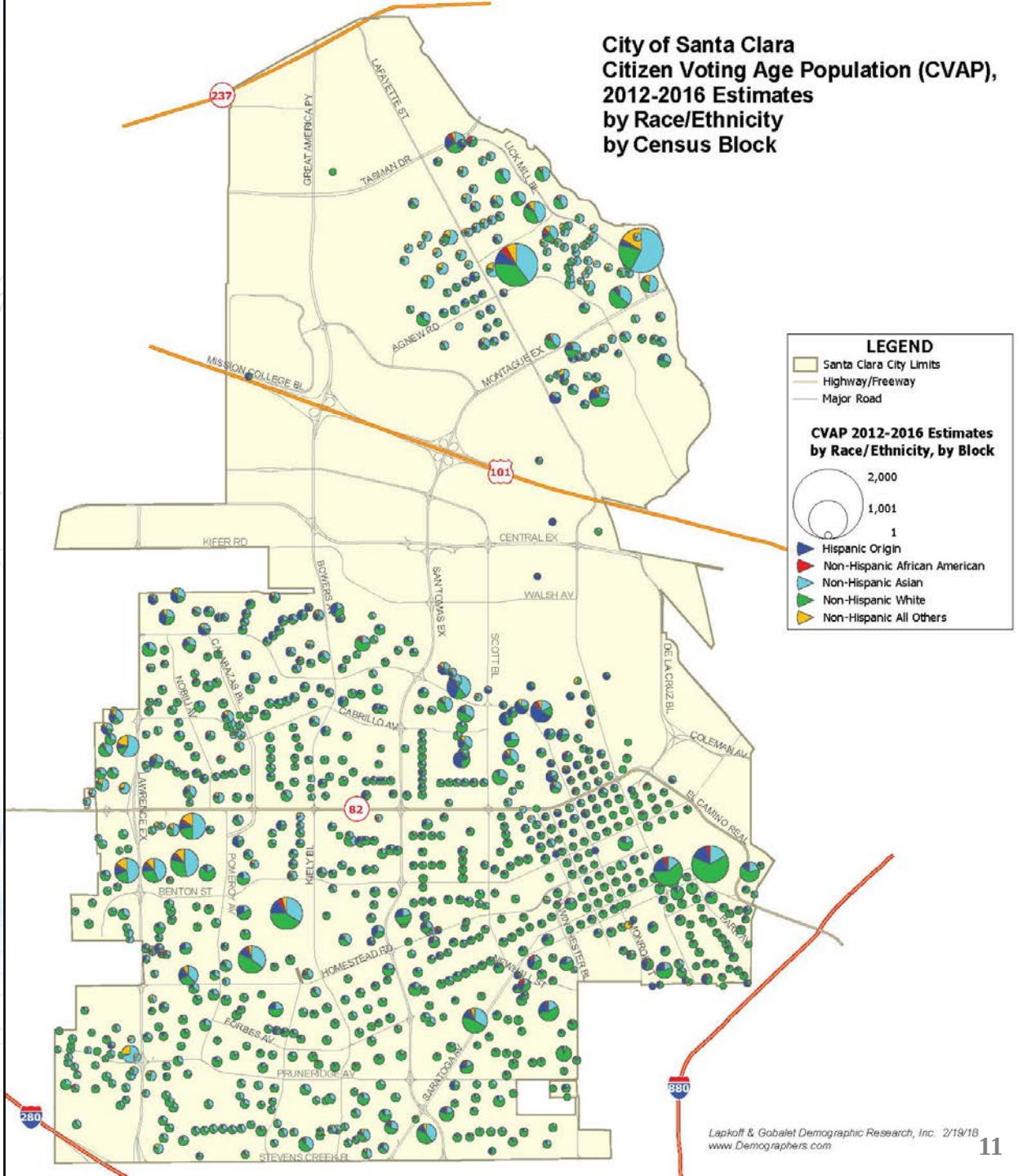
Race/ethnic identity is chosen by Census survey respondents



Estimated CVAP (Citizen Voting Age Population) by Census Block

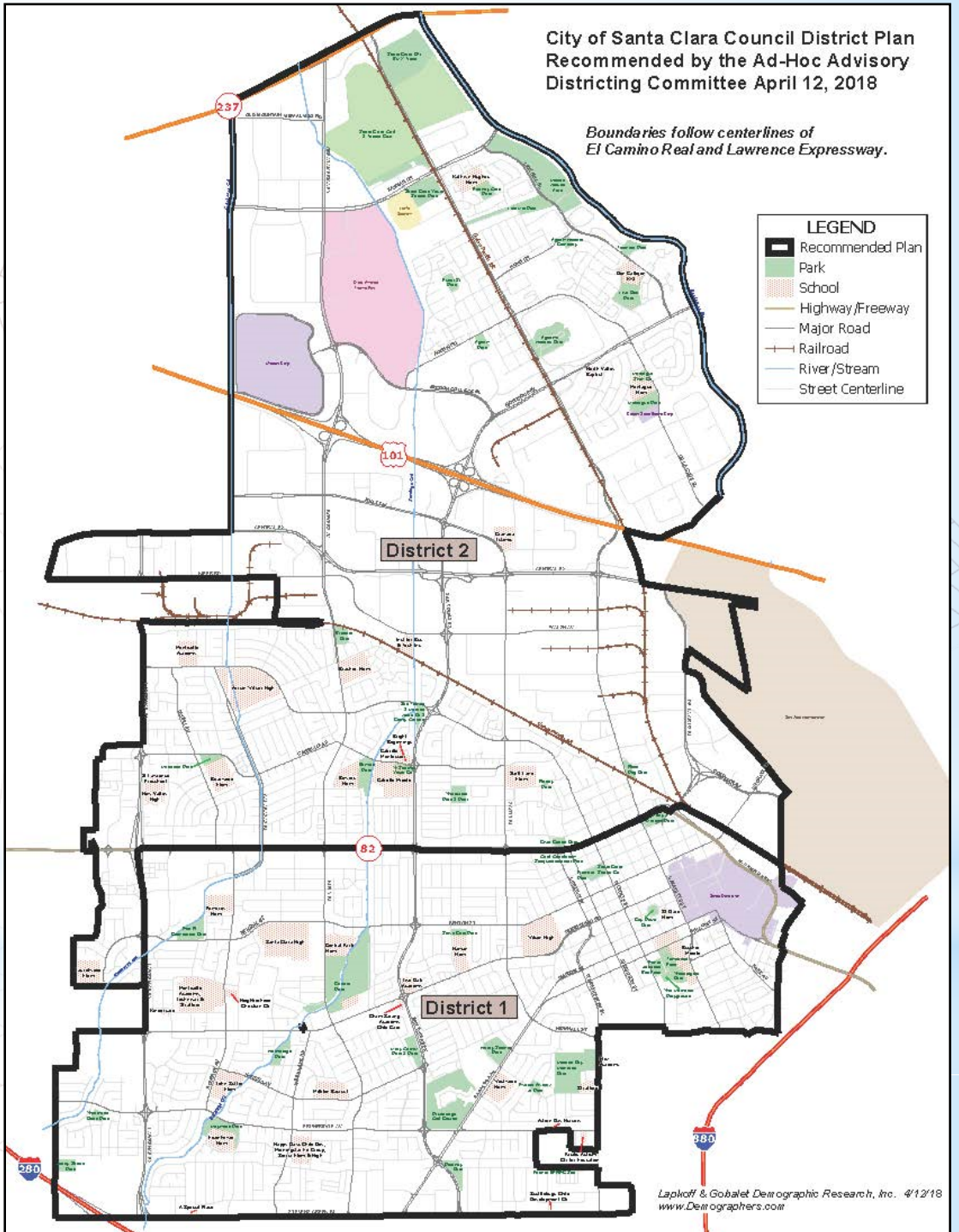
CVAP estimates for Census blocks are from a special tabulation of American Community Survey 2012-16 data by the U.S. Census Bureau. These estimates are from small samples and are inexact.

http://statewidedatabase.org/



Background:
2-District Plan

Rejected by voters (Measure A)

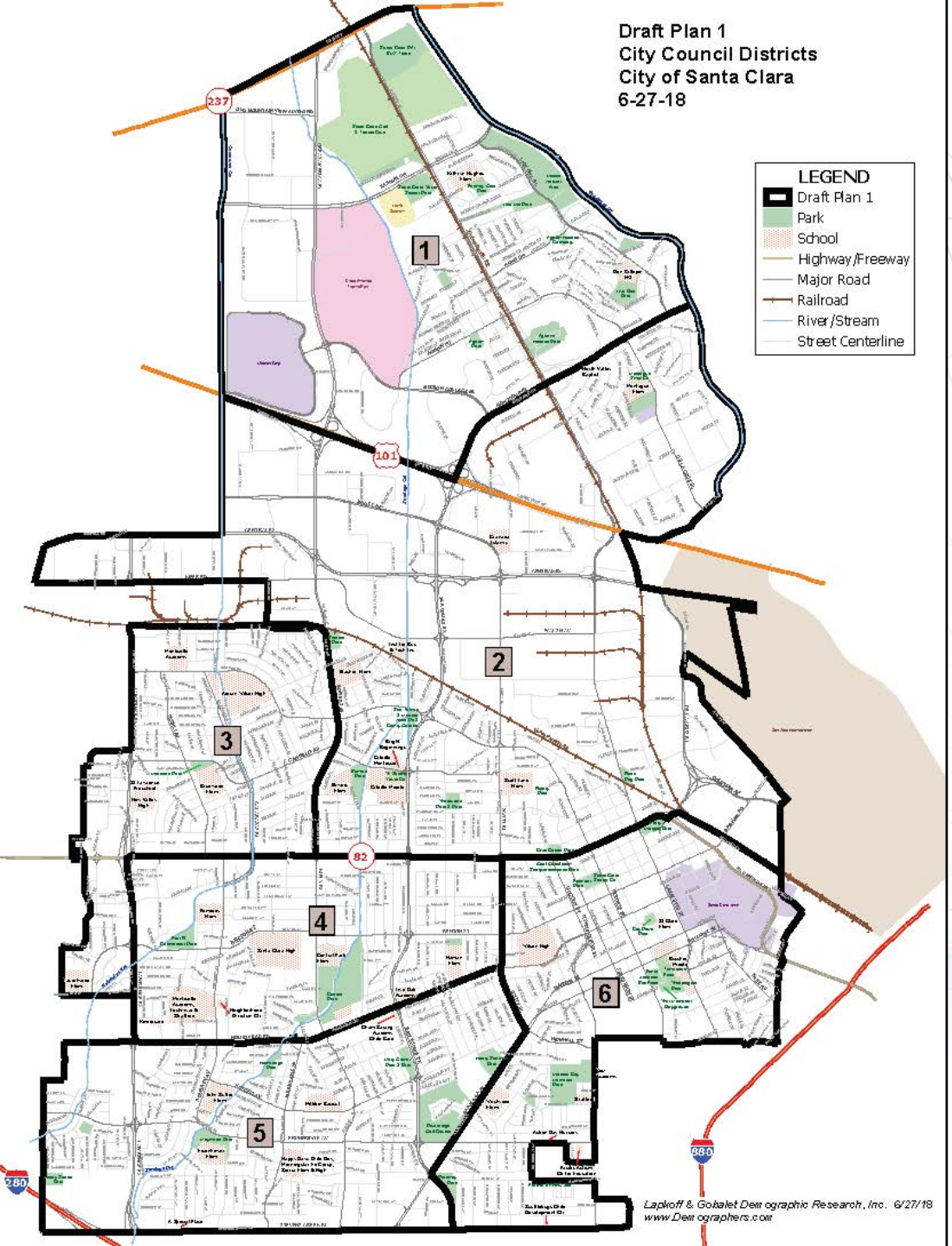


Draft Plans

Draft Plans 1, 2, 3:

- **Each has 6 Council districts with (relatively) equal 2010 total populations**
- **All three plans use the May 8, 2018, 2-district plan boundary (mostly following El Camino Real)**
- **Plans built from Census blocks aggregated to construct Pieces**
- **Boundaries are major thoroughfares, when possible**

In all three plans, Districts 3 and 4 have the smallest populations to take into account estimated post-2017 population growth from new housing.



Draft Plan 1

6 Council Districts

Note boundary between D1 and D2 (in the north) – Draft Plan 2 shows a different possibility

2 of these 3 seats could be open for the Nov 2018 election (Districts 1, 5, and 6 have incumbents with terms expiring in 2020):

- ***District 2***
- ***District 3***
- ***District 4***

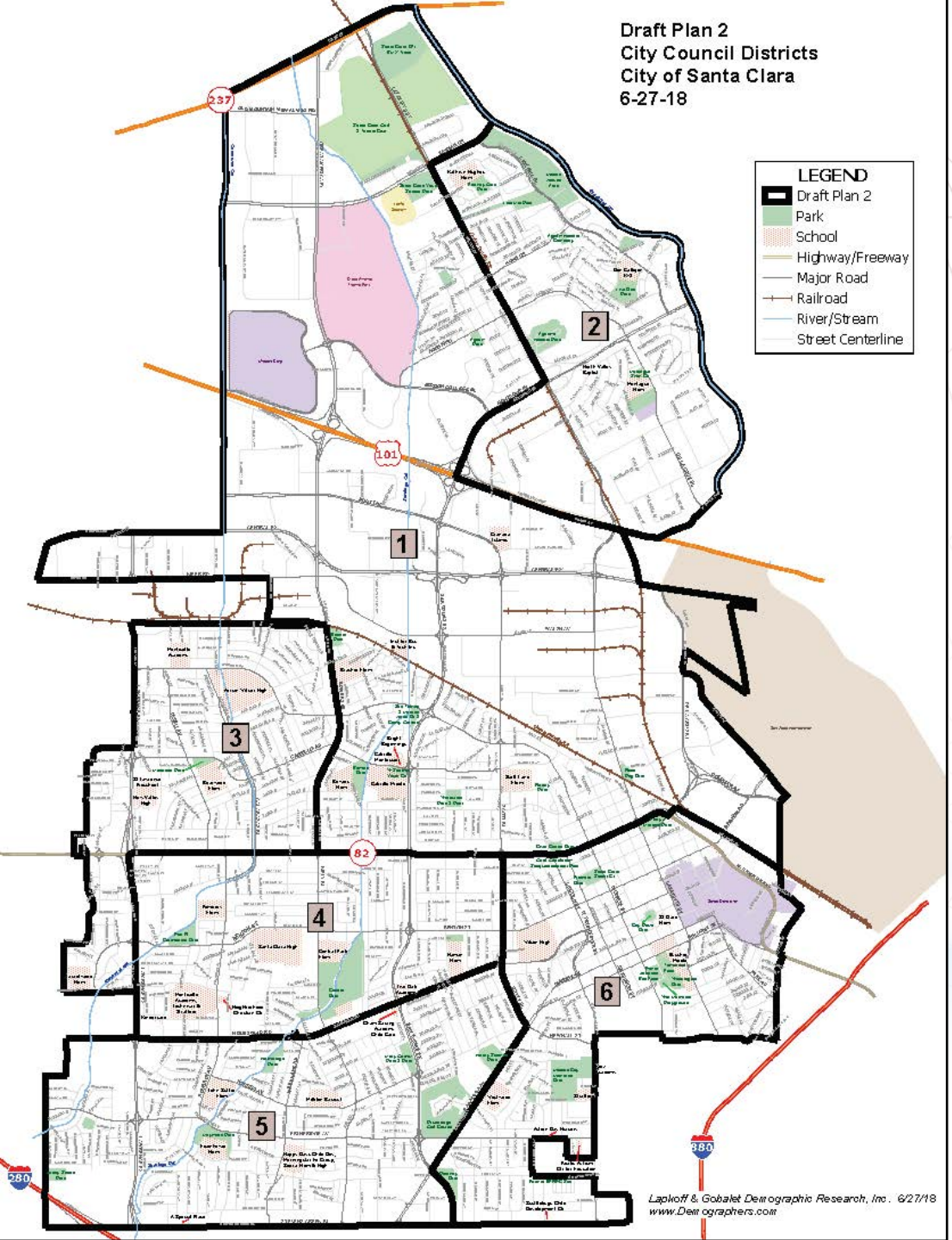
Draft Plan 1 data

Plan deviation = 7.5%

Draft Plan 1											
6 Council Districts											
District	Census 2010 total population	Deviation (ideal district pop. = 19,411)	% Deviation	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
1	19,271	-140	-0.7%	11,811	4,221	2,213	591	41	72	83	239
2	20,070	659	3.4%	6,877	5,779	6,125	690	89	223	53	234
3	18,614	-797	-4.1%	7,811	5,815	4,005	404	99	160	110	210
4	18,678	-733	-3.8%	7,542	6,577	3,610	536	85	84	66	178
5	19,874	463	2.4%	7,861	8,897	2,386	393	63	74	48	152
6	19,961	550	2.8%	3,779	10,737	4,250	720	115	132	60	168
Total	116,468	1,456	7.5%	45,681	42,026	22,589	3,334	492	745	420	1,181

Citizen Voting Age Population (CVAP) - estimated 2012-2016								
District	est total CVAP 2012-16			est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16	Row Total
1	9,707			51%	35%	11%	4%	100%
2	10,823			27%	42%	27%	4%	100%
3	10,018			33%	46%	19%	2%	100%
4	10,567			31%	50%	17%	3%	100%
5	11,495			27%	60%	10%	2%	100%
6	13,427			13%	67%	17%	4%	100%
Total	66,036			29%	51%	17%	3%	100%

Deviation when taking into account the estimated post-2010 population growth from new housing = 11.2%



Draft Plan 2

6 Council Districts

Different D1-D2 boundary, otherwise the same as Draft Plan 1

2 of these 3 seats could be open for the Nov 2018 election (Districts 2, 5, and 6 have incumbents with terms expiring in 2020):

- ***District 1***
- ***District 3***
- ***District 4***

Draft Plan 2 data

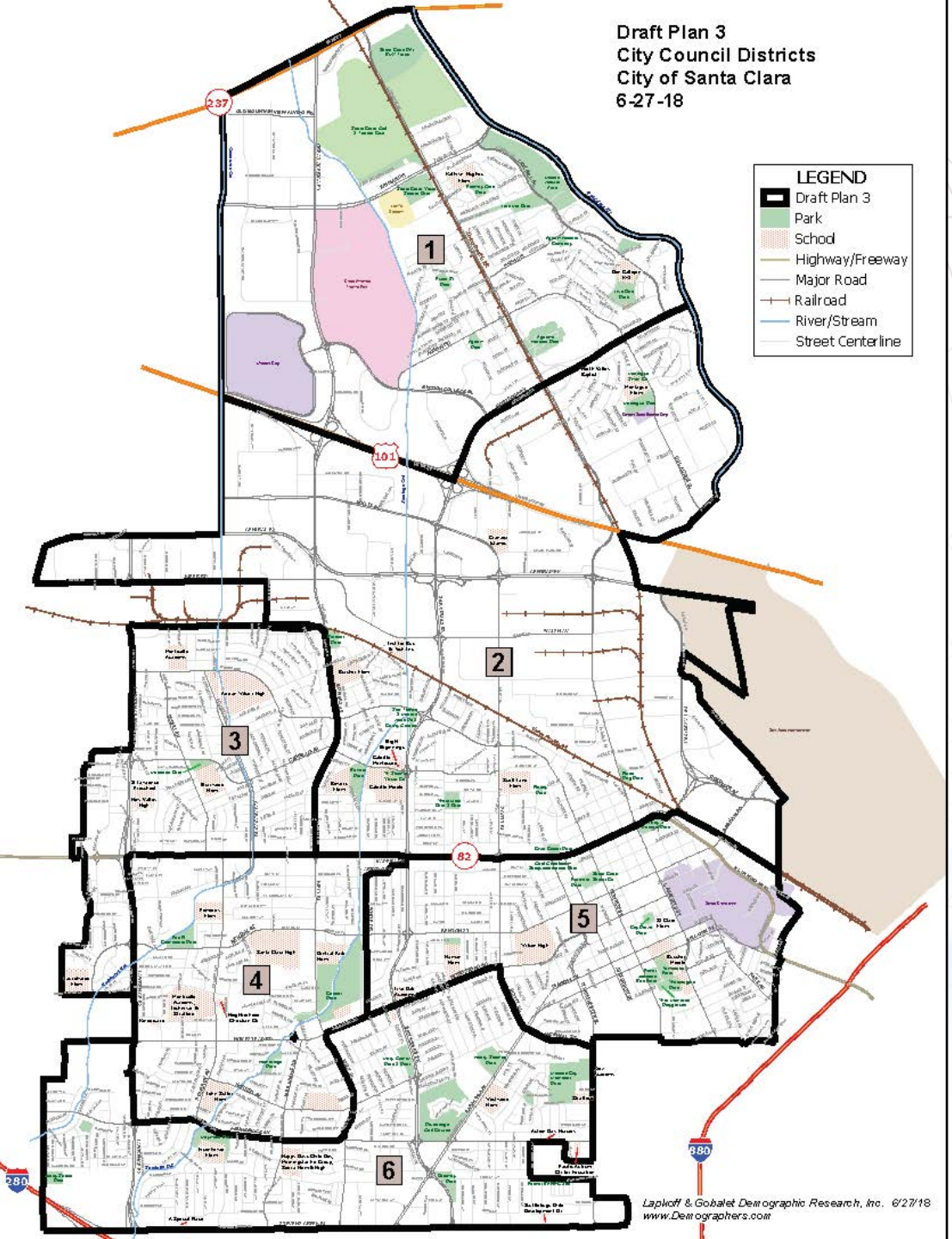
Plan deviation = 8.8%

Draft Plan 2											
6 Council Districts											
District	Census 2010 total population	Deviation (ideal district pop. = 19,411)	% Deviation	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
1	20,314	903	4.7%	7,660	5,650	5,828	660	75	174	55	212
2	19,027	-384	-2.0%	11,028	4,350	2,510	621	55	121	81	261
3	18,614	-797	-4.1%	7,811	5,815	4,005	404	99	160	110	210
4	18,678	-733	-3.8%	7,542	6,577	3,610	536	85	84	66	178
5	19,874	463	2.4%	7,861	8,897	2,386	393	63	74	48	152
6	19,961	550	2.8%	3,779	10,737	4,250	720	115	132	60	168
Total	116,468	1,700	8.8%	45,681	42,026	22,589	3,334	492	745	420	1,181

Citizen Voting Age Population (CVAP) - estimated 2012-2016

District	est total CVAP 2012-16			est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16	Row Total
1	10,768			30%	41%	26%	4%	100%
2	9,762			48%	36%	12%	4%	100%
3	10,018			33%	46%	19%	2%	100%
4	10,567			31%	50%	17%	3%	100%
5	11,495			27%	60%	10%	2%	100%
6	13,427			13%	67%	17%	4%	100%
Total	66,036			29%	51%	17%	3%	100%

Deviation when taking into account the estimated post-2010 population growth from new housing = 12.5%



Draft Plan 3

6 Council Districts

Nextdoor neighborhood boundaries used to the extent possible

Same D1 and D2 as Draft Plan 1

D4, D5, and D6 from the differ from the other plans

District 2 or 3 could be open for the Nov 2018 election (Districts 1, 4, 5, and 6 have incumbents with terms expiring in 2020)

Draft Plan 3 data

Plan deviation = 8.8%

Draft Plan 3											
6 Council Districts											
District	Census 2010 total population	Deviation (ideal district pop. = 19,411)	% Deviation	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
1	19,271	-140	-0.7%	11,811	4,221	2,213	591	41	72	83	239
2	20,070	659	3.4%	6,877	5,779	6,125	690	89	223	53	234
3	18,614	-797	-4.1%	7,811	5,815	4,005	404	99	160	110	210
4	18,649	-762	-3.9%	7,719	6,819	3,205	503	87	81	66	169
5	19,535	124	0.6%	3,917	10,137	4,343	652	119	130	64	173
6	20,329	918	4.7%	7,546	9,255	2,698	494	57	79	44	156
Total	116,468	1,715	8.8%	45,681	42,026	22,589	3,334	492	745	420	1,181

Citizen Voting Age Population (CVAP) - estimated 2012-2016								
District	est total CVAP 2012-16			est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16	Row Total
1	9,707			51%	35%	11%	4%	100%
2	10,823			27%	42%	27%	4%	100%
3	10,018			33%	46%	19%	2%	100%
4	10,527			31%	51%	15%	3%	100%
5	12,980			14%	65%	18%	3%	100%
6	11,982			25%	61%	11%	3%	100%
Total	66,036			29%	51%	17%	3%	100%

Deviation when taking into account the estimated post-2010 population growth from new housing = 12.0%

Estimates of Nov. 2016 Voter Registration and Turnout for each Draft Plan

(next slide)

- **Data from: California Statewide Database**

  http://statewidedatabase.org/

- **Registered and actual voter counts by precinct were assigned to Council Districts (some precincts are split by District boundaries and estimates are not precise)**

- **Surname *estimates* are based on lists developed over the last 30+ years; error margins are not known, but vary by surname category.**

22

Draft Plan 1																		
Nov 2016 registered to vote, by surname					Asian subgroups' share of total registered:						Nov 2016 actual voters, by surname				Asian subgroups' share of total actual voters:					
District	Total	Asian surname	Hispanic surname	All other surnames	Korean surnam	Japanese surname	Chinese surname	Asian Indian surname	Vietnamese surname	Filipino surname	Total	Asian surname	Hispanic surname	All other surnames	Korean surnam	Japanese surname	Chinese surname	Asian Indian surname	Vietnamese surname	Filipino surname
1	6,633	32%	15%	53%	2%	1%	9%	9%	5%	6%	5,320	32%	14%	54%	1%	1%	10%	9%	5%	6%
2	8,508	23%	20%	57%	2%	1%	5%	6%	6%	5%	6,673	23%	19%	58%	1%	1%	4%	6%	5%	4%
3	7,964	23%	17%	59%	2%	1%	7%	5%	5%	3%	6,391	23%	17%	61%	2%	2%	7%	6%	5%	2%
4	7,305	21%	15%	64%	3%	1%	6%	4%	4%	3%	5,949	20%	14%	66%	2%	1%	6%	4%	3%	3%
5	10,553	22%	11%	67%	2%	2%	8%	5%	3%	2%	8,872	22%	10%	68%	2%	2%	8%	5%	3%	2%
6	10,125	12%	15%	72%	1%	1%	4%	3%	2%	2%	8,096	12%	15%	72%	1%	1%	3%	3%	2%	2%
Total	51,088	22%	15%	63%	2%	1%	6%	5%	4%	3%	41,301	21%	15%	64%	2%	1%	6%	5%	4%	3%
Draft Plan 2																				
1	9,611	25%	19%	56%	1%	1%	6%	6%	6%	5%	7,586	25%	18%	57%	1%	1%	5%	7%	5%	5%
2	5,530	31%	15%	54%	2%	1%	9%	8%	5%	6%	4,407	31%	14%	55%	2%	1%	9%	9%	4%	6%
3	7,964	23%	17%	59%	2%	1%	7%	5%	5%	3%	6,391	23%	17%	61%	2%	2%	7%	6%	5%	2%
4	7,305	21%	15%	64%	3%	1%	6%	4%	4%	3%	5,949	20%	14%	66%	2%	1%	6%	4%	3%	3%
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1	6,633	32%	15%	53%	2%	1%	9%	9%	5%	6%	5,320	32%	14%	54%	1%	1%	10%	9%	5%	6%
2	8,508	23%	20%	57%	2%	1%	5%	6%	6%	5%	6,673	23%	19%	58%	1%	1%	4%	6%	5%	4%
3	7,964	23%	17%	59%	2%	1%	7%	5%	5%	3%	6,391	23%	17%	61%	2%	2%	7%	6%	5%	2%
4	8,249	22%	13%	65%	3%	2%	7%	5%	4%	2%	6,745	21%	12%	67%	2%	2%	7%	5%	4%	2%
5	9,544	13%	17%	70%	1%	1%	4%	3%	2%	2%	7,653	13%	16%	71%	1%	1%	4%	3%	2%	2%
6	10,190	20%	11%	69%	2%	2%	7%	5%	3%	2%	8,519	20%	11%	69%	1%	2%	7%	5%	2%	2%
Total	51,088	22%	15%	63%	2%	1%	6%	5%	4%	3%	41,301	21%	15%	64%	2%	1%	6%	5%	4%	3%

Information for Election Sequencing

Council Member Assignments: Draft Plans 1, 2, and 3

			Draft Plan			
Title	Name	Piece #	1	2	3	Term Expires
Councilmember	Debi Davis	29	5	5	6	2020
Councilmember	Pat Kolstad	17	3	3	3	2018
Councilmember	Patricia M. Mahan	28	6	6	5	2020
Councilmember	Teresa O'Neill	35	5	5	4	2020
Vice Mayor	Kathy Watanabe	6	1	2	1	2020
Councilmember	(Vacant seat)					2018
Mayor	Lisa M. Gillmor	30	5	5	6	2018

Comments /Questions?

Jeanne Gobalet, Ph.D.

Lapkoff & Gobalet
Demographic Research, Inc.

http://santaclaraca.gov/residents/court-ordered-council-districting-process

Ad-hoc Advisory Districting Committee Minutes
Wednesday, July 11, 2018

Committee Members in attendance:
Yuki Ikezi
Stephen Ricossa
Barbara A. Estrada

City Staff in attendance:
Brian Doyle, City Attorney
Nadine Nader, Assistant City Manager
Jennifer Yamaguma, Acting City Clerk
Kendra Davis, Management Analyst

Approximately 57 members of the public attended this meeting.

1. **Call to Order and Roll Call**

   Chairperson Ikezi called the third meeting of the Ad-hoc Advisory Districting Committee Meeting to order in the City Hall Council Chambers. All members of the Committee were present during Roll Call.

2. **Public Presentations**

   One member of the public addressed the Committee: Teresa Sulcer.

3. **Review of Court Order Received on June 26, 2018 and Legal Requirements**

   City Attorney Doyle noted that this is the third public hearing to gather input per the Court Order issued on June 26, 2018. He noted that, per the Committee's action of July 7, 2018, the City submitted five draft district maps to the Court on Friday, July 6, 2018. He also reviewed the two 7-District maps submitted by the Plaintiffs and their proposed sequencing information.

4. **Public Hearing to receive input and form a recommendation on District Boundaries and Election Sequencing for Council consideration in response to Court Order:**

   A. **Presentation by Professional Demographer**

   A copy of Dr. Gobalet's PowerPoint from this meeting is attached.

   B. **Public testimony (Up to 3 minutes per speaker, may be reduced subject to number of speakers)**

      Amy Nguyen
      Jeannie Mahan
      Teresa Sulcer
      Steve Quon

DRAFT

Rob Jerdonek
Anthony Becker
Carolyn Schuk
Patty Picard
Marie Mayer
Diane Harrison
Steve Chesman
Bruce
Bern Steves
Paul Creger
Margaret Heaman
Hazaam Haggag
Brian Christianson
Bern Steves

Motion was made by Committee Member Ricossa, seconded and unanimously carried to close the public hearing.

Motion was made by Committee Member Estrada, seconded and unanimously carried, to recommend the Amended Six-District Draft Plan 3 (including the School District Boundaries Map).

Motion was made by Committee Member Ricossa, seconded and unanimously carried, to emphasize that an at-large mayor is very important, as expressed by the citizens of Santa Clara.

Motion was made by Committee Member Estrada, seconded and unanimously carried, to submit a sequencing recommendation utilizing the Amended Six-District Draft Plan 3 wherein, Districts 2 and 3 would elect a Council Member in November 2018, and Districts 1, 4, 5 & 6 would elected a Council Member in November 2020.

5. **Adjournment**

City Attorney Doyle announced that there will be a Special City Council Meeting on Monday, July 16, 2018 at 5:00 pm in the City Hall Council Chambers regarding potential ballot measures for the November 2018 election regarding district elections.

Motion was made by Committee Member Estrada, seconded and unanimously carried, to adjourn.

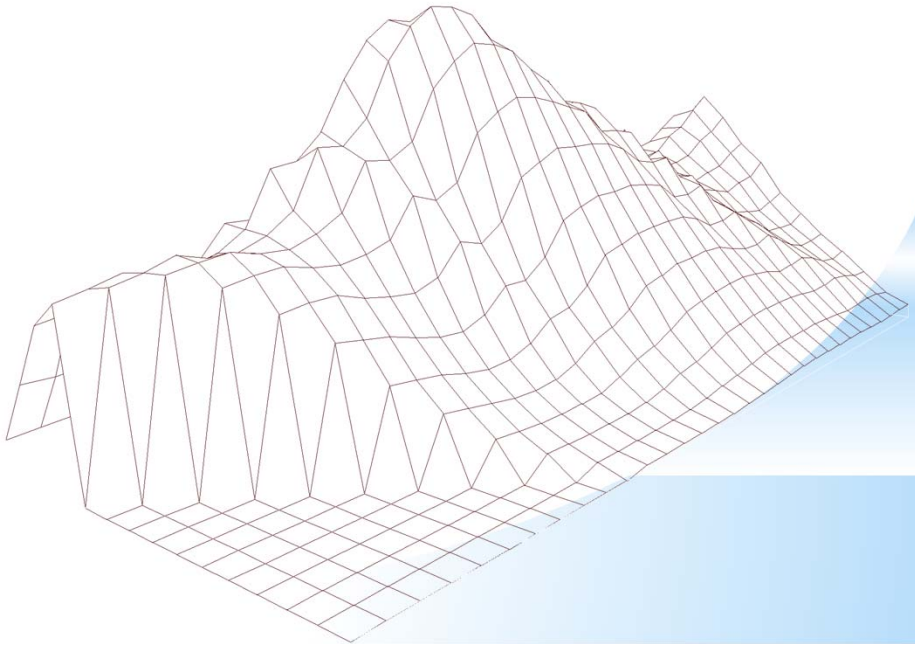
DRAFT

City Council Election District Boundaries

City of Santa Clara

Jeanne Gobalet, Ph.D.

Lapkoff & Gobalet
Demographic Research, Inc.
www.Demographers.com



July 11, 2018, Public Hearing

Agenda

- **Demographic data used in drawing election districts**
  - **Background maps & data**
- **Draft districting plans 1 and 3 (6 council districts, plus 3-district versions)**
- **Plans submitted by City residents (DH 1 and KP 1)**

Districting Criteria & Data used by Demographers

- **Legal requirement: Population Equality**

  Census 2010 counts of total population

  Total deviation (difference between most- and least-populous election districts should not exceed 10% of the ideal district population, which is 1/6 of the total 2010 City population)

- **Legal requirement: Federal Voting Rights Act**

  American Community Survey (ACS) estimates of eligible voter populations, by race/ethnicity

- **State Elections Code**
- **Other criteria**

Traditional Districting Criteria
from California Elections Code

District lines may be drawn that consider:

- **Topography (e.g., rivers, natural barriers)**
- **Geography (e.g., municipal boundaries)**
- **Cohesiveness, contiguity, integrity, & compactness of territory**
- **"Communities of interest," which may be:**
  - **Geographic communities (e.g., neighborhoods)**
  - **Socioeconomic groups (e.g., Federal Voting Rights Act protected groups, etc.)**

In addition, when drawing election districts, we try to use major roads and other identifiable features as boundaries.

Census 2010 distribution of the City's population by race/ethnicity (by Census block)

Data from the U.S. Census 2010 Redistricting Data Release (PL 94-171)

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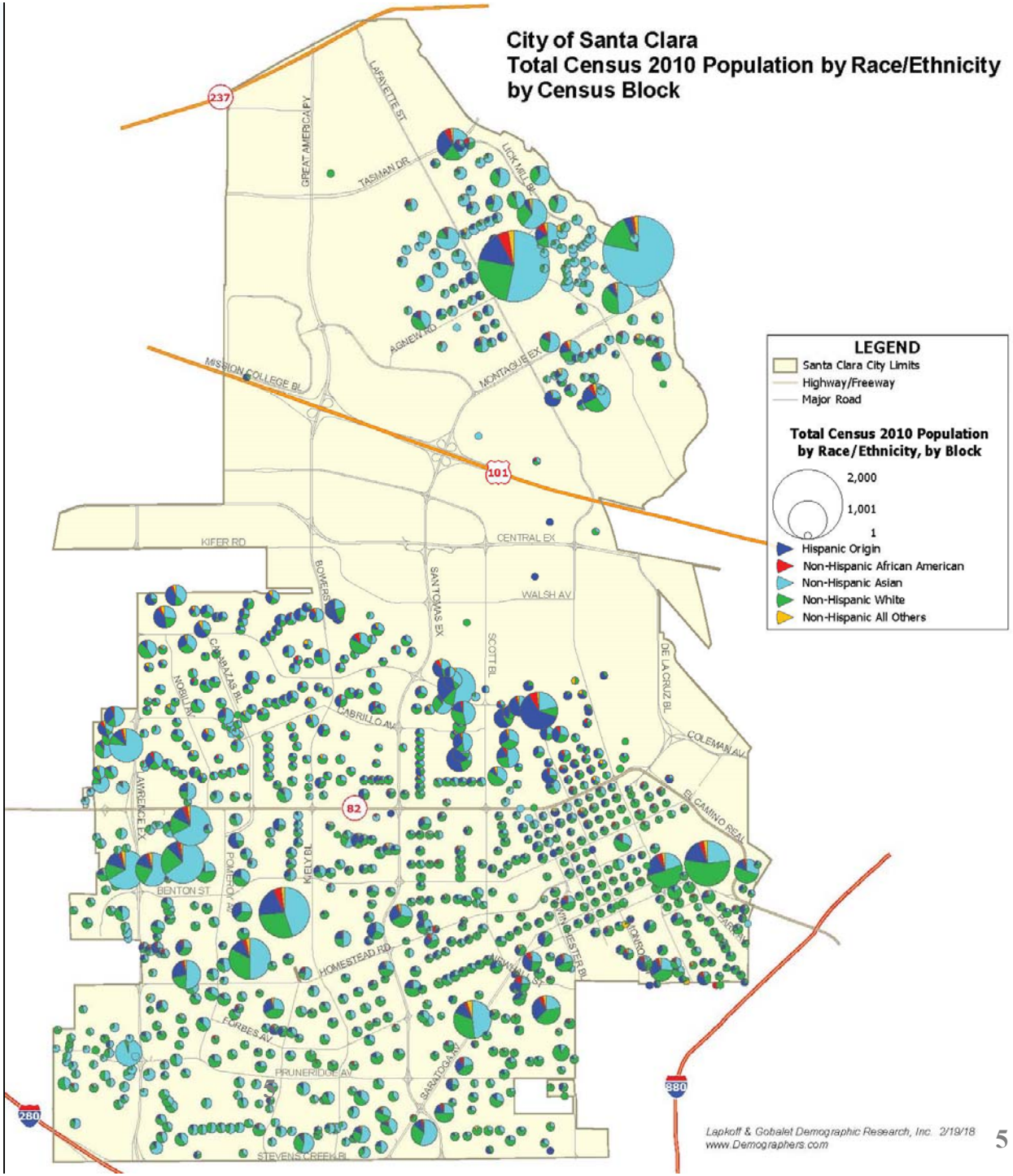

Estimated CVAP (Citizen Voting Age Population) by race/ethnicity for each Census Block

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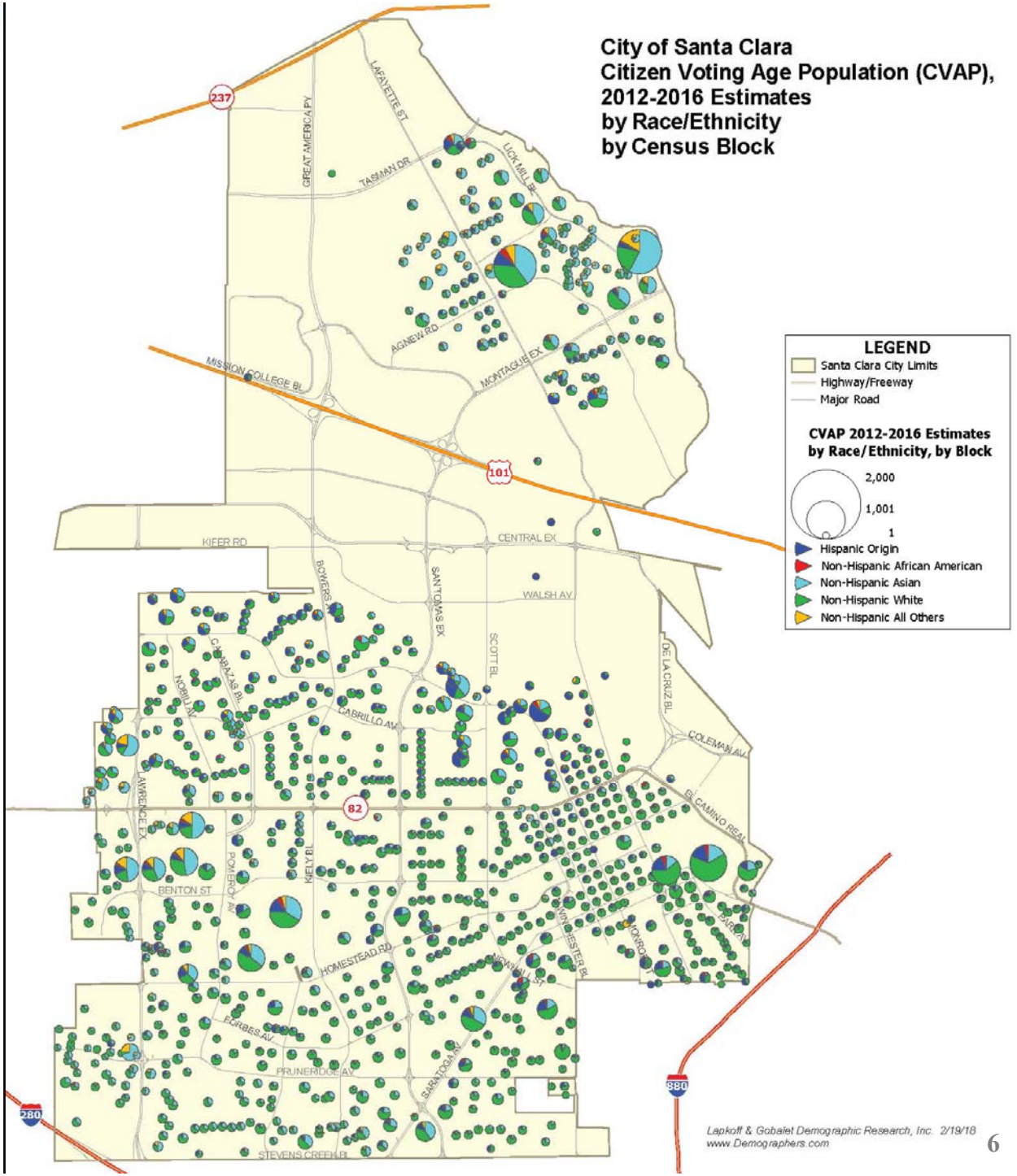

Draft Plans

Draft Plans 1 & 3 (submitted to the Court 7/6/18):

- 6 Council districts with (relatively) equal 2010 total populations
- 3 Council district versions of these plans
- Both plans use the May 8, 2018, 2-district plan boundary (mostly following El Camino Real)
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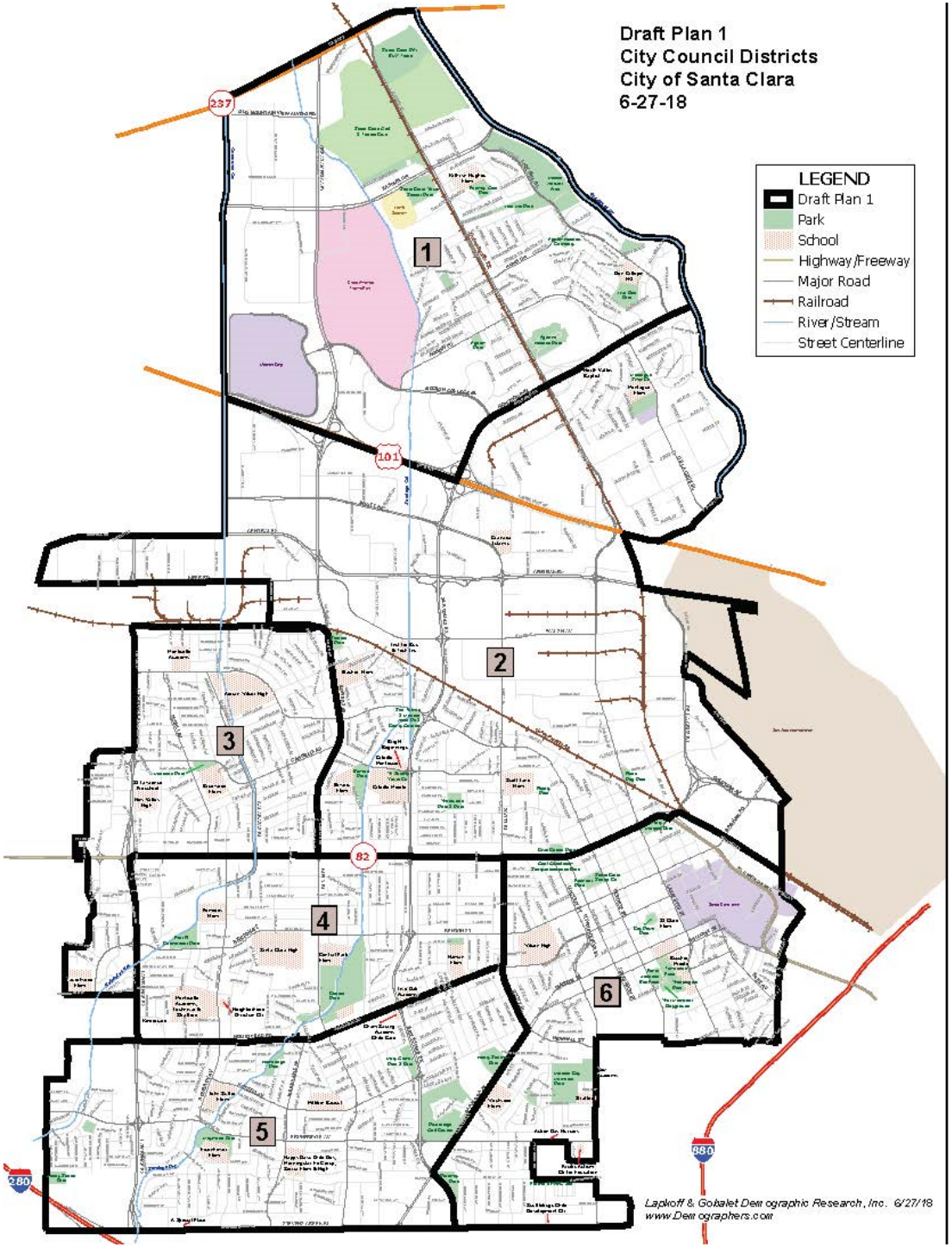

Draft Plan 1

6 Council Districts

Note boundary between D1 and D2 (in the north) – Draft Plan 2 shows a different possibility

Seats that could be contested for the Nov 2018 election (Districts 1, 5, and 6 have incumbents with terms expiring in 2020):

Districts 2 & 3
Districts 3 & 4
Districts 2 & 4

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Plan deviation = 7.5%

Draft Plan 1											
6 Council Districts											
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Total	66,036			29%	51%	17%	3%	100%			

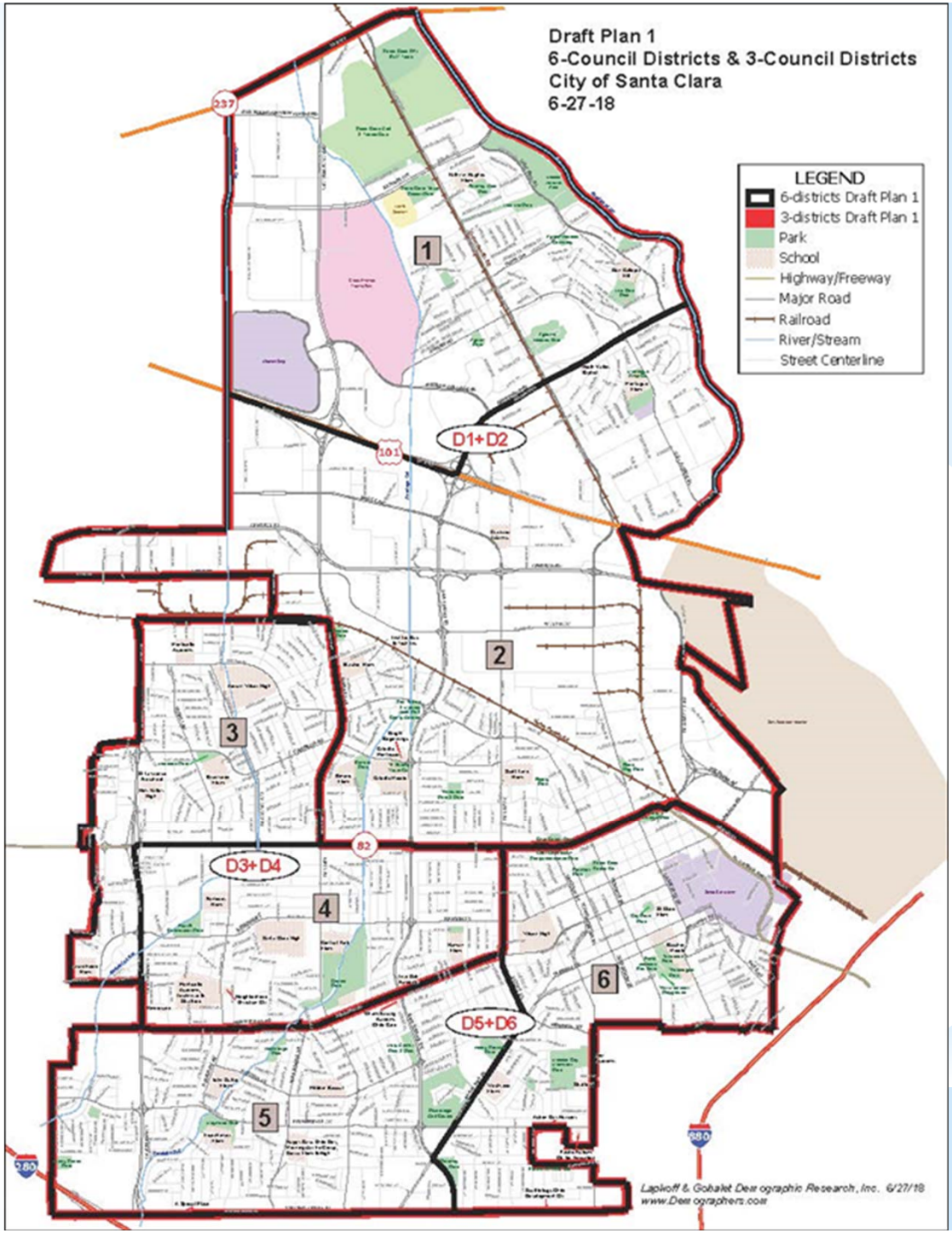
Deviation when taking into account the estimated post-2010 population growth from new housing = 11.2%

Draft Plan 1: Three Council Districts:

D1 + D2
D3 + D4
D6 + D6

2 of these 3 seats could be open for the Nov 2018 election (Districts 1, 5, and 6 have incumbents with terms expiring in 2020):

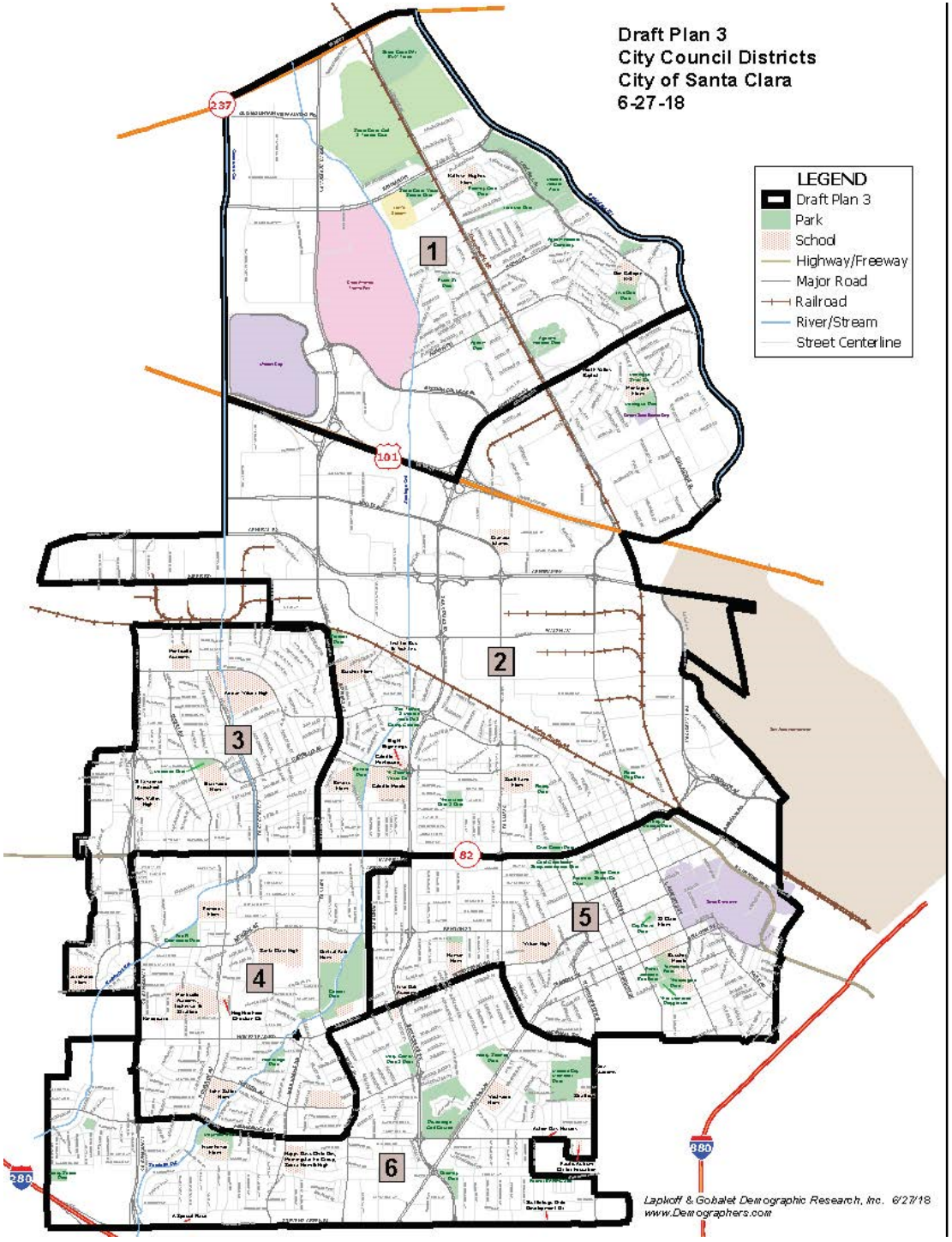
District 1+2 (1 seat)
District 3+4 (1 seat)



Draft Plan 1 data

Three District Version

Three District version of Draft Plan 1							
District	Total population 2010	Deviation	total CVAP 2012-16	est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16
1 + 2	39,341	518	20,530	7,894	7,939	3,933	764
3 + 4	37,292	-1,531	20,585	6,504	9,822	3,699	560
5 + 6	39,835	1,012	24,922	4,855	15,884	3,453	730
Total	116,468	2,543	66,036	19,253	33,646	11,086	2,054
Ideal district population	38,823						
Percent deviation	6.6%						
Districts' CVAP shares by race/ethnic category							
1 + 2				38%	39%	19%	4%
3 + 4				32%	48%	18%	3%
5 + 6				19%	64%	14%	3%



Draft Plan 3

6 Council Districts

Many boundaries are major thoroughfares; some are based on Nextdoor neighborhoods.

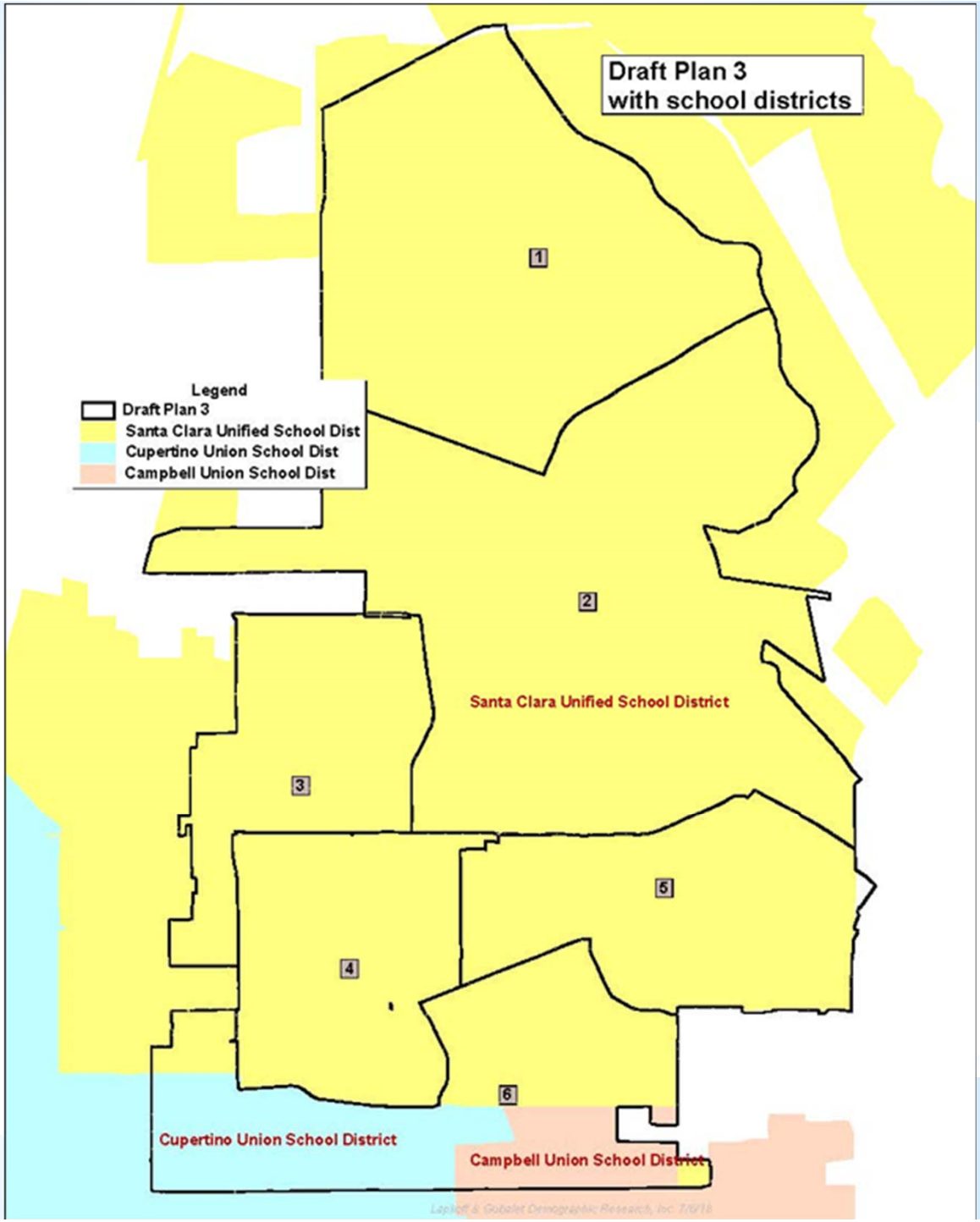
Same D1 and D2 as Draft Plan 1; D4, D5, and D6 differ.

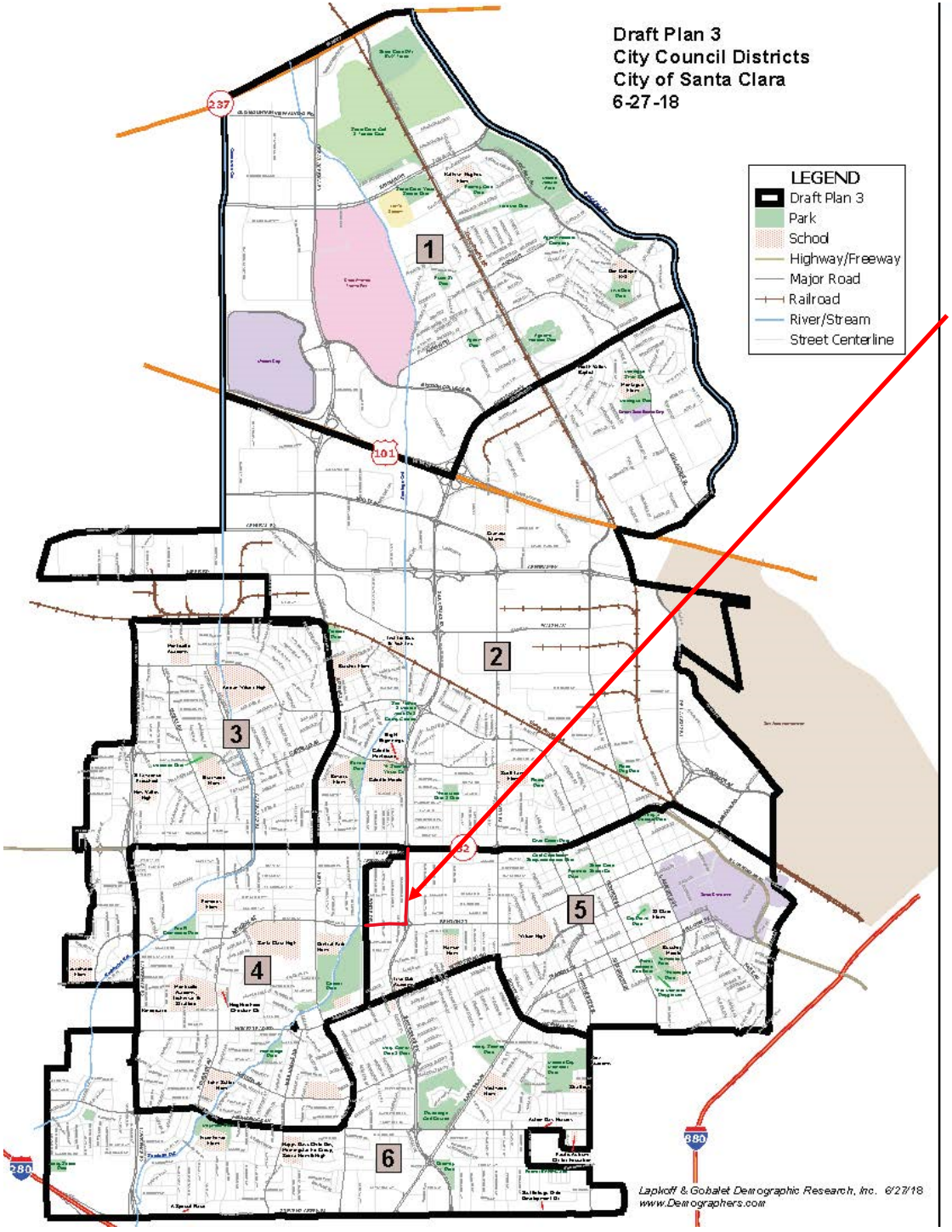
D6 includes all of the City's Cupertino and Campbell Union School Districts' territory

Council members could be elected from D2 & D3 in Nov 2018 (Districts 1, 4, 5, and 6 have incumbents with terms expiring in 2020)

Draft Plan 3 with School District Boundaries

Members of the public suggested that the parts of Cupertino and Campbell Union School District in the southern part of the City are communities of interest. They are intact, in District 6.





Draft Plan 3 Revised

Revision based on public comment 7/5/18 (revised D4/D5 boundary follows San Tomas Expwy and Benton St)

Plan Deviation = 8.8%

D6 includes all of the City's Cupertino and Campbell Union School Districts' territory

Draft Plan 3 data

Plan deviation = 8.8%

Draft Plan 3											
6 Council Districts											
District	Census 2010 total population	Deviation (ideal district pop. = 19,411)	% Deviation	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
1	19,271	-140	-0.7%	11,811	4,221	2,213	591	41	72	83	239
2	20,070	659	3.4%	6,877	5,779	6,125	690	89	223	53	234
3	18,614	-797	-4.1%	7,811	5,815	4,005	404	99	160	110	210
4	18,649	-762	-3.9%	7,719	6,819	3,205	503	87	81	66	169
5	19,535	124	0.6%	3,917	10,137	4,343	652	119	130	64	173
6	20,329	918	4.7%	7,546	9,255	2,698	494	57	79	44	156
Total	116,468	1,715	8.8%	45,681	42,026	22,589	3,334	492	745	420	1,181
Citizen Voting Age Population (CVAP) - estimated 2012-2016											
District	est total CVAP 2012-16			est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16	Row Total			
1	9,707			51%	35%	11%	4%	100%			
2	10,823			27%	42%	27%	4%	100%			
3	10,018			33%	46%	19%	2%	100%			
4	10,527			31%	51%	15%	3%	100%			
5	12,980			14%	65%	18%	3%	100%			
6	11,982			25%	61%	11%	3%	100%			
Total	66,036			29%	51%	17%	3%	100%			

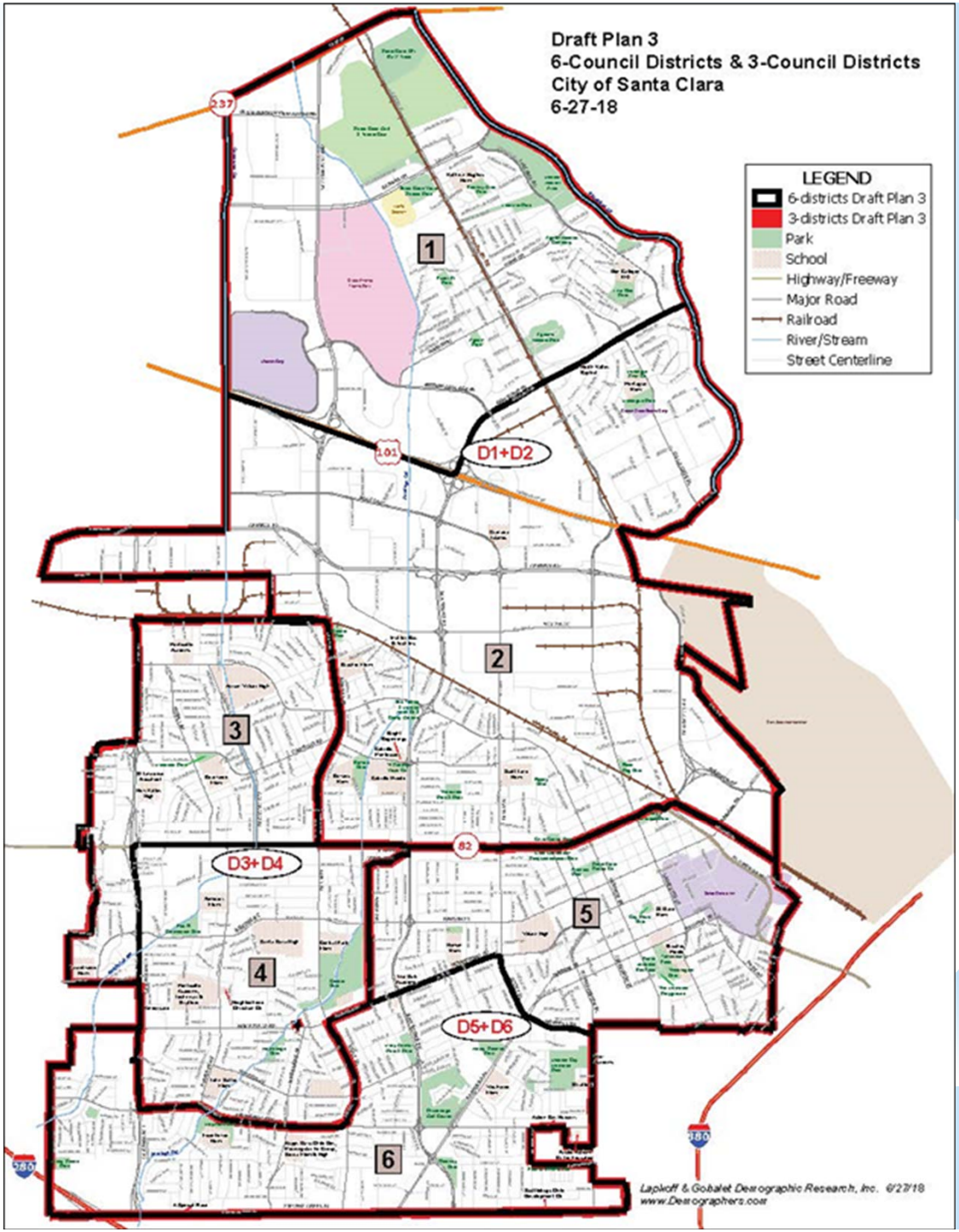
Deviation when taking into account the estimated post-2010 population growth from new housing = 12.0%

Draft Plan 3: Three Council Districts:

D1 + D2
D3 + D4
D6 + D6

2 of these 3 seats could be open for the Nov 2018 election (Districts 1, 5, and 6 have incumbents with terms expiring in 2020):

District 1+2 (1 seat)
District 3+4 (1 seat)



Draft Plan 3 data

Three District Version

Three District version of Draft Plan 3							
District	Total population 2010	Deviation	total CVAP 2012-16	est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16
1 + 2	39,341	518	20,530	7,894	7,939	3,933	764
3 + 4	37,263	-1,531	20,545	6,585	9,935	3,486	540
5 + 6	39,864	1,012	24,961	4,774	15,771	3,667	750
Total	116,468	2,543	66,036	19,253	33,646	11,086	2,054
Ideal district population	38,823						
Percent deviation	6.7%						
Districts' CVAP shares by race/ethnic category							
1 + 2				38%	39%	19%	4%
3 + 4				32%	48%	18%	3%
5 + 6				19%	64%	14%	3%

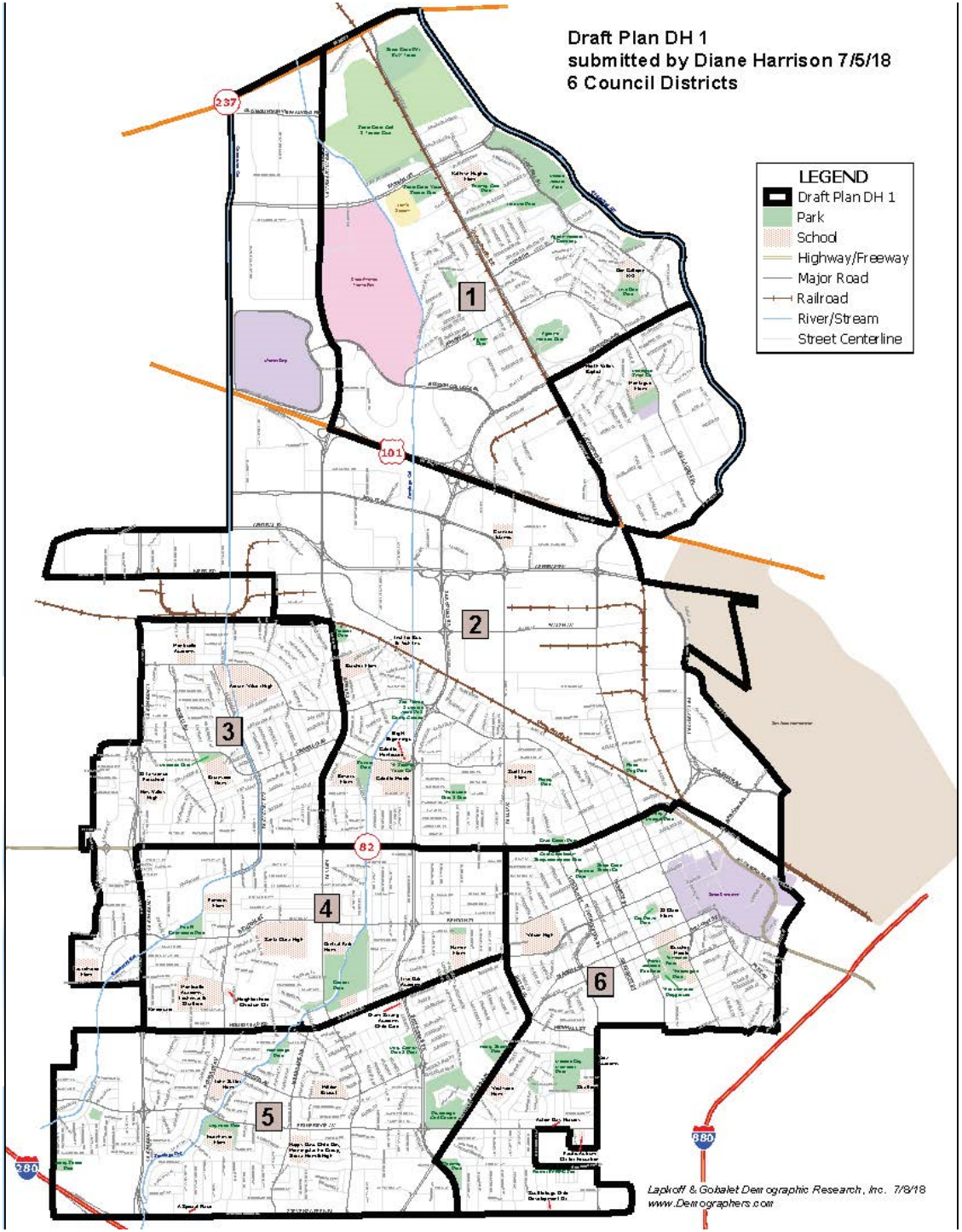
Community Members' Plans

Various plans were submitted

Several plans are not shown here because they were incomplete/not contiguous/had high deviations/were for 7 districts

Two plans shown here (6 council districts):

- **KP 1 (Kevin Park)**
- **DH 1 (Diane Harrison)**

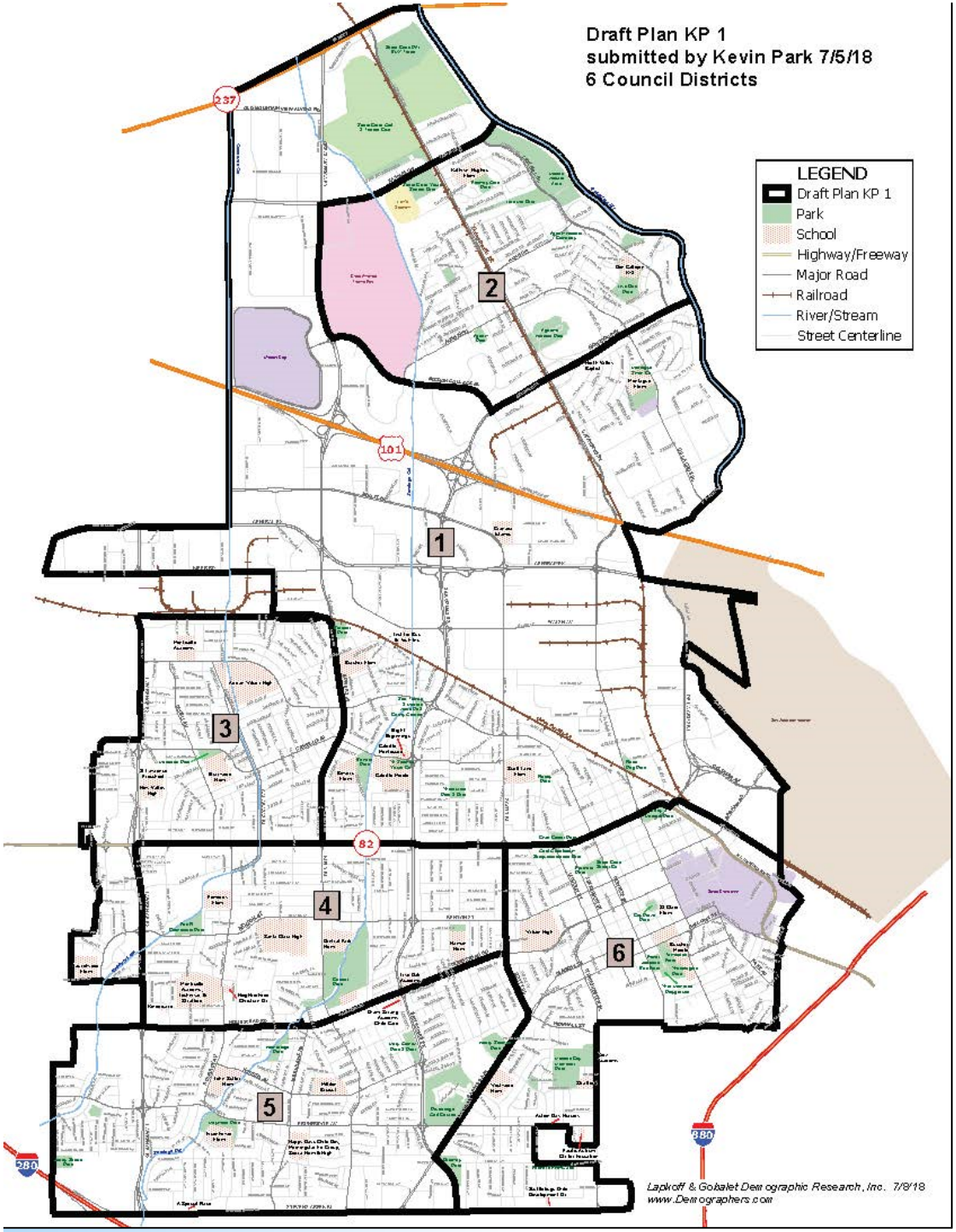


DH1
6 District
Proposal

A different D1/D2 configuration; otherwise like Draft Plan 1

Plan Deviation = 7.5%

D1 Asian share of total CVAP = 51%



KP1
6 District Proposal

A different D1/D2 configuration; otherwise like Draft Plan 1

Plan Deviation = 7.6%

D1 Asian share of total CVAP = 51%

Information for Election Sequencing

Council Member Assignments: Draft Plans 1 & 3

			Draft Plan		
Title	Name	Piece #	1	3	Term Expires
Councilmember	Debi Davis	29	5	6	2020
Councilmember	Pat Kolstad	17	3	3	2018
Councilmember	Patricia M. Mahan	28	6	5	2020
Councilmember	Teresa O'Neill	35	5	4	2020
Vice Mayor	Kathy Watanabe	6	1	1	2020
Councilmember	(Vacant seat)				2018
Mayor	Lisa M. Gillmor	30	5	6	2018

7-District Plans

Community Members' Plans

Various plans were submitted

One plan is not presented here because it was incomplete/not contiguous/had high deviation

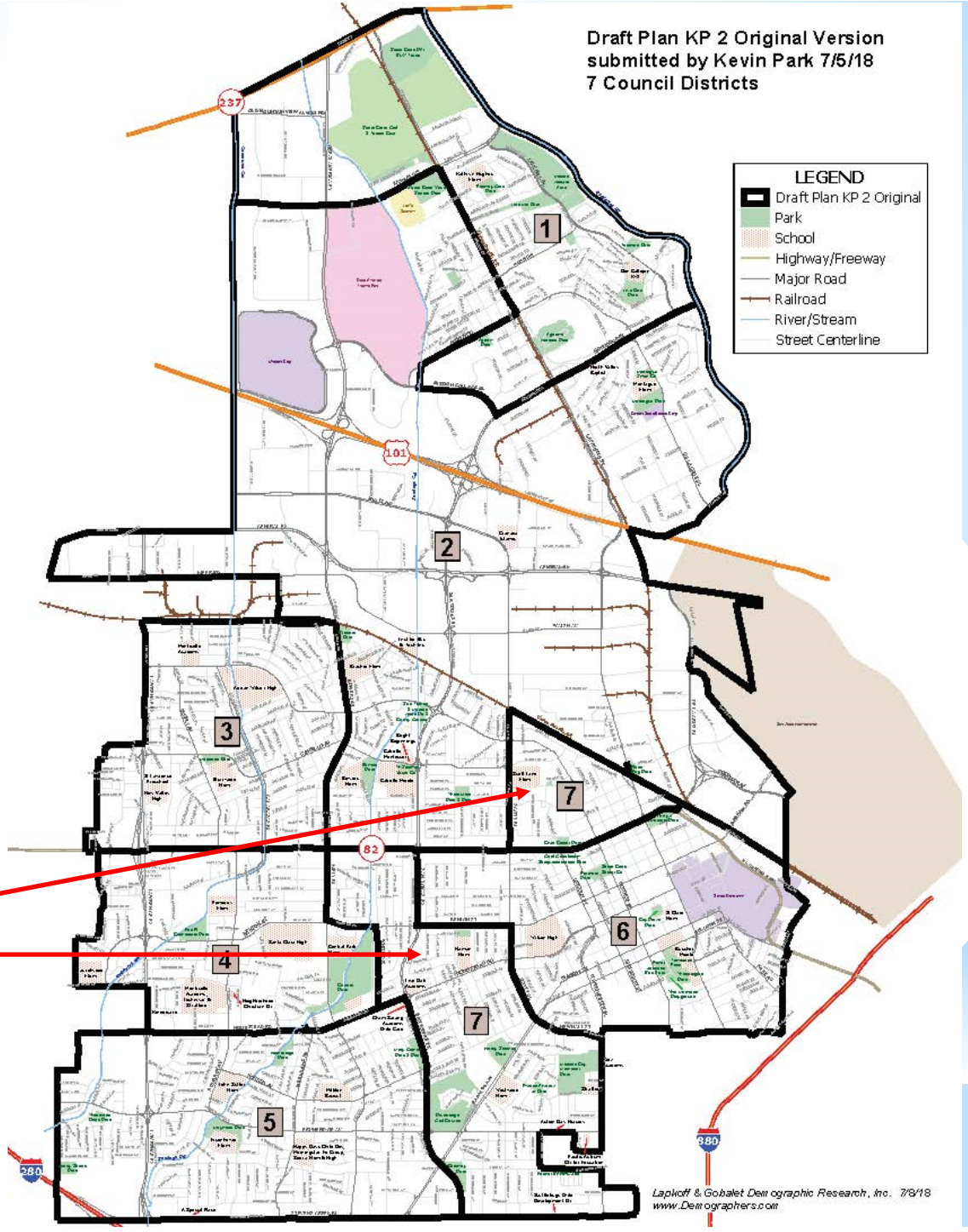
One community plan shown here:

Kevin Park: 7-district plan

KP2
7 District
Proposal
(original)

Deviation too high because only Pieces were available to create the plan.

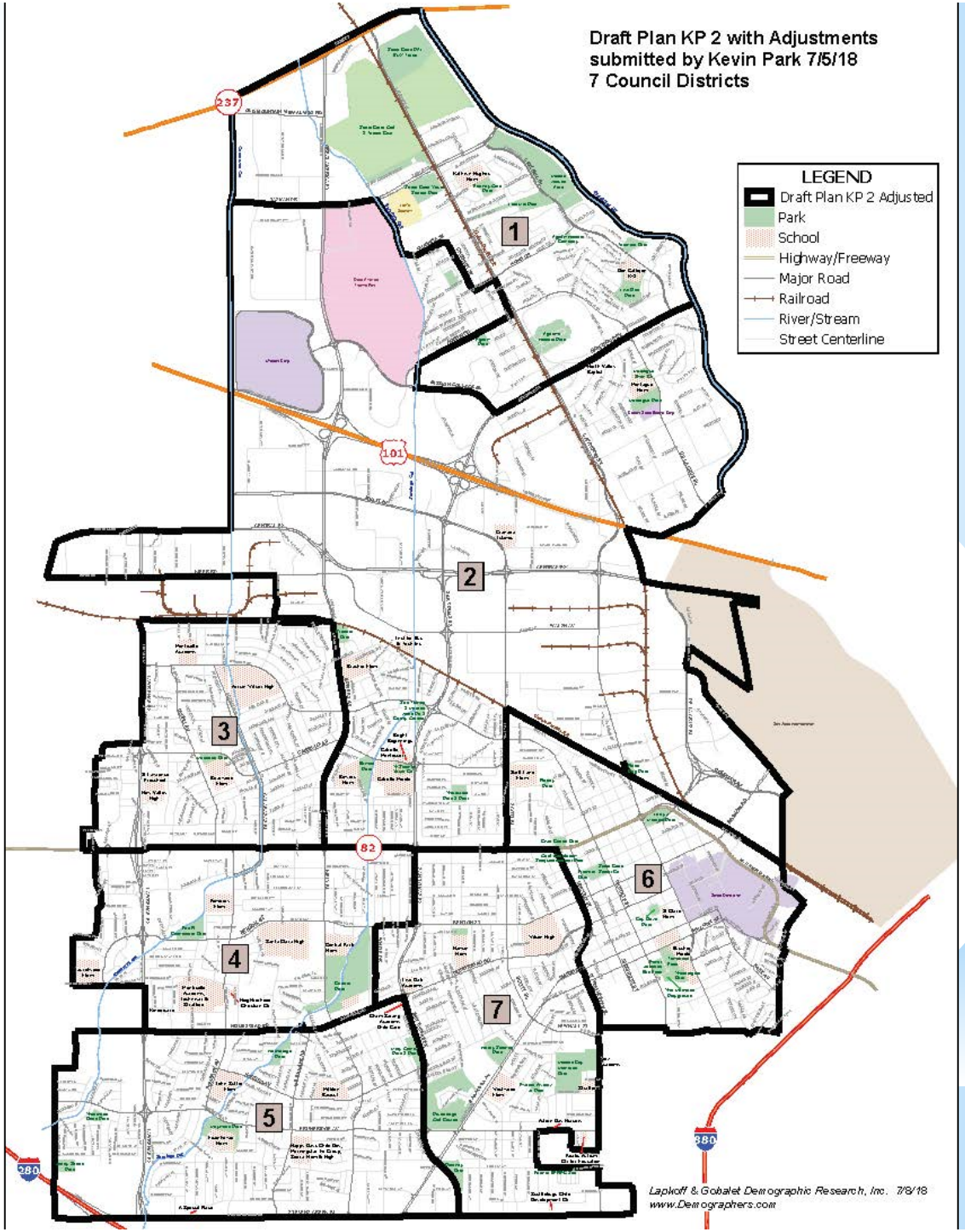
District 7 not contiguous



KP2
7 District Proposal
(Adjusted D4 D5 D7)

Census blocks used to configure districts.

Plan deviation = 7.9%



KP2 Adjusted

Plan deviation = 8.8%

Plan KP2 Adjusted											
7 Council Districts											
District	Census 2010 total population	Deviation (ideal district pop. = 16,638)	% Deviation	NH Asian	NH White	Hispanic origin	NH Black	NH Native American AK native	NH Hawaiian Pacific Islander	NH Other race	NH Other mixed race
1	16,899	261	1.6%	10,422	3,681	1,850	548	37	69	75	217
2	16,778	140	0.8%	6,689	4,885	4,245	466	57	194	45	197
3	16,266	-372	-2.2%	6,569	5,039	3,770	364	88	152	102	182
4	17,156	518	3.1%	7,823	5,530	2,957	470	71	73	62	170
5	16,105	-533	-3.2%	6,743	7,085	1,728	302	51	49	39	108
6	17,288	650	3.9%	3,684	7,765	4,686	713	103	101	55	181
7	15,976	-662	-4.0%	3,751	8,041	3,353	471	85	107	42	126
Total	116,468	1,312	7.9%	45,681	42,026	22,589	3,334	492	745	420	1,181
Ideal pop	16,638										
Citizen Voting Age Population (CVAP) - estimated 2012-2016											
District	est total CVAP 2012-16			est NH Asian CVAP 2012-16	est NH White CVAP 2012-16	est Hispanic CVAP 2012-16	est NH Other CVAP 2012-16	Row Total			
1	8,549			51%	35%	10%	4%	100%			
2	8,942			32%	43%	22%	3%	100%			
3	8,819			32%	45%	20%	2%	100%			
4	9,408			35%	47%	15%	3%	100%			
5	9,220			29%	60%	9%	2%	100%			
6	11,177			15%	59%	22%	4%	100%			
7	9,921			32%	49%	17%	3%	100%			
Total	66,036			32%	49%	17%	3%	100%			

Plaintiff's Plans

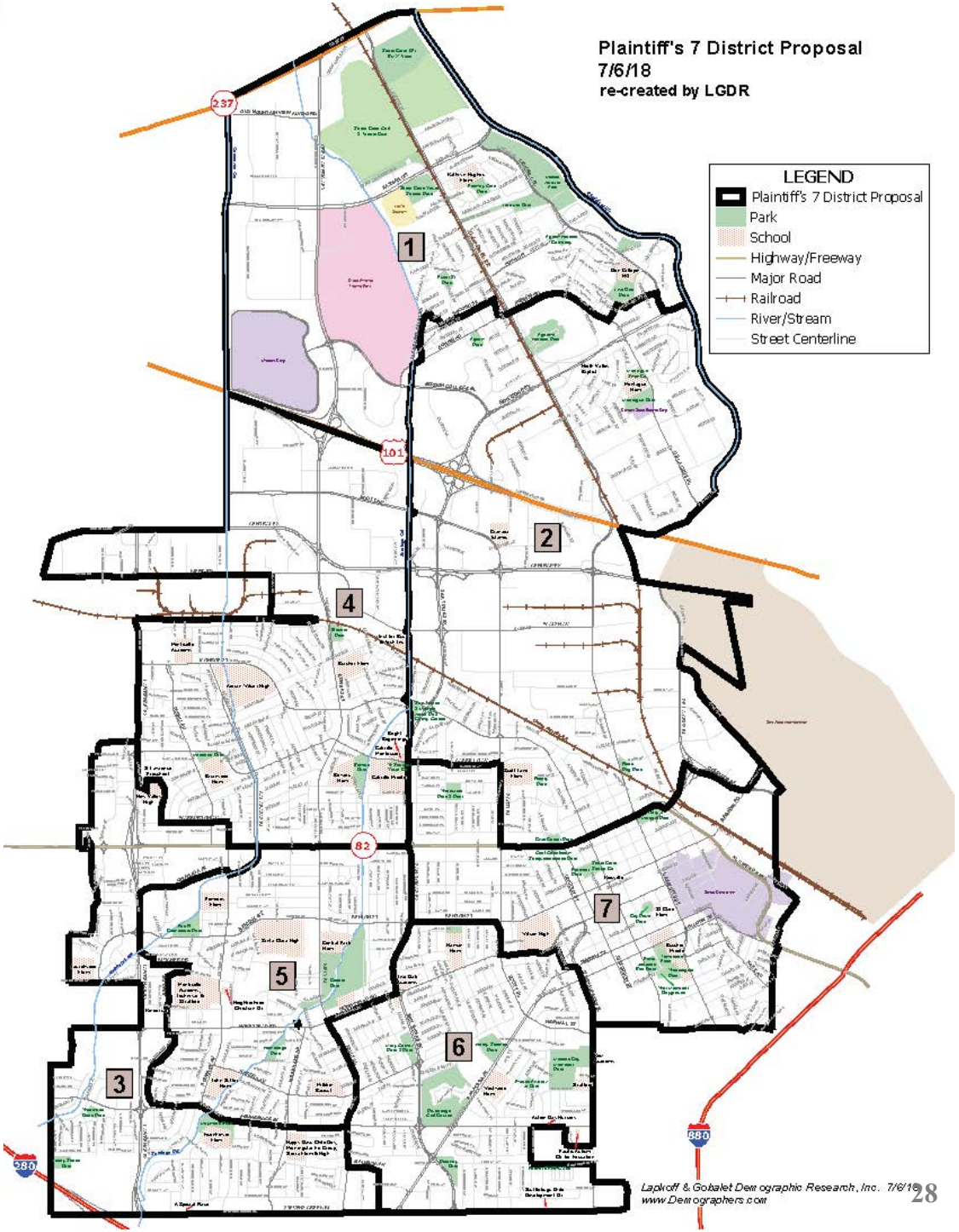
Submitted to the Court 7/6/18:

- **7 Council districts with (relatively) equal 2010 total populations**
- **Both plans use some major thoroughfares and some small street**
- **The reported Asian CVAP shares are larger than those used by the City's demographer (source of estimates not stated)**

Plaintiff's 7 District Proposal

Census blocks used to configure districts.

Plan deviation = 6.5%



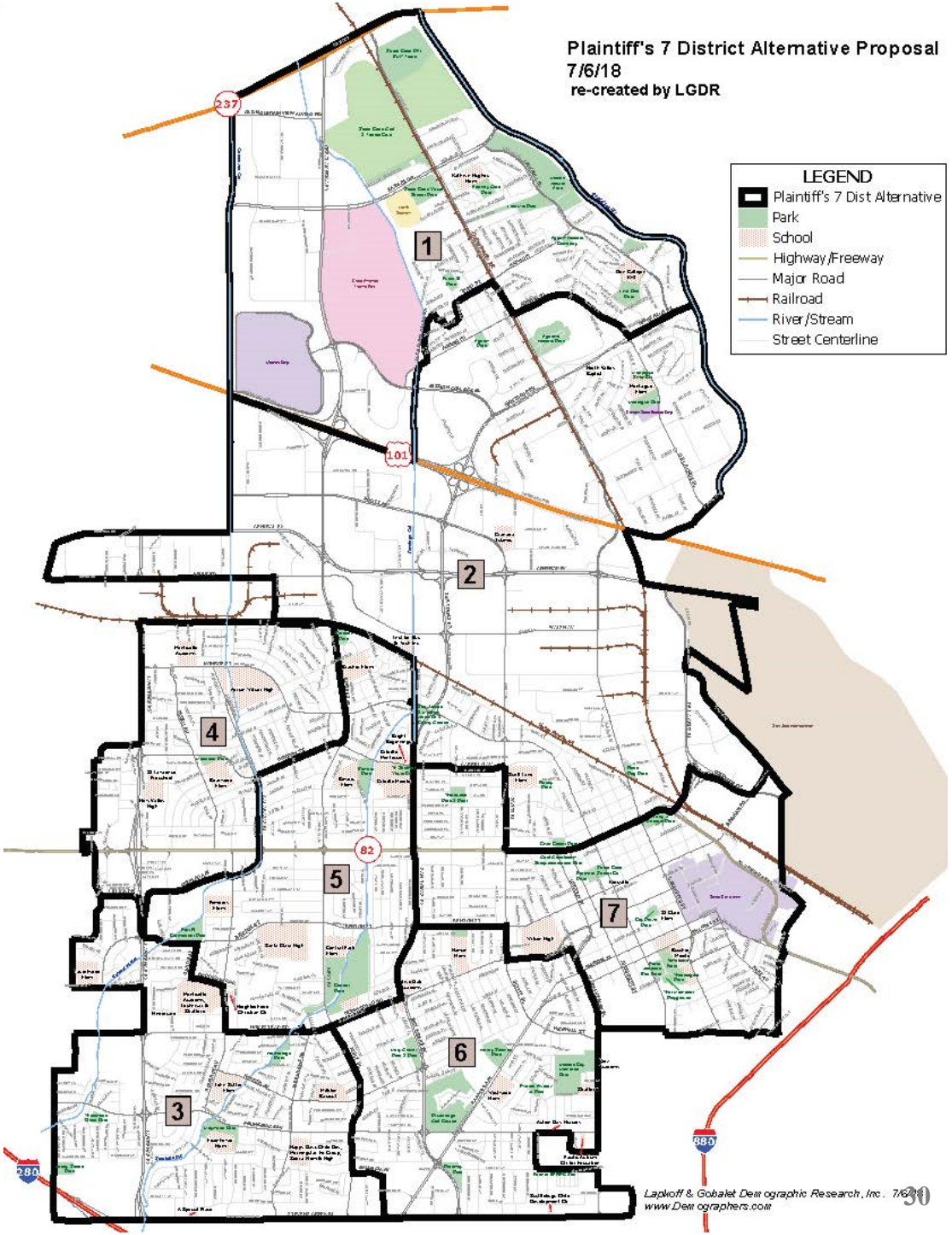
Plaintiff's 7 District Plan (data table from Plaintiff's demographer)

7 District Proposal	1	2	3	4	5	6	7
Population	16268	16709	17013	16114	17198	16142	17024
Deviation	-370	71	375	-524	560	-496	386
% Deviation	-2.2%	0.4%	2.3%	-3.1%	3.4%	-3.0%	2.3%
% Asian	64.1%	38.3%	53.8%	33.2%	38.2%	26.6%	20.5%
% Latino	10.7%	28.8%	11.4%	25.2%	18.5%	18.5%	22.6%
% White	20.0%	26.1%	30.6%	36.2%	38.8%	49.6%	51.1%
% Black	2.9%	3.9%	2.4%	2.2%	2.4%	3.0%	3.3%
Voting Age Pop							
% Asian	63.6%	39.5%	52.0%	32.8%	37.8%	25.6%	20.0%
% Latino	9.2%	24.9%	10.5%	22.2%	16.1%	16.5%	20.2%
% White	22.5%	29.1%	33.7%	40.0%	42.1%	53.1%	54.3%
% Black	2.7%	3.7%	2.2%	2.0%	2.1%	2.9%	3.2%
Citizen Voting Age D16							
% Asian	50.5%	33.5%	44.9%	33.7%	27.7%	22.3%	18.7%
% Latino	8.3%	18.7%	9.9%	15.1%	20.4%	12.9%	17.9%
% White	35.2%	40.9%	41.0%	42.6%	47.0%	58.4%	59.5%
% Black	5.3%	5.2%	2.3%	6.3%	3.4%	5.0%	2.7%
Earlier Asian CVAP							
% acvap_D13	56.6%	29.8%	39.4%	29.7%	27.2%	20.0%	15.5%
% acvap_D15	58.0%	32.5%	43.1%	28.6%	29.4%	18.8%	16.7%

Plaintiff's 7 District Alternative Proposal

Census blocks used to configure districts.

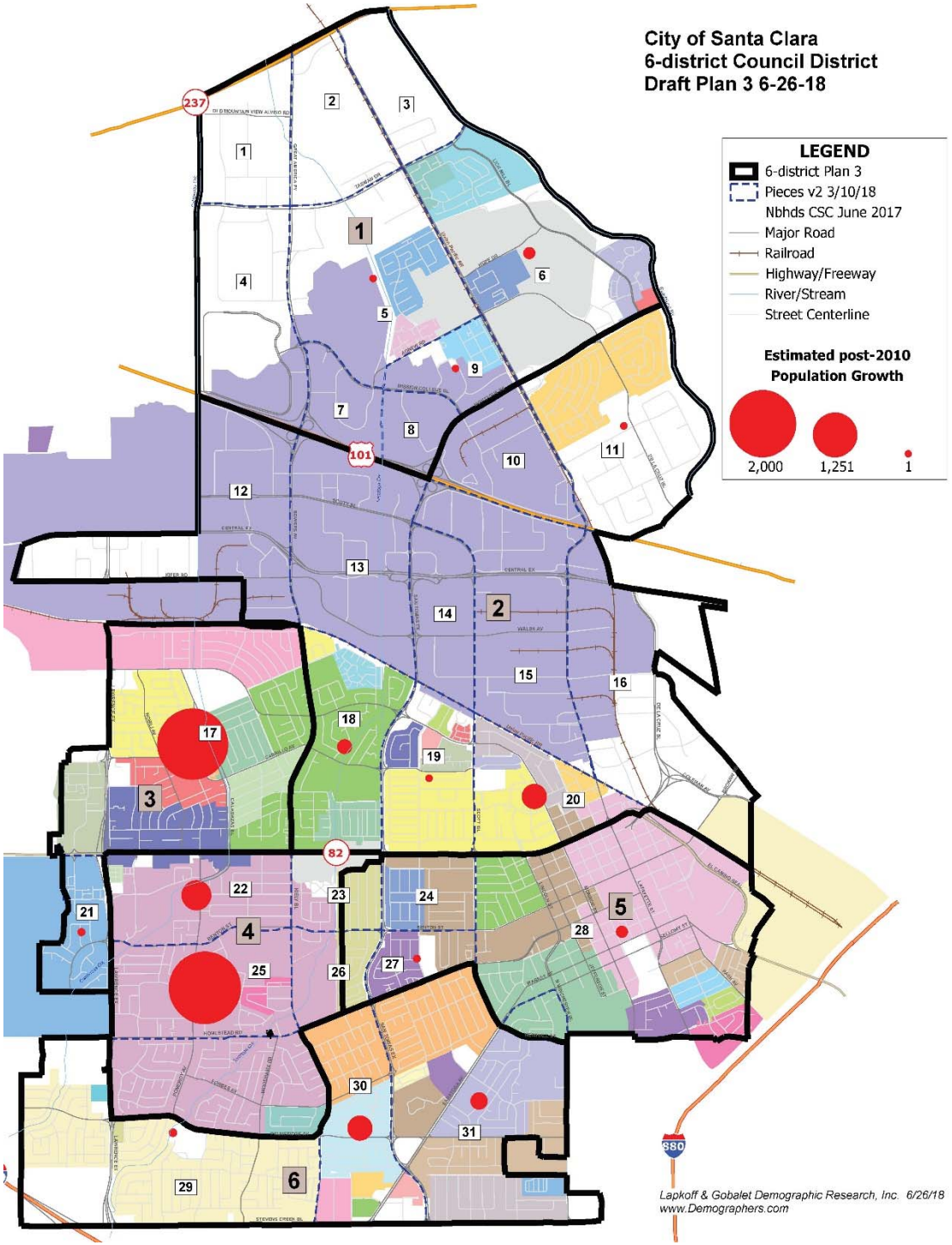
Plan deviation = 4.6%



Plaintiff's 7 District Alternative Plan (data from Plaintiff's demographer)

7 District Alternative	1	2	3	4	5	6	7
Population	16667	16310	16815	16817	16693	16203	16963
Deviation	29	-328	177	179	55	-435	325
% Deviation	0.2%	-2.0%	1.1%	1.1%	0.3%	-2.6%	2.0%
% Asian	63.9%	37.9%	44.2%	43.3%	38.0%	26.6%	20.5%
% Latino	10.0%	30.0%	12.2%	22.1%	20.5%	18.5%	22.7%
% White	20.9%	25.3%	39.8%	29.0%	36.8%	49.7%	51.0%
% Black	3.0%	3.9%	2.1%	2.5%	2.4%	3.0%	3.3%
Voting Age Pop							
% Asian	63.4%	39.1%	41.8%	43.5%	37.6%	25.6%	20.0%
% Latino	8.6%	26.0%	11.1%	19.4%	17.9%	16.4%	20.2%
% White	23.4%	28.4%	43.8%	31.9%	40.3%	53.1%	54.2%
% Black	2.7%	3.7%	1.9%	2.3%	2.2%	2.9%	3.2%
Citizen Voting Age D16							
% Asian	49.6%	33.8%	35.9%	42.2%	26.8%	22.3%	18.6%
% Latino	7.7%	19.5%	14.6%	12.7%	18.7%	12.9%	18.0%
% White	36.9%	39.7%	44.6%	38.3%	48.0%	58.4%	59.5%
% Black	5.1%	5.4%	2.4%	4.9%	4.9%	5.0%	2.7%
Earlier Asian CVAP							
% acvap_D13	56.4%	29.5%	30.5%	35.2%	29.9%	20.1%	15.4%
% acvap_D15	57.7%	32.3%	34.1%	39.0%	27.3%	18.9%	16.7%

Additional Slides



Draft Plan 3

6 Council Districts

With Nextdoor neighborhoods (shaded) and estimated post-2010 population growth from new housing (red proportional symbols).

Jennifer Yamaguma

From: Nick <ncusimano@ymail.com>
Sent: Wednesday, June 27, 2018 1:47 PM
To: Districts
Subject: Districting

An idea for the district could mirror and slightly modifying the current beat map that the Police Department uses. The Police Department has currently the city divided into 6 beats. This could be used for the 6 districts. The beat system has 3 beats south of el Camino, 2 north of ECR and 1 north of HWY 101. This could be modified to meat the goals of districting the population.

Nick Cusimano

Sent from my iPhone

Jennifer Yamaguma

From: Doris Modesitt <modesitt7@att.net>
Sent: Wednesday, June 27, 2018 1:51 PM
To: Districts
Subject: voting

Guess our votes count for nothing!

Sent from Mail for Windows 10

Jennifer Yamaguma

From: ravi <sharmarv@hotmail.com>
Sent: Wednesday, June 27, 2018 4:59 PM
To: Districts
Subject: COURT ORDERED COUNCIL DISTRICTING PROCESS

Hello,

Court should obey what the voters have decided which is Reject Measure A. If the vested interests don't like the election results, then they should not try to circumvent it and try to have the courts pass it by hook or by crook. Listen to what voters have to say. Judges are not above voters.

Sincerely,

Ravi Sharma

Santa Clara Resident

Jennifer Yamaguma

From: Amvargas@yahoo.com
Sent: Wednesday, June 27, 2018 5:01 PM
To: Districts
Subject: Lets redistrict to at least 3 at max 7 districts

I am concerned that 2 districts is not enough—it can become dysfunctional like our 2 party system.

Many thanks
Ana Vargas-Smith

Sent from my iPhone

Jennifer Yamaguma

From: Kay Khandpur <kkhandpur@gmail.com>
Sent: Wednesday, June 27, 2018 6:40 PM
To: Districts
Subject: Council districting process

In a post on NextDoor the Web Manager (presumably on behalf of the City) said that

- A professional demographer will utilize the City's demographic information to prepare draft district maps with separate districts.

What specific guidance is being given to the demographer for this exercise, and by whom? What rules will the demographer use, and in what order of priorities? Are these published somewhere for review by the public?

This email is being sent to the contact email in the NextDoor post.

Thank you,

Kay Khandpur

Jennifer Yamaguma

From: Richard Fong <rich.fong@alumni.stanford.edu>
Sent: Thursday, June 28, 2018 12:43 PM
To: Districts
Subject: Santa Clara Needs Neighborhood Districts

Hello,

Santa Clara should be divided into 6 neighborhood districts, with one council member per district. I feel that 6 neighborhood districts will give the council the diversity that it currently lacks. I voted against the City measure in the last election because I did not feel that two large districts would achieve the goal of greater diversity on the City council.

Regards,

Richard Fong (resident of Santa Clara since 1978)

Jennifer Yamaguma

From: Rob Jerdonek <robjerdonek@gmail.com>
Sent: Thursday, June 28, 2018 1:38 PM
To: Districts
Cc: City Attorney; Manager; Mayor and Council
Subject: Public Input for Court Ordered Council Districting Process

Dear Districting Committee,

The courts have ordered Santa Clara to draw district boundaries for single-member districts. This will require drawing boundaries for six or seven voting districts, depending on if the ability to directly elect our mayor is retained. The court is allowing less than 30 days for the maps to be created. In my opinion, this is not sufficient time to draw 6-7 districts from scratch with sufficient community input.

As part of Measure A, the city's Districting Committee already drew a district line that divided the city into two. This was done following a formal legally defensible process in two months with four public hearings and 8 maps formally considered. Conducting a similar process for 6-7 districts in half the time is not feasible.

In order to comply with the court order in an expedited manner, the city should use the work that was already done as part of Measure A. The city should keep the same district line that was drawn to divide the city into two. Then, the only remaining task is to subdivide each of those halves into 3 districts each, for a total of six districts.

With the above process, only four new lines need to be drawn (two lines for the Northern half and two lines for the Southern half.) This will divide a complex problem into smaller, and more manageable, sub-problems. This will also save time by making use of the extensive work that has already been done.

Finally, the city should ensure that the final agreement with the court includes language that specifically enables IRV (Instant Runoff Voting) to be used to elect the councilmember in each district, and also enables IRV to be used to elect the mayor and other citywide offices. IRV with single member districts is a proven solution that is currently used in San Francisco, Oakland, Berkeley, San Leandro, and many other cities.

IRV in each district will help increase minority representation in each district. Without IRV, multiple minority candidates may split the vote in a single-member district and reduce their chance of winning a seat on the city council. The use of IRV for Mayor and other citywide offices will help increase choices for voters and ensure that candidates are elected with true majorities.

The court agreement language should clearly state that IRV should be used for all elected offices as soon as the election equipment is available. (County elections software will likely be able to support IRV by 2020.)

Rob Jerdonek
Santa Clara Resident

Jennifer Yamaguma

From: diane@dianesdreamdestinations.biz
Sent: Saturday, June 30, 2018 12:48 AM
To: Districts
Cc: Ken Kratz
Subject: First take on redistricting from Diane Harrison

Hi! I didn't use the census info on this one (partly because I'd thought I'd thrown it out, but it turned out I hadn't, but also I thought it might be interesting to look at the zoning, i.e. to consider the socio-economic status of the districts). Socio-economic status may or may not correlate to minority status, but, like race & ethnicity, it's a common interest.

I noticed one possible discrepancy when looking at piece #12 on the following zoning map: http://santaclaraca.gov/home/showdocument?id=4499
On the map, it shows quite a bit of medium and high density residential. But the piece shows a total population of zero. Since I assume it's not housing ghosts, was none of it built yet at the end of 2017? In any case, for future voting, we have to assume a number of people.

For the purposes of coming up with districts, I used the estimated 2017 total population which is 123,694. Divide that by 6, and I got 20,616 per district. The biggest difficulty was the large size of some of the pieces, several of which were almost a district in and of themselves. If the pieces over 10,000, say, were divided in two, this would make our redistricting goals easier to achieve.

Anyway, following are my first stab at 6 districts.

District 1: Pieces 1-6 - about 18,579 people
District 2: Pieces 7-11, 13-16, 28 - about 19,396 people
District 3: Pieces 12, 17, 18 - about 22,658 people
District 4: Pieces 19, 20, 22-24 - about 22,094 people
District 5: Pieces 21, 25, 29 - about 22,849 people
District 6: Pieces 26, 27, 30, 31 - about 18,016 people

No, I don't like that difference between 18,016 on the low end and 22,849 on the high end either. So, I'll keep trying things and see you on July 3rd. Perhaps smaller pieces are already on the drawing board.

Sincerely,

Diane Harrison
3283 Benton St.
Santa Clara, CA 95051
408-554-5854 or 408-246-8149
diane@dianesdreamdestinations.biz

Jennifer Yamaguma

From: Pat Waddell <pat.waddell@smythwad.net>
Sent: Sunday, July 1, 2018 1:50 PM
To: Districts
Subject: Questions and Comments on (yet another) District election plan

Ad Hoc group members and City staff:

Having followed the Proposition A preparation earlier (and participated in hearings), read the judge's rulings, and the demographer's new slide deck, I find my level of confusion still very high. I may not be alone...

We live in the South edge of the city (1/4 mile from Stevens Creek). We've been here 30+ years and watched the demographics of the city change.

So first some questions:

1. Are the demographics of the new scheme supposed to include ALL residents (even non-citizens) or just eligible voters? If all residents, what is the legal rationale for that (versus just voters)?

2. If the demographics are permitted to focus on current actual voters, does that change the district "skew" from North to South? The South edge of the city is already fairly fully built out. The North edge seems likely to be built out over the next decade or so. How many of the new residents are likely to be non-citizens versus citizens (or do we have any idea)?

3. If the law requires a focus on ALL residents, then are the proposed major housing developments along Tasman permitted to be a factor in the district boundaries?

4. There are a number of well-respected groups (Pew Research Center for one) who have studied some of these issues. Is the city permitted to cite such studies in both our district boundary planning and responses to the Court?

Last some observations:

1. While I understand Staff hesitancy to comment on some of these topics, as a member of the public who is not a lawyer, hearing some factual description of "what the law says" would help everyone attending the hearings a great deal. We really don't need "the blind leading the blind" here!

2. The district discussion needs to completely separate the districts per se from any question about voting method. I fear the recent loss on the June ballot was due to mixing the two issues and thus confusing voters. Can we please keep them separated?

I am expecting to attend the hearing in the main library this week...

Thanks

Pat Waddell
Arthur Court

Jennifer Yamaguma

From: Randy Castello <rrcastello@att.net>
Sent: Monday, July 2, 2018 3:21 PM
To: Districts
Subject: Re-Districting

For heaven's sake--quit trying to protect your own council seat and stop wasting City time and resources on these countless lawsuits that we keep losing! I have lived in Santa Clara for 32 years and it is very clear to me what minimal amount of turnover there has really been in that time on the Council and in the Mayor's position--seems to be just a great big merry-go-round. I think 6-7 Districts would be fair. It is quite clear that the needs of those across the 101 by the stadium are much different from the needs of those of use on the other side--making sure all those constituents have representation would be a good thing. I was one who voted NO on that inane ballot proposition that had no hope of surviving a court challenge. Do your jobs and get this done!
Randy Castello
479 Kiely Blvd
Santa Clara, CA 95051

Jennifer Yamaguma

From: diane@dianesdreamdestinations.biz
Sent: Monday, July 2, 2018 4:49 PM
To: Districts
Subject: Second take on re-districting from Diane Harrison

I couldn't do better on the southern section (districts 4-6) than your existing Drafts 1 & 2. And combining pieces 17 & 21 for districts 3 was also on my plan. However, I'd like to change districts 1 & 2 as follows:

District 1: Pieces 1, 4, 11-16, 18-20 - 20,062 residents
District 2: Pieces 2, 3, 5, 6, 9, 10 - 19,279 residents

Or reverse 1 & 2, if you prefer, but I believe this will up the Hispanic percentage in that central district.

Sincerely,

Diane Harrison
3283 Benton St.
Santa Clara, CA 95051
408-554-5854 or 408-246-8149
diane@dianesdreamdestinations.biz

P.S. Of course, all minorities, as well as all not-so-well-funded candidates, will benefit from ranked choice voting, so while I know that is not on the agenda for these 4 meetings, I look forward to seeing that meeting on the calendar soon.

Jennifer Yamaguma

From: david lee <divadleelee@yahoo.com>
Sent: Monday, July 2, 2018 5:57 PM
To: Districts
Subject: Council districting process

Hi. I fully support the court order to draft single member district maps. It's time now to get it done. Thanks.
david lee, 774 orkney ave, santa clara, ca 95054

Jennifer Yamaguma

From: Bob Aldridge <jan47bob@comcast.net>
Sent: Monday, July 2, 2018 8:11 PM
To: Districts
Subject: Court order on districts

Dear City Officials,

I have reviewed your districts elections web page and I would like more information before commenting.

1. Who was the judge that issued the court order?

2. What prompted the court order?

3. What is the wording of the court order?

4. What part of the California Voting Rights Act does the current election system violate?

5. Where and in what courtroom will the July 23rd trial be held?

Thank you for your attention to this request,

Robert C. Aldridge (631 Kiely Boulevard)

--
"He who loves nothing destructable has no place in himself where he can be wounded by the man of power and he becomes inviolable, since he loves inviolable values the way they ought to be loved."
-- Guigo the Carthusian

Jennifer Yamaguma

From: David Cary <david.cary.rep@gmail.com>
Sent: Tuesday, July 3, 2018 1:03 PM
To: Districts
Subject: Suggestions about demographic numbers
Attachments: CRS-Report-20120416_R42483.pdf

Please consider the following suggestions regarding the use of demographic statistics during these hearings:

Suggestion 1: Publish as soon as possible the detailed demographic data that is being used by the city's demographer to construct and evaluate various plans. Such data could be published as a spreadsheet at the level of voter registration precincts and at the level of census blocks.

Rationale: Especially given the compressed schedule for these hearings, the public's ability to offer input about various plans would be enhanced if this data were available. When the city did its districting for Measure A, it ended up adopting a districting plan submitted by a member of the public. For that effort, the demographer published demographic data for bigger geographic pieces of the city, but which are too big to be useful for drawing single-member districts.

For example, the demographer's report for today's hearing indicates that she is using CVAP data at the census block level. To the extent that the data already exists, publishing it can and should be done as soon as possible and at very little cost.

Suggestion 2: Explain why the demographer's total CVAP population for the city (66,036) is significantly different than the U.S. Census Bureau's estimated total 2012-2016 CVAP for the city (71,405).

Rationale: The demographer's total is about 7.5% below the Census Bureau's. This is more than might be expected due to the demographer applying special refinements to the data. The accuracy of the CVAP data is important when assessing various plans as possible remedies. The Census Bureau's number can be accessed in the Place.csv file in "CVAP_2012_2016_ACS_csv_files.zip" which is linked to from the "2018" tab at:
https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.2018.html

Suggestion 3: Use the most recent, but still reliable total population data to assess whether districts are of sufficiently equal population rather than necessarily rely on the 2010 decennial census numbers. If the 2010 decennial population numbers are still used, at least explain why.

Rationale: According to a Congressional Research Service paper, court cases allow, even require the best estimates of total population when drawing equal population districts ***other than*** congressional districts. During the districting effort for Measure A, the city's demographer provided 2017 estimates of population for the geographic pieces of the city for which other demographic data was published. The population growth during those 7 years for individual pieces ranged from 0% up to 33%. That suggests that more recent data is available and could be significant in determining whether districts are sufficiently equal in population size.

The Congressional Research Service paper cites relevant court cases on this issue. See the section "State Redistricting and the Best Available Data". A copy of the paper is attached and can be downloaded from:
https://www.everycrsreport.com/reports/R42483.html

Legal Issues Regarding Census Data for Reapportionment and Redistricting

name redacted
Legislative Attorney

April 16, 2012

Congressional Research Service
7-....
www.crs.gov
R42483

CRS Report for Congress
Prepared for Members and Committees of Congress

Summary

This report provides an overview of selected issues regarding census data that have arisen during recent decennial censuses, including use of sampling or other estimation techniques and counting U.S. citizens residing abroad. The Constitution requires that state representation in the House of Representatives be based on a population census conducted at least once every 10 years. The Constitution does not expressly require use of official federal decennial census data for intrastate redistricting, but courts have found that states must use the best data available, which may or may not be official census data. Currently, all 50 states, the District of Columbia, and Puerto Rico receive census data for reapportionment and redistricting via the census program conducted pursuant to P.L. 94-171.

Under the Constitution and census statutes, the federal government has broad authority over how the census is conducted. The Supreme Court has found that federal law bars using sampling data to adjust the decennial census for House of Representatives reapportionment but that hot-deck imputation, an estimation technique, is permissible. Adjusting census data for other purposes, such as intrastate redistricting, is also not prohibited. In addition, the Secretary of Commerce has authority over whether it is feasible to release adjusted data for intrastate redistricting purposes.

The Supreme Court has held that the Secretary of Commerce has discretion whether to include overseas federal personnel in the apportionment census. It has also found that the Secretary of Commerce can include U.S. military and civilian federal government overseas employees in the apportionment census while excluding other expatriate U.S. citizens. Because Congress has authority to legislate census methodology with regard to treatment of expatriates, several bills have been introduced in the 112th Congress addressing the inclusion of expatriates and categories of expatriates.

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This report provides an overview of selected issues regarding census data that have arisen during recent decennial censuses, including use of sampling or other estimation techniques and counting U.S. citizens residing abroad.[1]

Background

The Constitution requires that members of the House of Representatives "shall be apportioned among the several States according to their respective numbers, counting the whole numbers of persons in each State, excluding Indians not taxed," and to this end an "actual Enumeration shall be made ... within every subsequent Term of ten Years, in such manner as [Congress] shall by Law direct."[2] The framers of the Constitution provided for a simple population headcount and made no provision for counts by sex, age, or address.[3] The census was to provide figures to adjust periodically apportionment of representatives among the states. It was also originally intended to provide figures for determining proportionate shares of direct taxes for states. Congress has established and authorized the U.S. Census Bureau, an agency within the Department of Commerce, to administer the decennial population census and other surveys.[4]

In addition to determining the apportionment of Representatives among the states, decennial population census data fulfills several purposes:

- provides state and local governments a basis for establishing district boundaries for congressional, state legislative, and local representative bodies, because the data is generally considered to be the best available, although its use is not expressly mandated;
- determines allocation of electoral votes among states for presidential elections;[5]
- determines allocations and/or triggers federal and state funding for a variety of public benefits and assistance programs; and
- triggers certain voting rights, such as identifying when the 10,000 single-language-minority citizens of voting age threshold is reached for the bilingual balloting provisions of the Voting Rights Act of 1965.[6]

With regard to intrastate redistricting, all 50 states, the District of Columbia, and Puerto Rico currently receive census data for reapportionment and redistricting via the P.L. 94-171 census program.[7] Under this program, the Census Bureau provides states decennial census figures for

[1] The issue of excluding unauthorized aliens in the federal decennial census for reapportionment of the House of Representatives and intra-state redistricting is addressed in CRS Report R41048, *Constitutionality of Excluding Aliens from the Census for Apportionment and Redistricting Purposes*, by (name redacted) and (name redacted).

[2] U.S. Const. art. I, §2, cl. 3, as amended by U.S. Const. amend. XIV, §2.

[3] H. Alterman, *Counting People* 193 (1969). Kutner, *Our Extraconstitutional Census*, 68 U. of Detroit L. Rev. 117, 118 (1991).

[4] 13 U.S.C. §2; the Census Act is codified as amended at 13 U.S.C. §§1 *et seq.*

[5] U.S. Const. art II, §1, cl. 2. "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress...."

[6] 42 U.S.C. §1973aa-1a(b)(2)(A)(i)(II).

[7] This statutory authority for the state redistricting data is codified at 13 U.S.C. §141.

state-identified geographic areas and election precincts to use for intrastate redistricting activities prior to April 1 of the year following the decennial census.[8] In addition, the President transmits figures for House of Representatives apportionment to Congress and each state by the end of the first week of the regular congressional session following the decennial census.[9]

State Redistricting and the Best Available Data

The Constitution requires Congress to use census data to apportion Representatives among the states but does not expressly require states to use census data for intrastate congressional and state legislative redistricting. Courts, however, have held that states must use the best data available, regardless of whether it is census apportionment data.

Adjustments to Census Data

Federal court findings that states are not required to use federal census data for redistricting but must use the best data available has raised questions over whether the Census Bureau must provide states with adjusted census data in addition to census apportionment data. Courts have generally found that the Census Bureau is not required to provide such adjusted data

The best available data principle was set forth in the 1969 Supreme Court decision *Kirkpatrick v. Preisler.*[10] In this case, the Supreme Court invalidated Missouri's congressional redistricting plan but indicated that Missouri's use of projected population figures was not *per se* invalid *if* such data would have a higher degree of accuracy than other available data. However, the *Kirkpatrick* Court stated that, in the instant case, the federal decennial census data were the best data available.[11]

In *Senate of the State of California v. Mosbacher*,[12] the Ninth Circuit addressed whether the Census Bureau was required to provide states adjusted census data for state intrastate redistricting activities. In *California,* the California state senate sued the Secretary of Commerce to release adjusted data after the Census Bureau decided not to adjust the official 1990 census data. In reaching its decision, the Ninth Circuit noted that if a state knows that census data is underrepresentative of the population, it can and should utilize non-census data, in addition to the official count, for redistricting.[13] The Ninth Circuit found, however, that the Secretary of Commerce had no affirmative duty under the Census Clause of the Federal Constitution (Art. 1, §2, cl. 3) or federal law to provide states adjusted census data.[14] Similarly, in *City of Los Angeles*

[8] 13 U.S.C. §141(c).

[9] 2 U.S.C. §2a.

[10] 4 U.S. 526 (1969).

[11] See also *Dixon v. Hassler*, 412 F. Supp. 1036, 1040-41 (W.D. Tenn 1976), *aff'd sub nom. Republican Party of Shelby County v. Dixon*, 429 U.S. 934 (1976); *Exon v. Tiemann*, 279 F. Supp. 601, 608 (D. Neb. 1967).

[12] 8 F.2d 974 (9th Cir. 1992).

[13] 8 F.2d at 979, citing *Garza v. County of Los Angeles*, 918 F.2d 763, 772-73 (9th Cir. 1990), *cert. denied*, 498 U.S. 1028 (1991).

[14] 968 F.2d at 979 (but Judge Pregerson, dissenting, argued that by refusing to disclose the adjusted data, the Secretary may have impermissibly interfered with the state senate's duty to redistrict under the Federal Constitution and the Voting Rights Act).

v. U.S. Dep't. of Commerce,[15] the Ninth Circuit held that the Secretary of Commerce had no obligation under 13 U.S.C. §195 to adjust the official 2000 decennial census figures for intrastate redistricting purposes.

The circuits are divided on whether adjusted census data must be released under the Freedom of Information Act. In *Assembly of the State of California v. U.S. Department of Commerce*,[16] the same court affirmed a lower court's decision requiring the Department of Commerce to release computer tapes containing statistically adjusted data from the 1990 census to the Assembly under the Freedom of Information Act, noting that "states are not obliged to use official census data when drawing their state legislative or congressional districts."[17] However, *Florida House of Representatives v. U.S. Department of Commerce*,[18] the U.S. Court of Appeals for the Eleventh Circuit held that the statistically adjusted data was exempt from disclosure under the Freedom of Information Act.

While states may use non-apportionment census data for redistricting purposes, such adjusted data must be able to withstand scrutiny. For example, in *Young v. Klutznick*, the city of Detroit sued the Department of Commerce regarding an adjustment to an alleged undercount in the 1980 census data. In dicta, the Sixth Circuit stated that the state legislature is not required by the federal Constitution to use Census Bureau data for congressional redistricting, but could use adjusted population figures when redistricting between decennial censuses, as long as any adjustment is thoroughly documented and applied systematically.[19]

Similarly, in *City of Detroit v. Franklin*,[20] the city sought to adjust an alleged undercount in the 1990 census data, arguing that *Young* had been overruled by *Karcher v. Daggett*.[21] The city argued that in *Karcher* the U.S. Supreme Court had held that the apportionment clause imposes an obligation on states to use only the official population count as determined by the Census Bureau in redistricting. This argument was probably based on the sentence in *Karcher* that "[a]dopting any standard other than population equality, using the best census data available ... would subtly erode the Constitution's ideal of equal representation"[22] and the fact that the *Karcher* Court considered the census data the only reliable indication of the districts' relative population levels.[23] In *City of Detroit*, the District Court held, however, that the plaintiffs misconstrued *Karcher* and that it did not require states to use census figures in redistricting or overrule *Young*. Rather, the Supreme Court had "merely reiterated a well-established rule of constitutional law: states are

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[15] 307 F.3d 859 (9th Cir. 2002). 13 U.S.C. §195 states that "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as "sampling" in carrying out the provisions of this title."

[16] 968 F.2d 916 (9th Cir. 1992). In *Carter v. U.S. Dep't. of Commerce*, 307 F. 3d 1084 (9th Cir. 2002), the U.S. Court of Appeals for the Ninth Circuit cited this decision in upholding the district court's order for the release of adjusted 2000 decennial census data by the U.S. Department of Commerce pursuant to the Freedom of Information Act.

[17] 968 F.2d at 918, n. 1, citing *Burns v. Richardson* and *Young v. Klutznick*, discussed below.

[18] 961 F.2d 941 (11th Cir. 1992).

[19] 652 F.2d 617, 624 (6th Cir. 1981).

[20] 800 F. Supp. 539 (E.D. Mich. 1992).

[21] 462 U.S. 725 (1983).

[22] 462 U.S. at 731 (citing *Kirkpatrick v. Preisler*, 394 U.S. 526, 532 (1969)).

[23] 462 U.S. at 738.

required to use the 'best census data available' or 'the best population data available' in their attempts to effect proportionate political representation."[24]

Departures from Use of Total Population Figures

Federal courts have also examined whether state legislatures are required to use total population data for redistricting activities. In these cases, courts have found that the best available data standard does not necessarily require use of total population figures.

For example, in *Burns v. Richardson*,[25] the Supreme Court held that in state legislative redistricting cases the Constitution "does not require the states to use total population figures derived from the federal census as the standard" of measurement. The Court noted that in earlier cases it had been careful to leave open the question of the appropriate population basis for redistricting activities, even though total population figures were, in fact, the basis for determining whether the Equal Protection Clause of the Constitution had been violated in several cases.

In *Burns*, Hawaii had used the number of registered voters as the basis for redistricting the state senate. The Court found that the redistricting plan "satisfies the Equal Protection Clause only because on this record it was found to have produced a distribution of legislators not substantially different from that which would have resulted from the use of a permissible population basis."[26] Hawaii was found to have a unique situation, wherein significant numbers of tourists, military personnel, and other transient population segments distorted the distribution of actual state citizens. The redistricting plan that would have resulted from using the total population would not have reflected the true state population distribution as accurately as one based on state citizenship. Since a registered voter population basis was the closest approximation of the state citizen population, use of the registered voter population was deemed consistent with the Equal Protection Clause. However, the Court was careful to note that *Burns* did not establish the validity of its unique redistricting population basis for all time or circumstances.[27] Although federal decennial census figures need not be used as the basis for redistricting, any alternate data must be shown to be the best available or justified by particular circumstances that will result in a more accurate redistricting plan than one based on total population figures from the federal decennial census.

The Supreme Court has not addressed the constitutionality or propriety of using total population as opposed to voting population for intrastate redistricting when use of total population would produce a disparity in voter strength between districts with equal total populations. In *Garza v.*

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[24] 800 F. Supp. at 543 (quoting also from *Kirkpatrick v. Preisler*, 394 U.S. 526, 528 (1969) ("the best population data available")).

[25] 384 U.S. 73, 91 (1966).

[26] 384 U.S. at 93.

[27] *See also MacGovern v. Connolly*, 673 F. Supp. 111 (D. Mass. 1986) (court upheld state redistricting scheme which entailed use of data from a decennial state census held every 10 years beginning in 1975 and refused to order a new scheme based on "inapposite" 1980 federal census data); *Klahr v. Williams*, 313 F. Supp. 148 (D. Ariz. 1970) (court held invalid congressional and state legislative redistricting plans based, *inter alia*, on a population estimate formula "converting 1968 voter registration to 1960 census on a proportionate basis" which did not truly represent the population, but ordered the plan used anyway because no better alternative was feasible before the next election).

County of Los Angeles,[28] the County of Los Angeles disputed a court-ordered redistricting plan that used total population. The U.S. Court of Appeals for the Ninth Circuit rejected the County's arguments to hold that redistricting based on voting populations instead of the total population would be unconstitutional. Justice Thomas, however, in his dissent from a denial of a writ of certiorari in *Chen v. City of Houston*,[29] contrasted the Ninth Circuit decision in *Garza* with Fourth and Fifth Circuit decisions holding that whether to use total population as opposed to voting population for redistricting within a state should be determined through the legislative and political process.[30]

Although most states prescribe state legislative redistricting procedures through statute, many do not have a statutory procedure for congressional redistricting. In such states, state legislatures conduct congressional redistricting on an *ad hoc* basis after a federal decennial census. This means that often in such states there is no explicit statutory requirement to use official federal decennial census data for congressional redistricting, although there may be such an explicit requirement for state legislative redistricting. To the extent that a state's own laws do not explicitly require use of official federal decennial census data for intrastate redistricting, the state is free to use any other data.

Use of Official Census Data

Even if a State's laws require use of official federal decennial census data, it is unclear what this means if the Federal Government releases two official sets of data. This issue was considered during oral arguments in the census sampling cases.[31] If the Secretary of Commerce transmits an official adjusted data set, that data arguably could be considered official federal decennial census data even if it is not the data used to apportion the House of Representatives. One should note, however, that the Court's holding on standing for the plaintiffs in *Department of Commerce v. U.S. House of Representatives* indicates that a majority of the Court considers references to official federal decennial census data to refer to apportionment data.[32] At the time *Department of Commerce v. U.S. House of Representatives* was decided, there had been a flurry of state legislative activity concerning the type of federal decennial census data to be used in intrastate redistricting because of the absence of sufficiently clear and explicit statutory guidelines on the appropriate data under such circumstances.[33]

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[28] 918 F.2d 763, 773-776 (9th Cir. 1990), *cert. denied*, 498 U.S. 1028 (1991).

[29] 532 U.S. 1046 (2001).

[30] *Id.* (citing *Chen v. City of Houston*, 206 F.3d 502 (5th Cir. 2000)(looking to Supreme Court precedent, *Burns v. Richardson*, 384 U.S. 73, 92 (1966), for the proposition that "the choice between measurements 'involves choices about the nature of representation with which we have been shown no constitutionally founded reason to interfere.'"); *Daly v. Hunt*, 93 F.3d 1212, 1227 (4th Cir. 1996)(finding "[t]here is no reason to believe that voting-age population is significantly better than total population in achieving the goal of one person, one vote" and until the Supreme Court speaks clearly on this issue, any actions by the courts "[should be] tempered by the overriding theme in the Court's prior apportionment cases weighing against judicial involvement.")).

[31] Oral Argument Transcript, found at 1998 WL 827383 on Westlaw (oral argument of Michael A. Carvin on behalf of the appellees in No. 98-564).

[32] 525 U.S. at 332-4, 119 S. Ct. at 774-5. A summary of the decision in this case is found below at "Sampling and Estimation Adjustment."

[33] *See, e.g.*, the following legislation enacted in Alaska, Arizona, Colorado, Kansas, and Virginia. In Alaska, S.B. 99, Ch. 18 of the 1999 Acts, was enacted on May 11, 1999. In Arizona, H.B. 2698, Ch. 47 of the 1999 Laws, was enacted on April 22, 1999. In Colorado, S.B. 206, Ch. 170 of the 1999 Laws, was enacted on May 7, 1999. In Kansas, S.B. 351, Ch. 148 of the 1999 Laws, was enacted on May 12, 1999. In Virginia, H.B. 1486, ch. 884 of the 2000 Acts, was (continued...)

Although Congress has not explicitly required states to use federal decennial census data in congressional redistricting, it could arguably do so under the same constitutional powers which give Congress the authority to establish other redistricting guidelines if it chooses. Art. I, §2, cl. 1, provides that the Members of the House of Representatives shall be chosen by the People and Art. I, §4, cl. 1, gives Congress authority to determine the times, places and manner of holding elections for Members of Congress. While it is not clear that one data set is more accurate than the other and the constitutional goal of equal representation is not implicated, Congress arguably could require that a particular type of data (e.g., limited to citizens or including citizens and aliens) be used in congressional redistricting. However, it could not do so with regard to redrawing state legislative or municipal districts, which remain state prerogatives as long as no constitutional voting rights are violated.

Sampling and Estimation Adjustment

Historically sampling and estimation techniques have been controversial, particularly, as discussed above, with regard to data released to or used by states in intrastate redistricting efforts. Therefore, a brief overview of the most recent U.S. Supreme Court cases may be useful.

In 1999, the U.S. Supreme Court held in *Department of Commerce v. U.S. House of Representatives*[34] that the Census Act[35] prohibits sampling in the census for apportionment of the House of Representatives. The Court, however, declined to decide whether sampling would also violate the census clause of the U.S. Constitution. The Court's decision was the culmination of two lawsuits challenging the Census Bureau's plans to use sampling in the 2000 census and two decades of litigation arising from attempts to use sampling and adjustment techniques for decennial census apportionment and redistricting data. Opponents of sampling claimed victory and promised to focus on improving the traditional headcount through methods such as expanded outreach to undercounted groups and use of administrative records. But proponents of sampling, including the Clinton Administration, noted that the decision did not determine sampling's constitutionality and did not prohibit sampling for purposes other than apportionment of the House of Representatives. Because the Court stated that Section 195 of the Census Act "requires [the use of] statistical sampling in assembling the myriad demographic data that are collected in connection with the decennial census,"[36] supporters of adjustment argued that sampling techniques were not only permissible, but were required, in taking the census for purposes of intrastate redistricting and federal funding allocations.

In 2002, the U.S. Supreme Court upheld in *Utah v. Evans*[37] the use of hot-deck imputation, an estimation technique[38] used in the 2000 census, against a challenge by Utah after Utah lost a

(...continued)

enacted on April 9, 2000.

[34] 525 U.S. 316, 119 S.Ct. 765 (1999).

[35] Codified as amended at 13 U.S.C. §§1 *et seq.*

[36] 525 U.S. at 339, 119 S.Ct. at 777. 13 U.S.C. §195 states that "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title."

[37] 536 U.S. 452 (2002).

[38] *Utah v. Evans*, 536 U.S. 452, 457-458 (U.S. 2002):

"Hot-deck imputation" refers to the way in which the Census Bureau, when conducting the year

(continued...)

congressional seat to North Carolina. The Court held that hot-deck imputation does not violate the Census Clause or the 13 U.S.C. §195 prohibition on census data sampling for apportionment of the House of Representatives on the grounds that imputation was an estimation technique distinct from sampling. The Census Bureau had interpreted the Census Act to permit hot-deck imputation and had used it for many decennial censuses with no intervention from Congress. In fact, Congress had amended the Census Act after the Census Bureau had started using the technique and could have clarified the sampling prohibition to prohibit other estimation techniques. Significantly, the Court held that the term "actual enumeration" in the Census Clause distinguished subsequent apportionments of the House of Representatives from the one for the first Congress, which was based on conjecture and estimation before the first census could be conducted. It further found that the Census Clause and the Census Act broadly authorized Congress and the Census Bureau, respectively, to determine the methods and manner for conducting the census.

While Congress could revise or clarify the statutory guidelines as to the permissible types of estimation and sampling techniques, no such legislation is currently pending in Congress. Federal case law is based on statutory interpretation rather than an interpretation of the Census Clause of the U.S. Constitution. Congress could legislatively require that the Census Bureau make adjusted data available, whether or not it is the official data transmitted through the P.L. 94-171 program.

Counting of Overseas Citizens

In November 2001, the U.S. Supreme Court affirmed a federal district court opinion upholding the Secretary of Commerce's decision to not include expatriate U.S. citizens, other than U.S. military and civilian federal government personnel, in the 2000 census data for reapportionment of the House of Representatives. U.S. military and federal civilian employees abroad have been included in census data used for apportionment of the House of Representatives in 1970, 1990, 2000, and 2010.[39] The Census Bureau did not include such persons in the apportionment data for

(...continued)

> 2000 census, filled in certain gaps in its information and resolved certain conflicts in the data. The Bureau derives most census information through reference to what is, in effect, a nationwide list of addresses. It sends forms by mail to each of those addresses. If no one writes back or if the information supplied is confusing, contradictory, or incomplete, it follows up with several personal visits by Bureau employees (who may also obtain information on addresses not listed). Occasionally, despite the visits, the Bureau will find that it still lacks adequate information or that information provided by those in the field has somehow not been integrated into the master list.... And the Bureau may then decide "imputation" represents the most practical way to resolve remaining informational uncertainties.
>
> The Bureau refers to different kinds of "imputation" depending upon the nature of the missing or confusing information.... In each case, however, the Bureau proceeds in a somewhat similar way: It imputes the relevant information by inferring that the address or unit about which it is uncertain has the same population characteristics as those of a "nearby sample or 'donor'" address or unit.... Because the Bureau derives its information about the known address or unit from the current 2000 census rather than from prior censuses, it refers to its imputation as "hot-deck," rather than "cold-deck," imputation.

[39] U.S. General Accounting Office, *2010 Census: Overseas Enumeration Test Raises Need for Clear Policy Direction*, GAO-04-470, at 6-7, May 2004.

the 1980 census and was apparently not intending to include them in the 1990 apportionment data, but did so in response to pending legislative activity in the late 1980s.[40]

In 1992, in *Franklin v. Massachusetts*,[41] the United States Supreme Court upheld the Secretary of Commerce's decision to include and allocate overseas federal employees in the 1990 census data for the apportionment of the House of Representatives, which resulted in a loss of one congressional seat for Massachusetts. The Court held that there was no final agency action reviewable under the Administrative Procedure Act (APA) and that the allocation of overseas federal employees to their home states was consistent with the "usual residence standard" of other censuses and furthered the constitutional goal of equal representation.[42] However, the issue of distinguishing between overseas federal employees and other expatriate U.S. citizens by including the former in the census and excluding the latter was not before the Court and was not decided.

This issue was raised in January 2001, when the state of Utah filed suit against the Secretary and Department of Commerce alleging that the defendants had unlawfully excluded overseas missionaries of the Church of Jesus Christ of the Latter-Day Saints (LDS) in violation of the Census Clause, the Free Exercise Clause of the First Amendment; of the Administrative Procedure Act (APA, 5 U.S.C. §§701 *et seq.*); of the Religious Freedom Restoration Act (RIFRA, 42 U.S.C. §§2000bb *et seq.*); of 2 U.S.C. §2a; and of the Census Act (13 U.S.C. §§1 *et seq.*).[43] The inclusion of such overseas missionaries would have meant that Utah would have gained a congressional seat which went to North Carolina instead.

A three-judge panel[44] upheld the Secretary of Commerce's decision,[45] citing *Franklin v. Massachusetts* in finding that the President's report of apportionment data and calculations was the final act in apportionment rather than the Secretary's conduct of the census, and that, therefore, the APA did not apply. It further concluded that RIFRA and the Free Exercise Clause were not violated because there was no evidence that the exclusion of religious missionaries from the apportionment count burdened or in any way affected their right to exercise their religion. Finally, the court, citing *Franklin v. Massachusetts* with regard to the Census Clause and Census Act assertions, concluded that the Secretary's decision to include federal employees and military personnel overseas in the census apportionment data, while excluding other expatriates, was "a rational exercise of the Secretary's discretion, delegated to the Census Bureau, to conduct its obligation to enumerate the population for apportionment purposes."[46] The court noted, among other things, that there was no clear remedy for including LDS missionaries while excluding other private citizens or for including all U.S. expatriates. Inclusion of U.S. military and federal civilian personnel was based on factors such as the federal government's possession of reliable

[40] See Franklin v. Massachusetts, 505 U.S. 788, 793 (1992).

[41] 505 U.S. 788 (1992).

[42] 505 U.S. at 796-806.

[43] *State of Utah v. Evans*, No. F-2-01-CV-23:B (D. Utah 2001).

[44] Pursuant to 28 U.S.C. §2284(a), a three-judge panel is convened "when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body."

[45] Utah v. Evans, 143 F. Supp. 2d 1290 (D. Utah 2001); affirmed without opinion by the U.S. Supreme Court at Utah v. Evans, 534 U.S. 1038 (2001).

[46] 143 F. Supp. 2d at 1301.

records maintained according to its guidelines, guidelines for determining home state residence, and the involuntary nature of such expatriates residence abroad.

In 2004, the Government Accountability Office (GAO) conducted a couple of studies and presented testimony in congressional hearings regarding the feasibility and cost of counting all expatriate U.S. citizens, not just U.S. military and federal civilian employees, and evaluated a 2004 test expatriate census conducted by the Census Bureau in Kuwait, France, and Mexico.[47] The GAO concluded that including other expatriate groups would not be feasible or cost-effective, and would require clearer congressional guidance regarding the methodology to be used for data collection. Several bills (S. 677 and H.R. 868) have been introduced in the 112th Congress to mandate the inclusion of all expatriate U.S. citizens in the decennial census in accordance with specific guidelines but none have been enacted legislation yet.[48]

Additional Reading

CRS Report R41048, *Constitutionality of Excluding Aliens from the Census for Apportionment and Redistricting Purposes*, by (name redacted) and Er(name redacted).

CRS Report R40551, *The 2010 Decennial Census: Background and Issues*, by (name redact ed).

CRS Report R41584, *House Apportionment 2010: States Gaining, Losing, and on the Margin*, by (name redacted).

CRS Report R41382, *The House of Representatives Apportionment Formula: An Analysis of Proposals for Change and Their Impact on States*, by (name redacted).

CRS Report R41357, *The U.S. House of Representatives Apportionment Formula in Theory and Practice*, by (name redacted).

[47] U.S. Government Accountability Office, *2010 Census: Counting Americans Overseas as Part of the Census Would Not Be Feasible*, GAO-04-1077T, September 14, 2004; U.S. Government Accountability Office, *2010 Census: Counting Americans Overseas as Part of the Decennial Census Would Not Be Cost-Effective*, GAO-04-898, August 2004; U.S. General Accounting Office, *2010 Census: Overseas Enumeration Test Raises Need for Clear Policy Direction*, GAO-04-470, May 2004.

[48] *E.g.*, S. 677 and H.R. 868 in the 112th Congress would require the Secretary of Commerce to take measures to ensure that, beginning with the 2020 decennial census, the tabulation for apportionment of the House of Representatives among the states includes a full and accurate count of all U.S. citizens residing abroad and proper attribution to their respective states. Bills in past Congresses that provided for the counting of selected expatriate groups or all expatriates in census data for apportionment of the House and/or for related issues such as feasibility studies included H.R. 3013 and Section 240 of H.R. 2410 as passed by the House in the 111th Congress; H.Res. 1262 in the 110th Congress; H.R. 1619/S. 1682 in the 108th Congress; H.R. 680/S. 1260, H.R. 1745, H.R. 2171, and S. 1784 in the 107th Congress; and S.Con.Res. 38 and H.Con.Res. 129 in the 106th Congress.

Author Contact Information

(name redacted)
Legislative Attorney
[redacted]@crs.loc.gov, 7-....

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Jennifer Yamaguma

From: bruce donoghue <bdonog4579@gmail.com>
Sent: Tuesday, July 3, 2018 7:50 PM
To: Districts
Subject: PUBLIC HEARING- BACKGROUND

Sir,

Please provide a source or information on the legal deadlines that the State and County have for entering an item on the coming ballot. Ms. O'Neill has stated that the current schedule proposed by the Superior Court Judge violates existing laws designed to provide adequate lead times for posting information.
Mr. B. Donoghue

Sent from Mail for Windows

Jennifer Yamaguma

From: beylamcintosh@gmail.com
Sent: Wednesday, July 4, 2018 6:47 AM
To: Districts
Subject: Court Ordered Council Districting Process

Dear Sirs,
Between April and July, 2017, I was a member of the 2017 Charter Review Committee. In July, 2017, I left the Committee, as I could not support the election plan that Committee recommended to the City Council.
As part of an information packet, I submitted a single-member district election plan to the Committee, on May 30, 2017. This information packet never made the Committee's agenda, and was not considered at public meeting. Except for me, the Committee supported the 2-District, multi-member Plan.
As I have received a flyer, asking for input; I re-submit this plan. This plan suggests 6-single member districts, where, according to 2010 census data, at least two or more districts offer "protected class" voters opportunities to elect candidates of their choice, as they would have plurality or majority advantage in selected districts.
In proposed District 1, Asian-Americans could have nearly 65% of the population, and proposed District 4 could have nearly 48% of the population. Other populations would also have an opportunity to elect candidates of their choice.

This plan is again offered, based on the assumption, that the City's motivations have changed; I thank you for your considerations.

Rex McIntosh
390 N. Winchester Blvd. 5-2G
Santa Clara, CA. 95050

District-Based Plans

By-District Plan No. 2	Census Tract Nos	Population of District	Deviation from Ideal District Size
Proposed District 1	5049.01, 5050.01	19,271	0.75%
Proposed District 2	5050.07, 5052.01, 5052.03, 5053.01	19,183	1.2%
Proposed District 3	5053.02, 5053.03, 5053.04, 5053.05	18,734	3.5%
Proposed District 4	5054.01, 5054.02, 5054.03, 5061.01, 5085.07 - estimated, 5085.06 - Blocks (BNAs) 201, 202A, 206A,207A, 209, 210, 211,304, 301, 302A, 305A 306A - estimated	18,817	3.1%
Proposed District 5	5055. 5056. 5057. 5052.03/2 - estimated	19,683	1.4%
Proposed District 6	5059, 5060, 5061.02, 5061.03	20,203	4.05%
Population Deviation Range		Ideal District Population: 19,417 10% Deviation = 1,942 Deviation: 1,520 =7.5%	
Average District Population Deviation from Ideal Population			1.66%

DISTRICT-BASED PLAN 2

An example based on the assumption that the Mayor remains an elective office; elected by the voters of the entire city, and not representing a specific geographical area.

This plan yields six geographical city council districts. Each district attempts to achieve equality, compactness, contiguity, and considers other criteria desired by the federal Voting Rights Act of 1965. An ideal district population calculated by dividing the 2010 Santa Clara population (116,497) by six.The result of this calculation yields an ideal district population of 19, 417. Deviation from the ideal District size is calculated as the difference of the district population from the ideal district population divided by the ideal population x 100 yields % deviation.

Federal Voting Rights Act of 1965 suggest guidelines for deviation from the ideal population size should be less than 10%. Secondly, the difference between the greatest populated district and the least populated district should also be 10% or less.

Jennifer Yamaguma

From: Bern Steves <bernsteves@calbengoshi.com>
Sent: Wednesday, July 4, 2018 12:18 PM
To: Districts
Subject: URGENT - PLEASE Place Notice of Districting Hearings ON CITY HOME PAGE & Further Requests

Hi,

I spoke at yesterday's (July 3, 2018) hearing.

Thank you to the City staff for their heroic efforts to bring the matter to public notice, including sending out mailers - that is surely the most reliable approach, and that is how I heard about the matter, THANK YOU.

I was slightly surprised to find that there is still NO LINK to the districting page on the City's homepage.

PLEASE PLACE A PROMINENT LINK to the Districting page on the City's website.

The Districting page must also include the following **as a minimum to inform City voters**:

- **All court filings** in the two redistricting cases, **including the interlocutory appeal.** (Pro tip - as a first step/shortcut, please post the **appellate** filings first as these are not available from the Court of Appeal website. The City Attorney has all the documents in electronic form. The Superior Court documents are available at the Court's website at https://cmportal.scscourt.org/Portal Case numbers are 17CV308056 and 17CV319862) **Without this background info the public hearings are meaningless.**

ONE MORE NOTE: members of the Ad Hoc Commssion persisted in addressing the City-retained, City-paid demographer "Dr. Gobalet." Although very common in *Continental* Europe and most of Asia, It is NOT the common American custom to address the holder of a PhD as "Dr." outside a college classroom or medical clinic.

In the present situation, it is grossly inappropriate for City agents to confer a spurious air of professional authority on an individual who wants to use Nextdoor maps of ADMITTEDLY UNKNOWN PROVENANCE AND RELIABILITY because they are available in convenient GIS format.

Let's stick to the common, neutral, respectful American convention: "Ms. Gobalet."

Thank you,

Bern Steves

Jennifer Yamaguma

From: Judy Tucker <judytucker@pacbell.net>
Sent: Wednesday, July 4, 2018 12:57 PM
To: Districts
Subject: Meeting 7/3/18

I have a few suggestions for future meetings about districting:

Place the City representatives and districting committee members in a slight V (assuming they want to see each other) at the front of the room facing the audience. The layout used on 7/3 was awful - chairs were pushed together at the back of the room so that there was constant noise when a new attendee came and had to pull out a chair to have a seat. Most of the audience were looking at the City reps and committee members from the side and couldn't see their faces or nameplates. The demographer gave a wonderful presentation. The person "running" the meeting talked waaaay too much and ignored the attorney's comment that he couldn't respond to hypothetical questions - she didn't respect guidelines she gave the audience (i.e. 3 min to speak, etc) and rambled on when there were many in the audience waiting to speak. This caused many in the audience to become frustrated. Also the guidelines should have included caution that "only total population figures" are required to be used and no hypothetical questions, since there is no Court order for guidance at this time. Such cautions would have eliminated about 1/2 of the audience questions and kept the meeting much more efficient.

I realize this was the first meeting that seemed to be given with little consideration of the audience, but please correct these errors so future meetings are more pleasant.

Thanks, Judy Tucker

Jennifer Yamaguma

From: Judy Tucker <judytucker@pacbell.net>
Sent: Wednesday, July 4, 2018 1:35 PM
To: Districts
Subject: Re: Meeting 7/3/18

Oh I forgot to mention that the first speaker asked to be given a signal when he reached the 2 and then 1 minute mark, and that's wasn't done - no one knew where they were because the timer was behind them - another example of inconsideration of the audience and speakers.

On 7/4/2018 12:56 PM, Judy Tucker wrote:
> I have a few suggestions for future meetings about districting:
>
> Place the City representatives and districting committee members in a
> slight V (assuming they want to see each other) at the front of the
> room facing the audience. The layout used on 7/3 was awful - chairs
> were pushed together at the back of the room so that there was
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> audience questions and kept the meeting much more efficient.
>
> I realize this was the first meeting that seemed to be given with
> little consideration of the audience, but please correct these errors
> so future meetings are more pleasant.
>
> Thanks, Judy Tucker
>

Jennifer Yamaguma

From: Bern Steves <bernsteves@calbengoshi.com>
Sent: Wednesday, July 4, 2018 5:43 PM
To: Districts
Cc: Gobalet@Demographers.com
Subject: Santa Clara Districting Issue - BASIC LEGAL REQUIREMENT TO EXCLUDE NON-CITIZEN NUMBERS

cc Ms. Gobalet due to urgency

Dear Commissioners,

At yesterday's public hearing (7/3/2018), I spoke to point out that the districting process is about VOTING by VOTERS. Much of the discussion to date appears to have gone astray by losing sight of this basic point.

I have since reviewed some of the court filings in the two filings. These confirm that the plaintiffs themselves were focused on the ability of certain **voters** to vote for candidates of their own racial category. This is a legitimate concern according to current federal statutes and the CVRA. Conversely, the position of non-citizen aliens is IRRELEVANT to in-city districting, and if allowed to be considered, would inevitably introduce **major and likely fatal error** into the process. (Different considerations apply in the case of U.S. Congressional districting.)

Specifically, the two lawsuits focus solely on claims by certain **voters** that they have been unable to have been unfairly denied a chance to elect candidates of their own racial background, which they claim violates the California **VOTING** Rights Act. For example, plaintiff Wes Mukoyama's court complaint states:

> Plaintiff Wesley Kazuo Mukoyama resides within the City of Santa Clara. He is Asian-American and a member of a protected **class of voters** under the CVRA. [Emphasis added.]

Similarly, Ladonna Yumori-Kaku avers:

> [Yumori-Kaku] is Asian-American and a member of a protected **class of voters** under the CVRA. [Emphasis added]

The California Voting Rights Act of 2001 itself aims to address discrepancies between "in the choice of electoral candidates ... that are preferred **by voters** in a protected class, and in the choice of candidates ... that are preferred by voters in the rest of the electorate." The CVRA does NOT, for instance, aim to address the municipal political preferences - if any - of non-citizens who just stepped off the plane at San Jose Airport.

Given this background, it is NOT remotely acceptable, especially given the ultra-compressed TIME FRAME, to complicate and effectively DERAIL the districting process by introducing into the process IRRELEVANT CONSIDERATIONS such as the substantial non-citizen population residing in the City. These individuals ("aliens" in federal parlance) have well-defined Constitutional and legal rights, but those rights do NOT include any voting rights whatever. This population MUST NOT be considered for purpose of redistricting. NOTHING in the Court's order mandates or even permits the re-districting process to be based on the make-up of the non-citizen population.

It will be noted that the data presented by Ms. Gobalet showed (as is intuitively obvious to any local

resident) that a far higher proportion of non-citizens than citizens in Santa Clara City are "Asian" under the U.S. Census definitions. To the extent that data including non-citizens (e.g. the 2010 Census) is used at all to ascertain racial make-up in different districts, SUITABLE METHODS MUST BE USED TO COMPENSATE FOR THE DIFFERENT RATIO OF RACIAL GROUPS AMONG NON-CITIZENS AS COMPARED TO CITIZENS. This - and only this - is in line with the plaintiffs' asserted interest in enhancing the ability of minority voters to secure the election of candidates of their own ethnic background. Non-citizens would not be able to assist the plaintiffs' electoral aims by voting for candidates of the plaintiffs' race.

Full voter registration data including residential addresses are, of course, available from the Registrar of Voters' office. This is the ONLY base data that is acceptable for redistricting purposes. Racial composition can then be derived using recognized techniques such as (1) voting language preference which with care can statistically extrapolated to households; (2) name analysis, (3) consumer and other demographic data available from commercial providers. Of course, the provenance of the underlying data must be ascertained in each case, PRECISELY BECAUSE THE TIMELINE LEAVES NO ROOM FOR ERROR.

As I pointed out in my remarks at the hearing, the draft "Plan 1" has 9,707 voters in the least populous district, vs. 13,427 in the most populous District 6. In other words, a vote in District 6 is worth only 5/7 of a vote in the elite district. This degree of disenfranchisement is NOT LEGALLY ACCEPTABLE.

A related question also needs to be considered from a LEGAL PERSPECTIVE as a matter of urgency - namely, WHETHER and (if so) HOW to account for residents who are (i) eligible to vote but not registered; or (ii) resident but not eligible to vote due to age, felony disqualification, etc. I express no opinion on the legal situation with respect to this group. In PRACTICAL terms, the only reliable data currently to hand is the most recent voter registration data for each voter. Under California law, each registrar of voters is required to report voter registration data to the Secretary of State every month. Attempts to guesstimate the numbers of unregistered voters and ineligible individuals would almost inevitably introduce RELATIVE ERRORS far greater than acceptable given the purposes of the CVRA lawsuits.

REQUESTS:

(1) Ensure that all plans are exclusively based on the most recent voter registration data available from the Registrar of Voters.

(2) ROV voter data can then be analyzed for racial group composition, residence etc. by reference to internal data (language preferences, names, etc.) and pertinent extraneous data.

(3) To the extent that extraneous data (e.g. U.S. Census) is referred to, appropriate corrections must be made to compensate for non-citizens. U.S. government figures about the number of visas granted may serve as a useful proxy for non-citizen resident numbers.

(4) Underlying DATA AND METHODOLOGY must be fully documented in any proposal. This includes express statements of whether any data set includes non-citizens, how exactly the underlying data was derived, etc. Similarly, the METHODOLOGY must set out in full and QUANTIFY how non-citizen elements within any data set were compensated for.

(5) URGENCY is no excuse for slip-shod, faulty methodology. Indeed, the ultra-urgent nature of the process precisely calls for SIMPLE, conceptually and legally SOLID, practicable approaches, WITHOUT introducing irrelevant and misleading data that would DISTORT the outcome beyond any parameters

permitted under the U.S. Constitution, the California Constitution, and the Elections Code provisions.

Sincerely,

Bern Steves

Jennifer Yamaguma

From:	Kevin Park <santaclarakevin@gmail.com>
Sent:	Thursday, July 5, 2018 2:22 AM
To:	Districts
Cc:	Rob Jerdonek
Subject:	Districting submissions
Attachments:	Calculator for 6-District plans with Pieces map 070318.xlsx; Calculator for 7-District plans with Pieces map 070318.xlsx

To whom it may concern:

Attached are two maps, one for 6 districts and one for 7. I modified the 6-district spreadsheet given to us by Dr. Gobalet to make the 7-district map, and provide it in its entirety for others to use, or find errors in. The 7-district plan is incomplete and cannot be done nicely for the reasons I state below.

I would request that this e-mail message be attached as part of my submission, unlike with my last districting committee submission of which the committee omitted my comments and printed only the district pieces.

Justifications:
======
While the districting committee wording was heavy on "6-districts", the judge had asked the plaintiffs to provide both 6-district and 7-district maps. There was no indication as to which one was preferred, but I find it remiss to submit only a 6-district map and rob the residents of Santa Clara the opportunity to define its own 7-district map if that is the direction the judge decides to go.

The judge made it clear that CVRA trumps charter city power, which is why district maps of any sort are even considered during the remediation phase. The possibility of going to seven districts is similarly on the table regardless of city charter.

Issues:
======
While the "pieces" data may have seemed sufficient to split the city into two parts, we can see with just a little bit of work that they are not sufficient when considering six and especially seven districts. If we try to make seven districts with the pieces Dr. Gobalet defined, Piece #17 has to stand on its own and adjacent pieces are often too populated to be combined. This is similarly true with six districts. I tried to work off of the block data, but it is unlikely that I will finish or that Dr. Gobalet can validate such a submission within the timeframe.

Even with six districts, the size of the pieces obviates several groupings once a single district is created. When creating an initial group based on the districting criteria (namely: Topography; Geography; Cohesiveness; contiguity, integrity, & compactness of territory;
and "Communities of interest"), the other districts tend to define themselves once you try to meet the population deviation guidelines. This is why so many attempts look almost exactly, if not exactly, like Dr. Gobalet's original drafts.

Consider Piece #17 alone and you will see that there are only a few options with six districts -- and, as mentioned above, only one possible option with seven districts. This is largely true of Piece #28 as well. In fact, Piece #17's population alone deviates more than 2100 between the 2010 census and 2017 estimates.

While there seems to be some freedom with the large pieces that contain fewer people (see District 2 in Draft Plan1 and District 1 in Draft Plan 2), that is a false hope that does not help balance the numbers or improve representation.

There seems to be some work done to create additional pieces since the last districting committee meetings earlier this year (there are an additional five pieces created by splitting some of the original 31 pieces, for a total of 36 pieces in the most recent Pieces map). It would have been nice to have also spent time dividing the most populous areas into smaller pieces as well, especially since the definition of more districts essentially requires an increase in the "resolution" of each area with respect to population. Perhaps a guideline stating that each piece should contain no more than some number (on the order of (total_population / number_of_districts) / pieces_desired_for_each_district, where pieces_desired_for_each_district is at least 3) people/CVAP.

Comments on Draft Plans:
=======

Draft Plan 2, in addition to breaking up major ethnic groups, splits off many people affected by the stadium from the stadium itself. Neither seems like a good idea, which eliminates Draft Plan 2 from my choices.

While Nextdoor neighborhoods may seem like a good way to define communities, they are arbitrary, often set by the first person or group to request a Nextdoor account in that area. I am a member of two Nextdoor groups because my community is not defined well by either Nextdoor definition. That fact, in conjunction with an "Old Quad" district that spreads too far west -- it almost encompasses Central Park, for goodness' sake -- eliminates Draft Plan 3 from my choices.

Which leaves only a preference for Draft Plan 1, if we must pick a city drafted plan.

Thank you.

Kevin Park

Do not touch anything except the yellow-shaded cells O25-60! These cells are for your data entry (see yellow-shaded information). The other cells contain data and formulas for the calculations. See Instructions worksheet for details.

Fill in yellow-highlighted column to make your new plan - location of each Piece is shown on the Pieces 6-28-18 map provided in the second worksheet of this file. Pink-shaded area summarizes your plan's characteristics.

Census 2010 Population Balance

District	Population	Deviation	Percent Deviation
1	20,083	672	3.6%
2	19,258	-153	-0.8%
3	18,614	-797	-4.1%
4	18,678	-733	-3.8%
5	19,874	463	2.4%
6	19,961	550	2.8%
Total	116,468		7.6%
Most populous Council district			20,083
Least populous Council district			18,614
Difference			1,469
Ideal Council district population			19,411
Plan's Percent Deviation			7.6%

This number should be 116,468

Citizens of Voting Age Shares

NH Asian CVAP	NH White CVAP	Hispanic CVAP	NH Other CVAP	Total
27%	42%	27%	4%	100%
51%	35%	11%	4%	100%
33%	46%	19%	2%	100%
31%	50%	17%	3%	100%
27%	60%	10%	2%	100%
13%	67%	17%	4%	100%
29%	51%	17%	3%	100%

Estimated 2017 Population Balance

District	Population	Deviation	Percent Deviation
1	20,933	1,522	7.8%
2	19,423	12	0.1%
3	20,759	1,348	6.9%
4	21,616	2,205	11.4%
5	20,829	1,418	7.3%
6	20,123	712	3.7%
Total	123,683		11.3%
Most populous Council district			21,616
Least populous Council district			19,423
Difference			2,193
Ideal Council district population			20,614
Plan's Percent Deviation			11.3%

This number should be 123,683

District Assignment	Piece Number	total	pop growth	population	NH Asian	NH White	origin	NH Black	American AK	Pacific	NH Other race	mixed race	18+	NH Asian 18+	NH White 18+	Hispanic 18+	NH Black 18+	American AK	Pacific
1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	2	3	0	3	0	3	0	0	0	0	0	0	2	0	2	0	0	0	0
1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	4	10	0	10	1	3	6	0	0	0	0	0	10	1	3	6	0	0	0
2	5	3,458	8	3,466	2,196	695	430	79	7	5	13	33	2,536	1,600	557	282	56	6	5
2	6	14,944	155	15,099	9,216	3,324	1,576	472	29	66	68	193	11,635	7,115	2,912	1,049	335	19	46
1	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	9	856	2	858	398	196	201	40	5	1	2	13	659	312	167	139	27	2	1
1	10	18	0	18	7	6	3	2	0	0	0	0	17	6	6	3	2	0	0
1	11	4,065	2	4,067	1,805	1,020	931	147	26	55	13	68	3,173	1,439	877	624	114	19	37
1	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	14	1	0	1	0	1	0	0	0	0	0	0	1	0	1	0	0	0	0
1	15	340	0	340	13	84	215	11	0	16	0	1	243	9	72	139	10	0	12
1	16	27	0	27	2	12	13	0	0	0	0	0	20	2	9	9	0	0	0
3	17	16,266	2,128	18,394	6,569	5,039	3,770	364	88	152	102	182	12,631	5,107	4,318	2,563	258	71	115
1	18	4,015	249	4,264	1,131	1,693	993	102	9	57	10	20	3,102	858	1,429	679	69	8	34
1	19	5,940	8	5,948	2,342	1,529	1,727	161	18	63	14	86	4,512	1,805	1,307	1,151	120	15	44
1	20	5,664	591	6,255	1,577	1,434	2,243	267	36	32	16	59	4,286	1,258	1,233	1,496	184	30	25
3	21	2,348	17	2,365	1,242	776	235	40	11	8	8	28	1,723	859	631	165	33	5	8
4	22	5,957	752	6,709	3,145	1,569	961	152	20	19	16	75	4,713	2,496	1,345	662	117	15	14
4	23	1,066	0	1,066	402	376	245	20	4	11	8	0	827	313	320	166	13	4	4
4	24	1,340	0	1,340	248	786	236	35	9	9	7	10	1,083	192	657	177	28	8	7
4	25	6,595	2,172	8,767	2,659	2,313	1,247	233	31	25	24	63	5,198	2,077	2,005	858	161	17	19
4	26	416	0	416	176	139	81	14	2	3	0	1	339	147	120	58	9	2	2
4	27	1,760	14	1,774	481	776	415	47	14	4	3	20	1,393	364	667	304	32	11	4
6	28	13,925	158	14,083	2,538	7,564	2,996	479	85	95	42	126	12,105	2,179	6,912	2,323	405	66	77
5	29	7,068	32	7,100	3,679	2,665	547	110	12	13	5	37	5,187	2,490	2,214	365	73	8	9
5	30	4,422	593	5,015	1,727	1,998	510	108	9	13	16	41	3,640	1,366	1,734	401	84	6	10
5	31	3,769	330	4,099	1,118	1,812	658	91	12	25	9	44	2,977	826	1,555	460	70	11	20
4	32	774	0	774	199	357	188	11	3	7	6	3	602	142	313	128	6	3	6
4	33	770	0	770	232	261	237	24	2	6	2	6	596	171	233	164	15	2	4
6	34	966	0	966	219	393	271	56	6	9	4	8	776	168	348	193	48	5	7
5	35	4,615	0	4,615	1,337	2,422	671	84	30	23	18	30	3,595	1,017	1,992	470	57	19	17
6	36	5,070	4	5,074	1,022	2,780	983	185	24	28	14	34	4,113	813	2,402	684	139	23	24
Totals		116,468	7,215	123,683	45,681	42,026	22,589	3,334	492	745	420	1,181	91,694	35,132	36,341	15,718	2,465	375	551

18+	mixed race	2012-16	CVAP 2012-16	CVAP 2012-16	CVAP 2012-16	CVAP 2012-16	registered to	surname	Nov 2010	surname	Draft Plan 1	Draft Plan 2	Draft Plan 3
0	0	0	0	0	0	0	0	0	0	0	1	1	1
0	0	2	0	2	0	0	0	0	0	0	1	1	1
0	0	0	0	0	0	0	0	0	0	0	1	1	1
0	0	8	1	3	4	0	3	0	2	0	1	1	1
5	25	1,638	877	516	199	47	1,424	183	827	94	1	1	1
53	106	7,614	3,899	2,696	740	279	4,154	537	2,387	288	1	2	1
0	0	0	0	0	0	0	0	0	0	0	1	1	1
0	0	0	0	0	0	0	0	0	0	0	1	1	1
2	9	446	171	155	98	22	308	63	184	39	1	1	1
0	0	13	3	6	2	2	4	0	0	0	2	2	2
11	52	2,136	789	812	440	95	1,746	359	987	165	2	2	2
0	0	0	0	0	0	0	7	0	2	0	2	1	2
0	0	0	0	0	0	0	0	0	0	0	2	1	2
0	0	1	0	1	0	0	2	0	0	0	2	1	2
0	1	178	5	67	98	8	88	31	2	0	2	1	2
0	0	16	1	8	6	0	10	2	0	0	2	1	2
74	125	8,819	2,799	3,998	1,808	215	6,659	1,204	4,274	723	3	3	3
5	20	2,330	470	1,323	479	57	2,069	333	1,218	173	2	1	2
13	57	3,111	989	1,210	812	100	2,101	393	1,180	198	2	1	2
12	48	3,039	689	1,142	1,055	153	1,777	395	966	190	2	1	2
6	16	1,199	471	584	116	27	856	61	589	29	3	3	3
12	52	3,177	1,368	1,245	467	97	1,914	262	1,153	142	4	4	4
7	0	596	172	296	117	11	504	84	304	48	4	4	4
4	10	862	105	608	125	23	766	89	540	60	4	4	5
17	44	3,734	1,138	1,856	605	134	2,467	324	1,466	177	4	4	4
0	1	240	81	111	41	7	174	29	67	13	4	4	4
2	9	1,058	199	618	214	27	805	162	547	93	4	4	5
36	107	9,569	1,194	6,399	1,638	337	5,561	900	3,222	498	6	6	5
2	26	3,732	1,365	2,050	257	61	3,113	225	2,110	151	5	5	6
11	28	2,707	749	1,605	283	70	2,231	265	1,513	180	5	5	6
7	28	2,275	453	1,440	324	58	1,899	254	1,254	163	5	5	6
3	1	463	78	290	90	5	405	68	234	37	4	4	5
2	5	438	94	216	116	12	367	75	248	51	4	4	5
1	6	590	92	322	136	40	380	57	259	34	6	6	5
9	14	2,780	557	1,844	331	47	2,557	236	1,883	153	5	5	4
6	22	3,268	446	2,224	482	116	2,662	317	1,831	182	6	6	6
300	812	66,036	19,252	33,644	11,086	2,054	47,013	6,908	29,249	3,881			

	District 1					
CVAP	Asian	White	Hispanic	Other	CVAP
0	0	0	0	0	0
2	0	2	0	0	0
0	0	0	0	0	0
8	1	3	4	0	0
0	0	0	0	0	1638
0	0	0	0	0	7614
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	446
13	3	6	2	2	0
2136	789	812	440	95	0
0	0	0	0	0	0
0	0	0	0	0	0
1	0	1	0	0	0
178	5	67	98	8	0
16	1	8	6	0	0
0	0	0	0	0	0
2330	470	1323	479	57	0
3111	989	1210	812	100	0
3039	689	1142	1055	153	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
10823	2947	4568	2892	416	9698
100%	27%	42%	27%	4%	100%

District 2			
Asian	White	Hispanic	Other
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
877	516	199	47
3899	2696	740	279
0	0	0	0
0	0	0	0
171	155	98	22
0	0	0	0
0	0	0	0
0	0	0	0

	total District				Current population estimates					
Total CVAP	Asian	White	Hispanic	Other	District 1	District 2	District 3	District 4	District 5	District 6
0	0	0	0	0	0	0	0	0	0	0
2	0	2	0	0	3	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
8	1	3	4	0	10	0	0	0	0	0
1638	877	516	199	47	0	3466	0	0	0	0
7614	3899	2696	740	279	0	15099	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
446	171	155	98	22	0	858	0	0	0	0
13	3	6	2	2	18	0	0	0	0	0
2136	789	812	440	95	4067	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
1	0	1	0	0	1	0	0	0	0	0
178	5	67	98	8	340	0	0	0	0	0
16	1	8	6	0	27	0	0	0	0	0
8819	2799	3998	1808	215	0	0	18394	0	0	0
2330	470	1323	479	57	4264	0	0	0	0	0
3111	989	1210	812	100	5948	0	0	0	0	0
3039	689	1142	1055	153	6255	0	0	0	0	0
1199	471	584	116	27	0	0	2365	0	0	0
3177	1368	1245	467	97	0	0	0	6709	0	0
596	172	296	117	11	0	0	0	1066	0	0
862	105	608	125	23	0	0	0	1340	0	0
3734	1138	1856	605	134	0	0	0	8767	0	0
240	81	111	41	7	0	0	0	416	0	0
1058	199	618	214	27	0	0	0	1774	0	0
9569	1194	6399	1638	337	0	0	0	0	0	14083
3732	1365	2050	257	61	0	0	0	0	7100	0
2707	749	1605	283	70	0	0	0	0	5015	0
2275	453	1440	324	58	0	0	0	0	4099	0
463	78	290	90	5	0	0	0	774	0	0
438	94	216	116	12	0	0	0	770	0	0
590	92	322	136	40	0	0	0	0	0	966
2780	557	1844	331	47	0	0	0	0	4615	0
3268	446	2224	482	116	0	0	0	0	0	5074
66027	19252	33640	11082	2054	20933	19423	20759	21616	20829	20123
100%	29%	51%	17%	3%						

Do not touch anything except the yellow-shaded cells Q25-60! These cells are for your data entry (see yellow-shaded information). The other cells contain data and formulas for the calculations. See Instructions worksheet for details.

Fill in yellow-highlighted column to make your new plan - location of each Piece is shown on the Pieces 6-28-18 map provided in the second worksheet of this file. Pink-shaded area summarizes your plan's characteristics.

Census 2010 Population Balance

District	Population	Deviation	Percent Deviation
1	15,803	-835	-5.0%
2	17,874	1,236	7.4%
3	16,266	-372	-2.2%
4	15,316	-1,322	-7.9%
5	16,105	-533	-3.2%
6	16,231	-407	-2.4%
7	18,873	2,235	13.4%
Total	116,468		21.4%

Most populous Council district	18,873
Least populous Council district	15,316
Difference	3,557
Ideal Council district population	16,638
Plan's Percent Deviation	21.4%

This number should be 116,468

Citizens of Voting Age Shares

District	NH Asian CVAP	NH White CVAP	Hispanic CVAP	NH Other CVAP	Total
1	50%	35%	10%	4%	100%
2	33%	42%	22%	3%	100%
3	32%	45%	20%	2%	100%
4	37%	45%	15%	3%	100%
5	29%	60%	9%	2%	100%
6	13%	67%	17%	4%	100%
7	19%	56%	22%	3%	100%
	29%	51%	17%	3%	100%

Estimated 2017 Population Balance

District	Population	Deviation	Percent Deviation
1	15,960	-678	-4.1%
2	18,141	1,503	9.0%
3	18,394	1,756	10.6%
4	18,257	1,619	9.7%
5	16,730	92	0.6%
6	16,389	-249	-1.5%
7	19,812	3,174	19.1%
Total	123,683		23.2%

Most populous Council district	19,812
Least populous Council district	15,960
Difference	3,852
Ideal Council district population	17,669
Plan's Percent Deviation	23.2%

This number should be 123,683

District Assignment	Piece Number	total	pop growth	population	NH Asian	NH White	origin	NH Black	American AK	Pacific	NH Other race	mixed race	18+	NH Asian 18+	NH White 18+	Hispanic 18+	NH Black 18+	American AK	Pacific
1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	2	3	0	3	0	3	0	0	0	0	0	0	2	0	2	0	0	0	0
1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	4	10	0	10	1	3	6	0	0	0	0	0	10	1	3	6	0	0	0
2	5	3,458	8	3,466	2,196	695	430	79	7	5	13	33	2,536	1,600	557	282	56	6	5
1	6	14,944	155	15,099	9,216	3,324	1,576	472	29	66	68	193	11,635	7,115	2,912	1,049	335	19	46
2	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	9	856	2	858	398	196	201	40	5	1	2	13	659	312	167	139	27	2	1
2	10	18	0	18	7	6	3	2	0	0	0	0	17	6	6	3	2	0	0
2	11	4,065	2	4,067	1,805	1,020	931	147	26	55	13	68	3,173	1,439	877	624	114	19	37
2	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	14	1	0	1	0	1	0	0	0	0	0	0	1	0	1	0	0	0	0
2	15	340	0	340	13	84	215	11	0	16	0	1	243	9	72	139	10	0	12
2	16	27	0	27	2	12	13	0	0	0	0	0	20	2	9	9	0	0	0
3	17	16,266	2,128	18,394	6,569	5,039	3,770	364	88	152	102	182	12,631	5,107	4,318	2,563	258	71	115
2	18	4,015	249	4,264	1,131	1,693	993	102	9	57	10	20	3,102	858	1,429	679	69	8	34
2	19	5,940	8	5,948	2,342	1,529	1,727	161	18	63	14	86	4,512	1,805	1,307	1,151	120	15	44
7	20	5,664	591	6,255	1,577	1,434	2,243	267	36	32	16	59	4,286	1,258	1,233	1,496	184	30	25
4	21	2,348	17	2,365	1,242	776	235	40	11	8	8	28	1,723	859	631	165	33	5	8
4	22	5,957	752	6,709	3,145	1,569	961	152	20	19	16	75	4,713	2,496	1,345	662	117	15	14
7	23	1,066	0	1,066	402	376	245	20	4	11	8	0	827	313	320	166	13	4	4
6	24	1,340	0	1,340	248	786	236	35	9	9	7	10	1,083	192	657	177	28	8	7
4	25	6,595	2,172	8,767	2,659	2,313	1,247	233	31	25	24	63	5,198	2,077	2,005	858	161	17	19
4	26	416	0	416	176	139	81	14	2	3	0	1	339	147	120	58	9	2	2
7	27	1,760	14	1,774	481	776	415	47	14	4	3	20	1,393	364	667	304	32	11	4
6	28	13,925	158	14,083	2,538	7,564	2,996	479	85	95	42	126	12,105	2,179	6,912	2,323	405	66	77
5	29	7,068	32	7,100	3,679	2,665	547	110	12	13	5	37	5,187	2,490	2,214	365	73	8	9
5	30	4,422	593	5,015	1,727	1,998	510	108	9	13	16	41	3,640	1,366	1,734	401	84	6	10
7	31	3,769	330	4,099	1,118	1,812	658	91	12	25	9	44	2,977	826	1,555	460	70	11	20
7	32	774	0	774	199	357	188	11	3	7	6	3	602	142	313	128	6	3	6
7	33	770	0	770	232	261	237	24	2	6	2	6	596	171	233	164	15	2	4
6	34	966	0	966	219	393	271	56	6	9	4	8	776	168	348	193	48	5	7
5	35	4,615	0	4,615	1,337	2,422	671	84	30	23	18	30	3,595	1,017	1,992	470	57	19	17
7	36	5,070	4	5,074	1,022	2,780	983	185	24	28	14	34	4,113	813	2,402	684	139	23	24
Totals		116,468	7,215	123,683	45,681	42,026	22,589	3,334	492	745	420	1,181	91,694	35,132	36,341	15,718	2,465	375	551

18+	mixed race	2012-16	CVAP 2012-16	CVAP 2012-16	CVAP 2012-16	CVAP 2012-16	registered to	surname	Nov 2010	surname
0	0	0	0	0	0	0	0	0	0	0
0	0	2	0	2	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	8	1	3	4	0	3	0	2	0
5	25	1,638	877	516	199	47	1,424	183	827	94
53	106	7,614	3,899	2,696	740	279	4,154	537	2,387	288
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
2	9	446	171	155	98	22	308	63	184	39
0	0	13	3	6	2	2	4	0	0	0
11	52	2,136	789	812	440	95	1,746	359	987	165
0	0	0	0	0	0	0	7	0	2	0
0	0	0	0	0	0	0	0	0	0	0
0	0	1	0	1	0	0	2	0	0	0
0	1	178	5	67	98	8	88	31	2	0
0	0	16	1	8	6	0	10	2	0	0
74	125	8,819	2,799	3,998	1,808	215	6,659	1,204	4,274	723
5	20	2,330	470	1,323	479	57	2,069	333	1,218	173
13	57	3,111	989	1,210	812	100	2,101	393	1,180	198
12	48	3,039	689	1,142	1,055	153	1,777	395	966	190
6	16	1,199	471	584	116	27	856	61	589	29
12	52	3,177	1,368	1,245	467	97	1,914	262	1,153	142
7	0	596	172	296	117	11	504	84	304	48
4	10	862	105	608	125	23	766	89	540	60
17	44	3,734	1,138	1,856	605	134	2,467	324	1,466	177
0	1	240	81	111	41	7	174	29	67	13
2	9	1,058	199	618	214	27	805	162	547	93
36	107	9,569	1,194	6,399	1,638	337	5,561	900	3,222	498
2	26	3,732	1,365	2,050	257	61	3,113	225	2,110	151
11	28	2,707	749	1,605	283	70	2,231	265	1,513	180
7	28	2,275	453	1,440	324	58	1,899	254	1,254	163
3	1	463	78	290	90	5	405	68	234	37
2	5	438	94	216	116	12	367	75	248	51
1	6	590	92	322	136	40	380	57	259	34
9	14	2,780	557	1,844	331	47	2,557	236	1,883	153
6	22	3,268	446	2,224	482	116	2,662	317	1,831	182
300	812	66,036	19,252	33,644	11,086	2,054	47,013	6,908	29,249	3,881

	District 1					District 2					
CVAP	Asian	White	Hispanic	Other	CVAP	Asian	White	Hispanic	Other	CVAP
0	0	0	0	0	0	0	0	0	0	0
2	0	2	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	8	1	3	4	0	0
0	0	0	0	0	1638	877	516	199	47	0
7614	3899	2696	740	279	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
446	171	155	98	22	0	0	0	0	0	0
0	0	0	0	0	13	3	6	2	2	0
0	0	0	0	0	2136	789	812	440	95	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	1	0	1	0	0	0
0	0	0	0	0	178	5	67	98	8	0
0	0	0	0	0	16	1	8	6	0	0
0	0	0	0	0	0	0	0	0	0	8819
0	0	0	0	0	2330	470	1323	479	57	0
0	0	0	0	0	3111	989	1210	812	100	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
8060	4070	2851	838	302	9421	3134	3942	2036	309	8819
100%	50%	35%	10%	4%	100%	33%	42%	22%	3%	100%

District 3			
Asian	White	Hispanic	Other
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
2799	3998	1808	215
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0
0	0	0	0

total District				Current population estimates						
Asian	White	Hispanic	Other	District 1	District 2	District 3	District 4	District 5	District 6	District 7
0	0	0	0	0	0	0	0	0	0	0
0	2	0	0	3	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
1	3	4	0	0	10	0	0	0	0	0
877	516	199	47	0	3466	0	0	0	0	0
3899	2696	740	279	15099	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
171	155	98	22	858	0	0	0	0	0	0
3	6	2	2	0	18	0	0	0	0	0
789	812	440	95	0	4067	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	1	0	0	0	1	0	0	0	0	0
5	67	98	8	0	340	0	0	0	0	0
1	8	6	0	0	27	0	0	0	0	0
2799	3998	1808	215	0	0	18394	0	0	0	0
470	1323	479	57	0	4264	0	0	0	0	0
989	1210	812	100	0	5948	0	0	0	0	0
689	1142	1055	153	0	0	0	0	0	0	6255
471	584	116	27	0	0	0	2365	0	0	0
1368	1245	467	97	0	0	0	6709	0	0	0
172	296	117	11	0	0	0	0	0	0	1066
105	608	125	23	0	0	0	0	0	1340	0
1138	1856	605	134	0	0	0	8767	0	0	0
81	111	41	7	0	0	0	416	0	0	0
199	618	214	27	0	0	0	0	0	0	1774
1194	6399	1638	337	0	0	0	0	0	14083	0
1365	2050	257	61	0	0	0	0	7100	0	0
749	1605	283	70	0	0	0	0	5015	0	0
453	1440	324	58	0	0	0	0	0	0	4099
78	290	90	5	0	0	0	0	0	0	774
94	216	116	12	0	0	0	0	0	0	770
92	322	136	40	0	0	0	0	0	966	0
557	1844	331	47	0	0	0	0	4615	0	0
446	2224	482	116	0	0	0	0	0	0	5074
19252	33640	11082	2054	15960	18141	18394	18257	16730	16389	19812
29%	51%	17%	3%							

Jennifer Yamaguma

From: diane@dianesdreamdestinations.biz
Sent: Thursday, July 5, 2018 2:58 AM
To: Districts
Subject: Redistricting from Diane Harrison

Follow Up Flag: Follow up
Flag Status: Flagged

Hi! I've just been playing around with the calculator, and everything I tried to do with districts 4-6 made things worse, so sticking with your numbers, my possible deviation for districts 1 & 2 is as follows:

District 1: Pieces 2, 3, 5-10 - 19,279 residents
District 2: Pieces 1, 4, 11-16, 18-20 - 20,062 residents

Districts 3-6: No change from your draft plan 1

My changes actually do nothing to change the Hispanic percentages or any other percentages, now or in the projected future. (Like the previous go-around, I decided to concentrate on Hispanic representation since everyone else seems to be concentrating on Asian representation, and Hispanics seem to be far less numerous on committees and commissions.)

If you don't like my changes, I'd be fine with draft plan 1 or 3.

Then, I started playing around with 7 districts, manually, as discussed at the meeting. The goal would be 16,638 people per district with an approximate deviation from 15,807 to 17,469. The pieces would probably need further sub-dividing since I ended up with an extra piece (#5), parts of which could be added to districts 1 & 2, but 3458 people is too much for either. Anyway, here's my first stab at 7 districts.

District 1: Pieces 1, 4, 11-16, 19-20 - 16,048 residents
District 2: Pieces 2, 3, 6-10 - 15,821 residents
District 3: Piece 17 - 16,266 residents
District 4: Pieces 18, 32 (with a slightly different border that extends up to the El Camino), 33, 27, 31, 36 - 16,158 residents
District 5: Pieces 21-23, 25-26 - 16,382 residents
District 6: Pieces 24, 28, 34 - 16,231 residents
District 7: Pieces 29-30, 35 - 16,105 residents

Sincerely,

Diane Harrison
3283 Benton St.
Santa Clara, CA 95051

408-554-5854 or 408-246-8149
diane@dianesdreamdestinations.biz

P.S. Of course, all minorities, as well as all not-so-well-funded candidates, will benefit from ranked choice voting, so while I know that is not on the agenda for these 3 meetings, I look forward to seeing that meeting on the calendar soon.

Jennifer Yamaguma

From: Rob Jerdonek <robjerdonek@gmail.com>
Sent: Thursday, July 5, 2018 9:46 AM
To: Districts
Subject: Sequencing for Court Ordered Council Districting - July 5, 2018

July 5, 2018

Dear Districting Committee,

Below are my recommendations for the sequencing of elections using the new 6-district map that is being proposed for the court.

My understanding is that two council seats and the Mayor will be up for election in November 2018. I believe the Mayor should remain as an at-large election. The two council seats will be elected using the new 6-district plan.

According to the maps prepared by the demographer, the district with the highest Asian CVAP is on the Northside in the Rivermark area. While it would seem logical to include this district in the November 2018 election, I do not think this is the best approach for the following reasons:

1. This neighborhood already has an elected councilmember whose term expires in 2020. It would not be perceived as fair by the citizens to stuff the council with two representatives from the same neighborhood. I am saying this even though I live in the Northside (Rivermark) neighborhood and I would stand to benefit from having two representatives.
2. There are numerous qualified Asian-American city council candidates that ran for office in the 2016 election. None of those candidates live on the Northside. Since the candidate filing deadline is only weeks away, it would be better to start with districts where we know that experienced qualified Asian-American candidates are likely to run for office.
3. Historically, the presidential election years have higher turnout for underrepresented minority groups. Since 2020 is a presidential election year, it would be better to have the first majority Asian CVAP district election held in 2020. This would allow more time for potential candidates to prepare. It would also coincide with the end of the term for the current councilmember who lives in Rivermark/Northside.
4. Drawing 6 districts alone will not solve the problem of minority representation on our city council. If multiple minority candidates run for office in a district, they could easily split the vote among each other, and the incumbent would still win. This problem can be solved by using IRV (Instant Runoff Voting) within each district. IRV is the form of Ranked Choice Voting used in single-winner elections. By conducting the highest Asian CVAP district election in 2020, it would allow for IRV to be used for this election since the county election systems are likely to have support for IRV by that year.

In summary, my recommendations are:

1. In November 2018, conduct the district city council elections in two districts where known experienced Asian American candidates reside. The criteria should be that the candidates ran for city council in 2016 and received a significant number of votes. For example, if city draft map #1 is used, the November election could be done in district #4, where Kevin Park resides. (Kevin ran for office in 2016 and received more than 30% of the vote in that at-large

election.) A similar exercise should be done for Raj Chahal, Suds Jain, and Mohammed Nadeem, who also ran for office in 2016. If the above four candidates live in more than two districts, the preference should go to the two districts that have the highest Asian CVAP among the four.

2. In November 2020, conduct the elections in the remaining four districts using IRV. The court agreement should mandate IRV by 2020 to ensure that vote-splitting does not occur. We want to encourage multiple minority candidates to run for office, not limit them due to unnecessary fears of vote-splitting issues.

Thank you,
Rob Jerdonek
Santa Clara resident

Jennifer Yamaguma

From: Hosam Haggag <hosamhaggag@gmail.com>
Sent: Thursday, July 5, 2018 9:58 AM
To: Districts
Cc: Jennifer Yamaguma
Subject: Districting suggestions to be passed to Dr. Gobalet and the committee

Hi,

Please share these thoughts and request with Dr. Gobalet and the districting committee:

As I suggested in my public comments at Tuesday's meeting, I'd request that the committee provide 3 options to the judge on behalf of the City. Given we have no direction from the judge on whether he will lean towards 6 or 7 districts (or any other configuration), I believe that more options for him to consider will be better.

Option 1:
2 districts using the same district line as was proposed in Measure A. For the November 2018 election, with 2 open seats elect 1 councilmember from District 1 and elect 1 councilmember from District 2.

Option 2:
6 districts using Draft Plan 1 from Dr. Gobalet. For the November 2018 election, with 2 open seats elect 1 councilmember from each of the 2 highest Asian CVAP districts.

Option 3:
3 districts using Draft Plan 1 from Dr. Gobalet as the basis, but then combining Districts 1+2, 3+4 and 5+6 to form 3 distinct districts. For the November 2018 election, with 2 open seats, elect 1 councilmember from each of the 2 highest Asian CVAP districts. Alternatively, you could elect 2 councilmembers from one single district, which would be the one with the highest Asian CVAP.
Because I am using the 6 district map as a basis, the requirements about district boundaries and population differences would still hold as valid.

My request is to submit these 3 options to the judge on behalf of the city.

Thanks!
Hosam

Jennifer Yamaguma

From: Edward Souza <edward5593@comcast.net>
Sent: Thursday, July 5, 2018 1:40 PM
To: Districts
Subject: In favor of 6 districts

I would support a plan for six council districts that would be broken into geographic areas using existing streets. El Camino dividing north and south and three districts in each. The boundaries could be the eastern boundary of the city to Scott Blvd, Scott to Kiely/ Bowers and Kiely/ Bowers to the western border of the city. North of Bayshore could be included in one or two of the northern districts.

No matter how it is split up, we need diversity on the council with fresh ideas and an end to the revolving door of the same council members.

Ed Souza
356 Monroe St.
Santa Clara , CA. 95050
edward5593@comcast.net

Jennifer Yamaguma

From: Vera Masters <vera2218@att.net>
Sent: Thursday, July 5, 2018 2:52 PM
To: Districts
Subject: District Maps

I am a long-time resident of Santa Clara. I understand the reason for re-districting and I want to say that I think Santa Clara is a large enough city that 4 or 6 districts would work just fine. I did not vote for the two district solution that was on the ballot because I knew that still wouldn't work. So, do your best to divide this city fairly not taking into consideration where current Council Members reside.

Vera Masters
3160 Humbolt Avenue
Santa Clara 95051
408-246-4497

Jennifer Yamaguma

From: Susan Hinton <suewalt@comcast.net>
Sent: Thursday, July 5, 2018 7:25 PM
To: Districts
Subject: Districts for the City of Santa Clara

Dear City of Santa Clara Staff,

Voting for City Council seats, for voters, tends to boil down to

'OMG there are X candidates for each of 3 seats. How do I even know who these people are? Let's see. There are 20 signs for candidate Y.
Candidate Y must be Ok. That's a single seat down and two to go. I have to go to work, then pick up my kids from daycare/school. I wish the League of Women Voters grilled City Council members so I could learn something more about them than "Stan-Jan is a Good Man" or "Pete Pot is Responsible." '

If there are districts, finally voters would be able to better go through a list of candidates .. for one (1) district. Hooray!

Or, if there are no districts and seats remain, the City should implement Ranked Choice Voting ASAP.

Sincerely,
Susan Hinton

Jennifer Yamaguma

From: Ram Misra <rmisra05@yahoo.com>
Sent: Thursday, July 5, 2018 8:40 PM
To: Districts
Subject: My suggestions

My suggestions are as follows;

1. A District should be contiguous. There should be no gerrymandering - i.e. any district should not be split between 2 or more separate geographical locations.

2. Every District should have about same number of Registered voters. Thus, each Council member will represent about same number of registered electorate.

3. For the upcoming 2 Council seats, they should be allocated to those districts which have no representation now. If both vacancies belong to same district, whose Council members resigned, then 1 Council seat should be allocated to the district whose term will expire earliest.

Thanks.

With Regards,

Ram Misra.

Jennifer Yamaguma

From: Pat Waddell <pat.waddell@smythwad.net>
Sent: Thursday, July 5, 2018 9:24 PM
To: Districts
Cc: Gobalet@Demographers.com
Subject: Happiness and frustration with tonight's AHG meeting at the Library

Ad-hoc Advisory Districting Committee members:

I was the speaker with the card which could not be read and who seconded the comments of the lady before me. Having said that, Let me clarify a couple of minor points which may be important as this moves forward:

1. The use of "Nextdoor" data: is, as she noted, completely illegal prima facie. Having said that, the results are "spot on" and, as a resident, I like. She needs to establish another ground for using those boundaries (which, as a resident, are self-explanatory, and she can contact me offline, I will explain).

2. I am a member of a "cannot be categorized" family. The City needs to be careful of using such broad categories and assuming they are true. I don't think they are.

Next hearing, the staff with speaker cards needs to loudly notify the group that we need to fill them out. That will minimize the "hieroglyphics" of my card and others.

Thank you

Pat Waddell
Arthur Court

==========

J. Patrick Waddell
408-248-1870 home
408-656-8237 cell
pat.waddell@smythwad.net

Jennifer Yamaguma

From: Keith <keithgdxm@aol.com>
Sent: Thursday, July 5, 2018 11:17 PM
To: Districts
Subject: Draft Plan 3

On the understanding that our City has to positively respond to the latest Court Order I am recommending we adopt the Draft Plan 3 as presented by the Professional Demographer as our prime choice for the 2018 mid- term elections this November ... based upon the results and experience gained, as a City, can then expeditiously work on modifying the process and harden each Election District boundaries well ahead of the expected far greater Voter turn out for the next General Election in 2020.

We should really only be concerned with setting up Districts with projected City residential build-outs which the City already has knowledge of; Draft Plan 3 fits that criteria ... every resident needs to be represented by their own Council Member, from the new born to the eldest of us, regardless of whether they are a US Citizen, a Registered Voter or not ... or whether they exercise their vote or not ... they all deserve the benefits from the taxes they pay toward City Services, schools, hospitals, roads, etc.. Therefore the Next-door/Neighborhood Draft Plan 3 proposal, in my opinion, will be the most beneficial for our City as residents will start to feel like a team, with their own, known, elected leader, accessible and responsive to their needs. This should encourage increased voter turnout as residents will feel they have a stake in the process.

I recommend that all Council Seats be put up for election for the upcoming mid term election as the only means of having a clean start under the new system ... after all, isn't the whole process we now find ourselves the result of questionable tactics, wealth and cronyism appointments in recent and past election practices, that we aim to eliminate ? Why perpetuate it for another two or more years ?

It has only taken 25 years to practically double what were definitely non- white minorities in our City, and at the rate the newer arrivals are gaining US Citizenship, I predict our so called white voter population will be the minority group in each proposed District by the next General Election in 2020, rendering all of this current attempted gerrymandering of districts in an attempt to guarantee a non white person being guaranteed a Council Seat a complete waste of time.

These public meetings have shown that our City already has a good number of well qualified, enthusiastic, honorable, articulate, non-white citizens, deserving of everyone's vote for a Council Seat ... all they need is a fair chance ... any of the the 3 Draft Plans will finally provide such opportunity; I just happen to think Draft Plan 3 is the best.

Respectfully submitted. Keith Adams (Santa Clara resident for over 50 years).

Sent from my iPad

Jennifer Yamaguma

From: Tracy Hurt <totorotlh@icloud.com>
Sent: Friday, July 6, 2018 3:42 PM
To: Districts
Subject: Preference re: Draft District Maps

Esteemed Ad Hoc Advisory Committee,

Thank-you for your efforts on behalf of our City to respond to the court order for districting.

I prefer Draft Maps 1 and 2 to Draft Map 3. I reside in the southwest corner of the city and do most of my business south of El Camino. Based on that lived experience of Santa Clara, I feel that the shape of Districts 5 and 6 in Maps 1 and 2 do the best job of keeping together the distinct areas/neighborhoods around me. In particular, I dislike the use Pruneridge as a boundary between District 4 and 6 in Map 3. I live south of Pruneridge yet have many common concerns with my neighbors in Forest Park living north of Pruneridge.

Thank-you for your time and consideration.

Cordially,
Tracy L. Hurt
263 Redwood Ave.
Santa Clara, Ca 95051

Sent from the Tattle Tale Pad

Jennifer Yamaguma

From:	diane@dianesdreamdestinations.biz
Sent:	Saturday, July 7, 2018 1:56 AM
To:	Districts
Subject:	Redistricting from Diane Harrison (7 districts)
Attachments:	Calculator for 7-District plans with Pieces map 070318.ods; CensusBlocks2010.pdf

Hi! I know we're not submitting a 7-district plan, and frankly I also like electing a mayor city-wide, but the plaintiff on July 3rd said that that was what he wanted, so it could come back up. I decided to tackle it again.

I wanted to further sub-divide some pieces myself, but the 1900 census blocks in the file provided do not seem to match in any way the census blocks in the attached pdf file, not in terms of name or size. And I could find no information anywhere on the boundaries of the census blocks in your file. So that made it difficult. I realize Dr. Gobalet has this information, so I'm sure it's out there somewhere in the public realm, but I was unable to find it.

However, using the existing pieces, I threw piece 5 with piece 6, creating an over-large district with a 13.8% deviation overall. The results are attached in an Open Office format. If you can't read it, district 1 is now pieces 1-4, 7-16, 19-20. Districts 3 - 7 are as in my July 5th email.

Some suggestions for further sub-dividing pieces:

- Extend piece border on Agnew Rd. all the way to the city line. This will affect pieces 6 & 11.
- Extend piece border on Lafayette all the way to the city line. This will affect pieces 20 (mildly or not at all if you adjust the piece border on El Camino Real) & 28.
- Extend piece border along Pruneridge from the west side of the city to the east side or that little blocky bit. This will affect pieces 29, 30, 31 (mildly or not at all if you adjust the piece border on Saratoga), & 36.

I think that these changes will make district creation easier for all.

Sincerely,

Diane Harrison
3283 Benton St.
Santa Clara, CA 95051
408-554-5854 or 408-246-8149
diane@dianesdreamdestinations.biz

-------- Original Message --------
Subject: Redistricting from Diane Harrison
From: <diane@dianesdreamdestinations.biz>
Date: Thu, July 05, 2018 2:58 am
To: Districts@SantaClaraCA.gov

Hi! I've just been playing around with the calculator, and everything I tried to do with districts 4-6 made things worse, so sticking with your numbers, my possible deviation for districts 1 & 2 is as follows:

District 1: Pieces 2, 3, 5-10 - 19,279 residents
District 2: Pieces 1, 4, 11-16, 18-20 - 20,062 residents

Districts 3-6: No change from your draft plan 1

My changes actually do nothing to change the Hispanic percentages or any other percentages, now or in the projected future. (Like the previous go-around, I decided to concentrate on Hispanic representation since everyone else seems to be concentrating on Asian representation, and Hispanics seem to be far less numerous on committees and commissions.)

If you don't like my changes, I'd be fine with draft plan 1 or 3.

Then, I started playing around with 7 districts, manually, as discussed at the meeting. The goal would be 16,638 people per district with an approximate deviation from 15,807 to 17,469. The pieces would probably need further sub-dividing since I ended up with an extra piece (#5), parts of which could be added to districts 1 & 2, but 3458 people is too much for either. Anyway, here's my first stab at 7 districts.

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District 3: Piece 17 - 16,266 residents
District 4: Pieces 18, 32 (with a slightly different border that extends up to the El Camino), 33, 27, 31, 36 - 16,158 residents
District 5: Pieces 21-23, 25-26 - 16,382 residents
District 6: Pieces 24, 28, 34 - 16,231 residents
District 7: Pieces 29-30, 35 - 16,105 residents

Sincerely,

Diane Harrison
3283 Benton St.
Santa Clara, CA 95051
408-554-5854 or 408-246-8149
diane@dianesdreamdestinations.biz

P.S. Of course, all minorities, as well as all not-so-well-funded candidates, will benefit from ranked choice voting, so while I know that is not on the agenda for these 3 meetings, I look forward to seeing that meeting on the calendar soon.

Fill in yellow-highlighted column to make your new plan - location of each Piece is shown on the Pieces 6-28-18 map provided in the second worksheet of this file. Pink-shaded area summarizes your plan's characteristics.

	Census 2010 Population			Citizens of Voting Age Shares					Estimated 2017 Population Balance			
District	Population	Deviation	Percent Deviation	NH Asian CVAP	NH White CVAP	Hispanic CVAP	NH Other CVAP	Total	District	Population	Deviation	Percent Deviation
1	16,924	286	1.7%	30%	38%	28%	4%	100%	1	17,527	889	5.3%
2	18,402	1,764	10.6%	52%	35%	10%	4%	100%	2	18,565	1,927	11.6%
3	16,266	-372	-2.2%	32%	45%	20%	2%	100%	3	18,394	1,756	10.6%
4	16,158	-480	-2.9%	18%	62%	17%	3%	100%	4	16,755	117	0.7%
5	16,382	-256	-1.5%	36%	46%	15%	3%	100%	5	19,323	2,685	16.1%
6	16,231	-407	-2.4%	139137%	732956%	189937%	40072%	1102102%	6	0	-16,638	-100.0%
7	16,105	-533	-3.2%	13%	67%	17%	4%	100%	7	16,389	-249	-1.5%
Total	116,468		13.8%	29%	50%	18%	3%	100%	Total	106,953		116.1%
	Most populous Council district		18,402							Most populous Council district		19,323
	Least populous Council district		16,105							Least populous Council district		0
	Difference		2,297							Difference		19,323
	Ideal Council district population		16,638							Ideal Council district population		17,826
	Plan's Percent Deviation		**13.8%**							Plan's Percent Deviation		**116.1%**

This number should be 116,468

This number should be 123,683

Jennifer Yamaguma

From: David Cary <david.cary.rep@gmail.com>
Sent: Sunday, July 8, 2018 9:30 PM
To: Districts
Subject: Anomalies in Total CVAP and CVAP percentages

It appears that some of the demographic analysis is excluding from Total CVAP any amounts associated with the non-Hispanic Other CVAP (2012-2016) category. This appears to be an incorrect exclusion. It would be helpful if someone could explain this apparent anomaly and check whether any analyses or tools should be updated.

Note that some of the demographic analyses do report numbers for an Other CVAP category, but those numbers appear to reflect only the underlying quantities for the NH Black CVAP, and not also quantities for the underlying NH Other CVAP category.

For example, using Dr. Gobalet's spreadsheet published by the city that has demographic data at the granularity of census blocks, the total across all census blocks for the various CVAP columns are:

```
19,252.3360  for est NH Asian CVAP 2012-16  (27.76%)
33,644.4978  for est NH White CVAP 2012-16  (48.52%)
11,085.9054  for est Hispanic CVAP 2012-16  (15.99%)
 2,053.5915  for est NH Black CVAP 2012-16  ( 2.96%)
 3,308.9014  for est NH Other CVAP 2012-16  ( 4.77%)
66,036.3307  for total CVAP 2012-16
```

Note however, that the total CVAP number is the sum of just the first four numbers, while the sum of the first five numbers is 69,345.2321, which is also closer to the Census Bureau's reported total CVAP for the city of 71,405. The above parenthetical percentages are calculated using a denominator of 69,345.2321.

It appears that CVAP percentages for various draft plans are overstated, as a result of using a total CVAP number that is too low in the percentage denominators.

For example, for Draft Plan 1, District 1 is reported to have a 51% NH Asian CVAP. However when using a denominator that includes the NH Other CVAP, that percentage falls to 45.40% (= 4,947.3440 / 10,897.9197). When the denominator does not include NH Other CVAP, just CVAP for NH Asian, NH White, Hispanic, and NH Black, the percentage is 50.96% (= 4,947.3440 / 9,707.4404). The NH Other CVAP for the district is 1,190.4793, about 10.92% of the more encompassing total CVAP for the district.

Similarly, the NH White CVAP percentage falls from a reported 35%, more precisely 34.72% (= 3,370.8378 / 9,707.4404) to 30.93% (= 3,370.8378 / 9,707.4404).

-- David Cary

Jennifer Yamaguma

From: Clysta <clysta@igc.org>
Sent: Tuesday, July 10, 2018 11:46 AM
To: Districts
Subject: Map Option

I really like the seven district options that just showed up on the website.
One of these makes the most sense for Santa Clara.

Thank you,
Clysta Seney

Jennifer Yamaguma

From: Edward Souza <edward5593@comcast.net>
Sent: Tuesday, July 10, 2018 2:21 PM
To: Districts
Subject: Review of District Map

I have reviewed the district map proposals and I am in favor of the city's six district plan version 1. I don't think a city of our size requires seven districts. I oppose the city two and three district proposals. These proposals won't be beneficial to diversifying the council and representing the entire community.

Ed Souza
356 Monroe St.
Santa Clara, CA. 95050
edward5593@comcast.net

Jennifer Yamaguma

From: Toby McPheeters <tlmcpheeters@yahoo.com>
Sent: Wednesday, July 11, 2018 12:08 PM
To: Districts
Subject: Fw: Announcements from the City of Santa Clara for 07/11/2018

Some questions regarding districting:

1) For legal compliance, do we have to equalize residents (citizens plus non-citizens plus children) or only CVAP (Citizen Voting Age Population)?

2) There is significant new construction along El Camino Real and other areas since the 2010 census. Some still ongoing like El Camino and Lawrence (piece 21). How can those new residents be included in district population estimates? I read that we must use 2010 numbers. Are those "construction districts" (piece 21) defined with lower (but legal deviations) from 2010 populations to account for the 2018 population? This looks to be the case since district 3 (including piece 21) is -4.1% deviation.

3) Will the districts be adjusted again after 2020 census? I guess they would have to be if the population deviation is greater than 10%.

thank you, Toby

----- Forwarded Message -----
From: Santa Clara <support@opengov.com>
To: "tlmcpheeters@yahoo.com" <tlmcpheeters@yahoo.com>
Sent: Wednesday, July 11, 2018, 4:06:39 AM PDT
Subject: Announcements from the City of Santa Clara for 07/11/2018

Updates from the City of Santa Clara about Open City Hall

Is this email not displaying correctly?
View it in your browser

Seeking Public Input on Proposed Council District Maps

Jul 10, 2018 03:15 pm | The City of Santa Clara

Draft Proposed Council District Maps are now available for public input.

The Court ordered Districting Process is still underway and we encourage

residents to review the draft maps and provide feedback. Due to the schedule of the Court ordered process, we will be collecting public comment on the proposed maps through July 17, 2018.

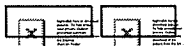
To learn more about the Court ordered Districting Process, please visit our website for the latest information: www.santaclaraca.gov/districts The next public hearing will be held on Wednesday, July 11, 6:00 p.m. Council Chambers 1500 Warburton Avenue

Provide your feedback with the following options: 1) Review the maps and provide feedback on a survey: https://www.opentownhall.com/6502 2) The Proposed District maps are also available on the website www.santaclaraca.gov/districts.Please email comments to districts@santaclaraca.gov

Background On June 6, 2018, the Santa Clara County Superior Court issued a ruling stating that the City of Santa Clara's current way of electing its council members in City-wide elections is in violation of the California Voting Rights Act. The Court will hold an additional trial beginning July 18, 2018 to determine the judicial remedy for this violation. The Court has indicated that it may order that for the November 2018 election for the two Council seats that are up for election that candidates will not be elected on a City-wide basis, but by district elections. On June 26, 2018, the Court issued an Order regarding the Schedule for the Remedies Phase of Trial. The Order requires the City to take immediate actions to hold (4) four public hearings before July 22, 2018 for the purpose of receiving public input on potential district maps for the election of Council members. A change in elections by district will be a substantial change in how Santa Clara voters elect their Council members. If the Court orders district elections, the voters will only be able to elect one council member who lives in the same district as those voters.

For more information, contact the City Clerk's office at (408) 615-2220.

Read More



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Seeking Public Input on District Voting Lines

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Jennifer Yamaguma

From: Charles Sedlacek <skullman@hotmail.com>
Sent: Wednesday, July 11, 2018 2:50 PM
To: Districts
Subject: The district map plans

Ad-hoc Committee,

First off I regretfully cannot make it to the meeting tonight (7/11). I would like to thank everyone for providing the maps with 3 districts. Draft plan 1 has the most optimal and clearest district lines verses the alternative draft plan 3. I do not support the 7 district alternative because the Mayor should be elected at large because he/she is supposed to represent (and be accountable to) the city at large and not a particular district. Looking at even the Plaintiff's maps I don't see where the nice person talking before the community would get any more representation with the districts that he is proposing. Anyway, thank you to the Ad-hoc committee, the Demographer, the City Attorney and the Plaintiffs for bringing this issue to everyone's attention and working so hard to resolve the conflict.

V/r,

Charles Sedlacek

2632 Tartan Drive

skullman@hotmail.com

Virus-free. www.avast.com

Jennifer Yamaguma

From: jack & Jane Lueder <jjlueder@comcast.net>
Sent: Wednesday, July 11, 2018 2:49 PM
To: Districts
Subject: District Maps: Proposed

Comments by Jack Lueder, 2655 Taft Ave, 95051

In General: There are no explicit criteria shown for each "map". A serious deficiency.

Two Dist Map:
Looks artifically adjusted at west end of hwy 82

Three Dist, (DP 1):
Looks artifically adjusted at west end of hwy 82
Best of the 3D choices

Three Dist, (DP 3):
Looks artifically adjusted at west end of hwy 82

Six Dist (DP 1):
Looks artifically adjusted at west end of hwy 82
Best of the 6D choices

Six Dist (DP 3):
Looks artifically adjusted at west end of hwy 82

Plaintiff Proposal:
Looks artificial Dist 3-4-5 contiguous boundaries.

Plaintiff Alternative:
3,4,5 boundaries still look artificial.
Better of the two Plaintiffs'

Jennifer Yamaguma

From: David Cary <david.cary.rep@gmail.com>
Sent: Wednesday, July 11, 2018 5:49 PM
To: Districts
Subject: Problems with CVAP Percentages
Attachments: more-accurate-cvap-estimates.pdf

Please see the attached file for my comments on this topic

-- David Cary

Overview

Citizen Voting Age Population (CVAP) estimates play an important role in evaluating the potential effectiveness of possible remedies for a violation of the California Voting Rights Act (CVRA). A review of the single-member districting plans filed with the court on July 6 indicates that they all have problems that include in various combinations:

- Dropping some racial/ethnic groups from the analysis.
- Supplementing the reported racial/ethnic groups with counts from other groups.
- Inaccurate allocations of Census Bureau CVAP numbers at the census block-group level to individual census blocks in a way that distorts claimed CVAP counts and percentages for proposed electoral districts.

These problems indicate the importance of vetting any calculation of CVAP when evaluating possible remedies. Crucial to that vetting is having full, public disclosure of the methodology and intermediate results of the CVAP calculations. Providing only summary data is not adequate.

Due to problems I saw in the CVAP numbers offered by Dr. Gobalet, I computed CVAP numbers directly from data supplied by the Census Bureau. This paper and its supporting materials describe how that was done and the results of applying those calculations to five of the plans filed with the court. A selected summary of those results are also included.

Summary

All of the CVAP numbers referenced in this paper are based on the U.S. Census Bureau's CVAP estimates from its American Community Survey (ACS) 2012-2016.

There are currently three available sources for CVAP counts for the city of Santa Clara as a whole: the Census Bureau, summations of Dr. Gobalet's allocations to city census blocks, and summations of my allocations to city census blocks. The following table shows those three versions of counts and their corresponding percentages.

	Total	NH White	NH Asian	Hispanic	NH Black	NH Other
Census Bureau	71,405	33,680	21,875	10,735	2,795	2,315
	100.00%	47.17%	30.64%	15.03%	3.91%	3.24%
David Cary	71,278	33,903	21,510	10,820	2,724	2,322
	100.00%	47.56%	30.18%	15.18%	3.82%	3.26%
Dr. Gobalet	66,036	33,644	19,252	11,086	2,054	3,309
	100.00%	50.95%	29.15%	16.79%	3.11%	5.01%

Table 1: Comparison of city-wide CVAP numbers

For all of my counts and for the Census Bureau counts, I have combined categories for American Indian and Alaska Native Alone, Native Hawaiian or Other Pacific Islander Alone, and other combinations of two or more races into a single reported category of NH Other. The Census Bureau's counts are themselves estimates, so it is notable, but not surprising that the total of their non-overlapping racial/ethnic categories is 71,400, a number slightly different than their reported Total of 71,405. Both my and Dr. Gobalet's counts have been rounded to the nearest integer.

Note that my counts and percentages are quite a bit closer to the the Census Bureau's than Dr. Gobalet's. Her Total count is 5,369 (7.52%) lower than the Census Bueau's. Her racial / ethnic components add up to 69,345, because her reported total of 66,036 does not include the 3,309 count for NH Other, a sizable discrepancy that will be discussed later. Even the 69,345 count is 2060 (2.88%) below the Census Bureau's Total. Possible reasons for that will also be discussed later. My racial/ethnic components, if first added and then rounded, sum to 71,278, the same as my reported total.

Note that all of the above versions of the Asian American CVAP are high enough to justify Asian Americans being able to elect 2 out of 7 city council members, provided they would vote cohesively and at the same rate as other groups.

Corresponding counts, as used by the plaintiffs to evaluate their plan, are not currently disclosed.

The four single-member plans filed with the court have the following claimed Asian American CVAP percentages for each of their districts. For all of these plans, District 1 has the highest percentage within the plan. Both that and the second highest percentage within the plan are shown in bold. The two-district plan adopted for use if Measure A had passed is also shown.

Plan	District 1/A	District 2/B	District 3/C	District 4/D	District 5/E	District 6/F	District 7/G
City Draft Plan 1	**51%**	27%	**33%**	31%	27%	13%	
City Draft Plan 3	**51%**	27%	**33%**	31%	14%	25%	
City Measure A Plan	**37%**	**23%**					
Plaintiff Plan 1	**50.5%**	33.5%	**44.9%**	33.7%	27.7%	22.3%	18.7%
Plaintiff Alternative	**49.6%**	33.8%	35.9%	**42.2%**	26.8%	22.3%	18.6%

Table 2: Claimed Asian American CVAP by Districts

In contrast, the following table shows more accurate estimates of the Asian American CVAP using my calculations.

Plan	District 1/A	District 2/B	District 3/C	District 4/D	District 5/E	District 6/F	District 7/G
City Draft Plan 1	**46.13%**	30.37%	**40.92%**	26.82%	28.54%	16.54%	
City Draft Plan 3	**46.13%**	30.37%	**40.92%**	29.13%	26.97%	15.89%	
City Measure A Plan	**38.55%**	**23.13%**					
Plaintiff Plan 1	**49.10%**	32.49%	**43.64%**	33.24%	26.34%	21.57%	15.77%
Plaintiff Alternative	**48.07%**	32.95%	35.01%	**41.27%**	25.61%	21.57%	15.74%

Table 3: More Accurate Asian American CVAP by Districts

Note particularly that the best percentage for both of the city's single-member plans declined by nearly 5% (to 46.13% from 51%), while the second-best percentage increased by about 8% (to 40.92% from 33%). Other differences for those plans are smaller.

The best and second-best percentages for the plaintiff plans also declined, but by lesser amounts, generally between about 1% and 1.5%.

The more accurate CVAP estimates put all four single-member plans below 50% for any of their districts.

Understanding the CVAP allocation challenge

A census block is the smallest unit for which the Census Bureau reports various population totals. In Santa Clara, a census block often corresponds to a residential city block. Census blocks exist within larger areas called census tracts. There are about 30 census tracts that contain parts of the City of Santa Clara. Within a census tract, blocks are numbered with four-digit numbers, starting with 1000. Santa Clara has nearly 1900 census blocks, about half of which have no population. Between census blocks and census tracts are census block groups. A block group consists of

those blocks within a tract that have a block number with the leading digit. So within a census tract, blocks 1000, 1003, and 1025 would be part of block group 1, while blocks 2002, 2014, and 2031 would be part of block group 2.

One of the challenges of working with CVAP numbers for districting is that districts are often drawn at the granularity of a census block, but the Census Bureau doesn't report CVAP estimates for census blocks. The finest granularity for which it reports CVAP estimates is for block groups.

As a result, allocating the block-group CVAP counts to its individual blocks is something that has to be done before CVAP numbers for proposed electoral districts can be aggregated. There are numerous ways that allocation could be performed. But even once the allocation is done, there are various ways that CVAP numbers can be reported as counts or as percentages. Not all of those ways can be readily justified, however.

Problems with Gobalet's Claimed CVAP

There are problems with the CVAP numbers claimed by both the city and the plaintiffs. So far, the city and Dr. Gobalet have disclosed more about what their CVAP numbers are and what some of their intermediate results are. As a result it has been easier to verify specific problems with those numbers.

In particular, the city has published the CVAP allocations to census blocks that Dr. Gobalet uses to aggregate CVAP counts for districts. Those allocations have been published as a spreadsheet. It is from that spreadsheet that the Gobalet city-wide CVAP numbers for racial/ethnic groups were determined.

One of the problems that becomes apparent is that when it comes time to report CVAP percentages for individual districts in a plan, no NH Black category is reported. Instead, the NH Black quantities are treated as NH Other counts and the allocated NH Other counts are dropped from the aggregation to district-level CVAP counts and from hence from the denominator used to calculate district-level CVAP percentages. As a result, the CVAP percentages for NH White, NH Asian, and Hispanic are correspondingly inflated.

As an example, correcting for this error, drops the NH Asian American CVAP for District 1 of Draft Plan 1 from 50.96% to 45.40% and the NH White percentage falls from 34.72% to 30.93%.

That Gobalet's city-wide CVAP total still does not account for nearly 3% of the city's total suggests that there are other problems. Other differences in district percentages suggest that there are problems with her methodology for allocating

CVAP from block groups to blocks. I am not aware of the details of the methodology. Dr. Gobalet has indicated that she uses city-wide factors to do the allocation, something that would likely mis-allocate CVAP between block groups. However that alone might not be enough to explain why her city-wide CVAP total is still so low.

Problems with Plaintiffs' Claimed CVAP

The problems with Gobalet's CVAP numbers gave reason to look more closely at the percentages claimed for the two districting plans filed by the plaintiffs. Generally their percentages more closely agree with my corresponding percentages. However it is a concern that they do not report percentages for NH Other. The percentages they do report are reported to one decimal place, but add up to less than 100%, usually less than 99% and sometimes as little as 97.5%. This is more of a discrepancy than would be the result of rounding for presentation purposes. At the same time, adding in likely NH Other amounts is too big of an adjustment (city wide, NH Other is about 3.2%).

One possible explanation might be that some of the components of NH Other have been classified by the plaintiffs as belonging to other reported racial/ethnic groups. Notably, their NH Asian percentages are always higher than mine.

At a minimum, greater disclosure is needed on how the plaintiffs are categorizing CVAP numbers, allocating CVAP counts to census blocks, and how those allocations are aggregated and turned into percentages. There may be legitimate choices that explain the differences, but greater transparency is crucial to determining if that is the case.

Methodology for my CVAP numbers

My CVAP calculations started with the following downloads of information from the Census Bureau's website:

- 2010 total population data by race and ethnicity for census "places" of which the City of Santa Clara is one.
- 2010 total population data by race and ethnicity and by census block for all of Santa Clara County.
- 2012-2016 ACS districting information by race and ethnicity just for and at the level of the City of Santa Clara; the districting information includes the Census Bureau's CVAP estimates.
- 2012-2016 ACS districting information by race and ethnicity and by census block-group.

I also had Dr. Gobalet's list of census blocks that comprise the City of Santa Clara. I double checked that list against two other sources.

For all of the data, I categorized the respective counts into five racial / ethnic categories:

- NH White, from a single Census Bureau category which is sometimes labeled as "White Alone", but does not reflect any numbers reported as Hispanic or Latino.
- NH Asian, from a single Census Bureau category which is sometimes labeled as "Asian Alone", but done not reflect any numbers reported as Hispanic or Latino.
- Hispanic, from a single Census Bureau category, sometimes labeled as "Hispanic or Latino".
- NH Black, from a single Census Bureau category which is sometimes labeled as "Black or African American Alone", but does not reflect any numbers reported as Hispanic or Latino.
- NH Other, from all other categories that do not overlap with any of the previous categories or with each other. This includes categories sometimes labeled as "American Indian or Alask Native Alone" and "Native Hawaiian or Other Pacific Islander Alone", and other categories indicating combinations of two or more races.

For data that encompassed all of Santa Clara County, I also excluded data that was not in block groups that had any blocks in the city. That way, if I kept data for some blocks in a block group, I kept data for all of the blocks in that block group.

Next, I calculated total population by race and ethnicity for each block group, by totaling the corresponding values from the respective blocks.

Next I performed the allocation of CVAP from block groups to blocks. This was done separately for each racial/ethnic category. For a given block B, its block-group G, and a racial/ethnic category R, the allocation was performed with the calculation:

$$CVAP(B, R) = (TotPop(B, R) / TotPop(G, R)) * CVAP(G, R)$$

with the result rounded to the nearest four decimal places.

Given the level of uncertainty and minor inconsistencies in the Census Bureau's CVAP estimates, I did not make any attempt to ensure that the resulting CVAP counts across blocks within a block group exactly added up to the corresponding total for the block-group. Such minor discrepancies could occur because of the rounding that is done.

For each districting plan, census blocks were assigned to districts using the filed maps

and an interactive block visualization tool that recorded the observed block assignments. In some cases, the filed maps lacked enough resolution to definitively assign some small blocks on district boundaries, even though they had non-zero populations. This left 2010 total population in unassigned blocks of at most 52, an amount deemed negligible for the purposes of this assessment. CVAP counts for each district were calculated by adding the corresponding CVAP counts for the assigned blocks. District CVAP percentages were calculated by dividing the district CVAP count for a given racial ethnic group by the district's totals for all of the racial/ethnic groups.

Supporting materials for these and related calculations will soon be made available at http://3by2.org/santa-clara-cvra. Those supporting material will include CVAP counts and percentages for every district and racial / ethnic group for each of the five plans mentioned earlier.

Conclusions

Before being relied upon for evaluating districting plans, the methodology and CVAP calculations, including intermediate results, should be fully disclosed and vetted. This disclosure and vetting should include:

- what information is input to the process
- how the Census Bureau's many racial /ethnic categories are consolidated into a smaller number of categories
- how Census Bureau CVAP estimates at the block-group level are allocated to census blocks
- provision of a list of which census blocks are assigned to which districts
- how CVAP data is aggregated to district-level CVAP counts
- how CVAP district-level percentages are calculated from district-level CVAP counts
- how CVAP data at a block level is aggregated to city-wide counts and percentages, and how those compare to corresponding city-wide counts supplied by the Census Bureau.

The data currently supplied by parties in support of their districting plans filed by the court show evidence of anomalous calculations, which at a minimum require further explanation and in some cases, likely need corrections.

There may be legitimate, justifiable reasons for doing some of these tasks different ways which produce somewhat different results. However only after adequate disclosure and review can assessments about those differences be made.

Jennifer Yamaguma

From: David Cary <david.cary.rep@gmail.com>
Sent: Wednesday, July 11, 2018 6:35 PM
To: Districts
Subject: Problems with CVAP Percentages -- better results
Attachments: plan-stats-city-plans.pdf; plan-stats-plaintiff-plans.pdf

Please see the two attached PDF files that show details of assessing various plans with more accurate CVAP calculations.

-- David Cary

City of Santa Clara, Draft Plan 1

Districts	Population	Pop %	Deviation	Deviation %
[A]	19,271	16.55%	-140	-0.72%
[B]	20,065	17.23%	654	3.37%
[C]	18,614	15.98%	-797	-4.11%
[D]	18,678	16.04%	-733	-3.78%
[E]	19,863	17.05%	452	2.33%
[F]	19,961	17.14%	550	2.83%
[G]		0.00%		0.00%
Range		0.00%	1,451	7.48%
None	16	0.01%		

District A	Population	Pop %	CVAP	CVAP %
White	4,221	21.90%	3,635	37.85%
Asian	11,432	59.32%	4,430	46.13%
Hispanic	2,213	11.48%	830	8.64%
Black	538	2.79%	475	4.95%
Other	867	4.50%	234	2.44%
Total	19,271	100.00%	9,604	100.00%
District B				
White	5,777	28.79%	5,083	42.19%
Asian	6,595	32.87%	3,660	30.37%
Hispanic	6,125	30.53%	2,337	19.39%
Black	613	3.06%	624	5.18%
Other	955	4.76%	346	2.87%
Total	20,065	100.00%	12,050	100.00%
District C				
White	5,815	31.24%	4,251	38.96%
Asian	7,519	40.39%	4,465	40.92%
Hispanic	4,005	21.52%	1,416	12.98%
Black	352	1.89%	408	3.74%
Other	923	4.96%	372	3.41%
Total	18,614	100.00%	10,911	100.00%
District D				
White	6,577	35.21%	5,005	46.77%
Asian	7,195	38.52%	2,870	26.82%
Hispanic	3,610	19.33%	2,065	19.30%
Black	466	2.49%	430	4.02%
Other	830	4.44%	332	3.10%

Plan Stats

Total	18,678	100.00%	10,702	100.00%
District E				
White	8,893	44.77%	6,473	53.45%
Asian	7,420	37.36%	3,456	28.54%
Hispanic	2,383	12.00%	1,453	12.00%
Black	333	1.68%	339	2.80%
Other	834	4.20%	389	3.21%
Total	19,863	100.00%	12,109	100.00%
District F				
White	10,737	53.79%	9,451	59.47%
Asian	3,365	16.86%	2,628	16.54%
Hispanic	4,250	21.29%	2,718	17.10%
Black	627	3.14%	447	2.82%
Other	982	4.92%	647	4.07%
Total	19,961	100.00%	15,892	100.00%

City of Santa Clara, Draft Plan 3

Districts	Population	Pop %	Deviation	Deviation %
[A]	19,271	16.55%	-140	-0.72%
[B]	20,065	17.23%	654	3.37%
[C]	18,614	15.98%	-797	-4.11%
[D]	18,649	16.01%	-762	-3.93%
[E]	20,302	17.43%	891	4.59%
[F]	19,551	16.79%	140	0.72%
[G]		0.00%		0.00%
Range		0.00%	1,688	8.70%
None	16	0.01%		

District A	Population	Pop %	CVAP	CVAP %
White	4,221	21.90%	3,635	37.85%
Asian	11,432	59.32%	4,430	46.13%
Hispanic	2,213	11.48%	830	8.64%
Black	538	2.79%	475	4.95%
Other	867	4.50%	234	2.44%
Total	19,271	100.00%	9,604	100.00%

District B				
White	5,777	28.79%	5,083	42.19%
Asian	6,595	32.87%	3,660	30.37%
Hispanic	6,125	30.53%	2,337	19.39%
Black	613	3.06%	624	5.18%
Other	955	4.76%	346	2.87%
Total	20,065	100.00%	12,050	100.00%

District C				
White	5,815	31.24%	4,251	38.96%
Asian	7,519	40.39%	4,465	40.92%
Hispanic	4,005	21.52%	1,416	12.98%
Black	352	1.89%	408	3.74%
Other	923	4.96%	372	3.41%
Total	18,614	100.00%	10,911	100.00%

District D				
White	6,819	36.56%	4,891	44.56%
Asian	7,360	39.47%	3,198	29.13%
Hispanic	3,205	17.19%	2,185	19.90%
Black	441	2.36%	363	3.31%
Other	824	4.42%	341	3.10%

Plan Stats

Total	18,649	100.00%	10,977	100.00%
District E				
White	9,247	45.55%	6,954	57.08%
Asian	7,142	35.18%	3,286	26.97%
Hispanic	2,685	13.23%	1,243	10.20%
Black	418	2.06%	384	3.15%
Other	810	3.99%	316	2.60%
Total	20,302	100.00%	12,182	100.00%
District F				
White	10,141	51.87%	9,084	58.44%
Asian	3,478	17.79%	2,470	15.89%
Hispanic	4,353	22.26%	2,808	18.06%
Black	567	2.90%	470	3.02%
Other	1,012	5.18%	712	4.58%
Total	19,551	100.00%	15,544	100.00%

City of Santa Clara, Measure A Plan

Districts	Population	Pop %	Deviation	Deviation %
[A]	57,950	49.76%	-284	-0.49%
[B]	58,513	50.24%	279	0.48%
[C]		0.00%		0.00%
[D]		0.00%		0.00%
[E]		0.00%		0.00%
[F]		0.00%		0.00%
[G]		0.00%		0.00%
Range		0.00%	563	0.97%
None	5	0.00%		

District A	Population	Pop %	CVAP	CVAP %
White	15,813	27.29%	12,969	39.83%
Asian	25,546	44.08%	12,555	38.55%
Hispanic	12,343	21.30%	4,582	14.07%
Black	1,503	2.59%	1,507	4.63%
Other	2,745	4.74%	952	2.92%
Total	57,950	100.00%	32,565	100.00%

District B				
White	26,211	44.80%	20,932	54.07%
Asian	17,982	30.73%	8,954	23.13%
Hispanic	10,246	17.51%	6,237	16.11%
Black	1,426	2.44%	1,217	3.14%
Other	2,648	4.53%	1,370	3.54%
Total	58,513	100.00%	38,710	100.00%

Plaintiff Plan 1

Districts	Population	Pop %	Deviation	Deviation %
[A]	16,222	13.93%	-416	-2.50%
[B]	16,704	14.34%	66	0.40%
[C]	17,013	14.61%	375	2.25%
[D]	16,114	13.84%	-524	-3.15%
[E]	17,197	14.77%	559	3.36%
[F]	16,142	13.86%	-496	-2.98%
[G]	17,024	14.62%	386	2.32%
Range		0.00%	1,083	6.51%
None	52	0.04%		

District A	Population	Pop %	CVAP	CVAP %	Pltf CVAP%	Diff CVAP%	Abs Diff
White	3,249	20.03%	2,838	35.24%	35.20%	-0.04%	0.04%
Asian	10,101	62.27%	3,953	49.10%	50.50%	1.40%	1.40%
Hispanic	1,722	10.62%	662	8.23%	8.30%	0.07%	0.07%
Black	422	2.60%	386	4.80%	5.30%	0.50%	0.50%
Other	728	4.49%	212	2.63%	--	--	--
Total	16,222	100.00%	8,052	100.00%	99.30%	-0.70%	0.70%

District B							
White	4,352	26.05%	4,067	41.07%	40.90%	-0.17%	0.17%
Asian	6,151	36.82%	3,217	32.49%	33.50%	1.01%	1.01%
Hispanic	4,812	28.81%	1,869	18.88%	18.70%	-0.18%	0.18%
Black	583	3.49%	504	5.09%	5.20%	0.11%	0.11%
Other	806	4.83%	245	2.47%	--	--	--
Total	16,704	100.00%	9,902	100.00%	98.30%	-1.70%	1.70%

District C

Plan Stats

White	5,213	30.64%	3,633	40.98%	41.00%	0.02%	0.02%
Asian	8,844	51.98%	3,868	43.64%	44.90%	1.26%	1.26%
Hispanic	1,946	11.44%	863	9.74%	9.90%	0.16%	0.16%
Black	352	2.07%	140	1.58%	2.30%	0.72%	0.72%
Other	658	3.87%	360	4.06%	--	--	--
Total	17,013	100.00%	8,864	100.00%	98.10%	-1.90%	1.90%
District D							
White	5,828	36.17%	4,215	42.64%	42.60%	-0.04%	0.04%
Asian	5,072	31.48%	3,286	33.24%	33.70%	0.46%	0.46%
Hispanic	4,068	25.25%	1,495	15.12%	15.10%	-0.02%	0.02%
Black	303	1.88%	538	5.44%	6.30%	0.86%	0.86%
Other	843	5.23%	351	3.55%	--	--	--
Total	16,114	100.00%	9,886	100.00%	97.70%	-2.30%	2.30%
District E							
White	6,674	38.81%	4,913	46.89%	47.70%	0.81%	0.81%
Asian	6,224	36.19%	2,760	26.34%	27.70%	1.36%	1.36%
Hispanic	3,180	18.49%	2,139	20.41%	20.40%	-0.01%	0.01%
Black	352	2.05%	348	3.32%	3.40%	0.08%	0.08%
Other	767	4.46%	317	3.03%	--	--	--
Total	17,197	100.00%	10,477	100.00%	99.20%	-0.80%	0.80%
District F							
White	8,007	49.60%	6,285	58.54%	58.40%	-0.14%	0.14%
Asian	3,988	24.71%	2,316	21.57%	22.30%	0.73%	0.73%
Hispanic	2,990	18.52%	1,388	12.92%	12.90%	-0.02%	0.02%
Black	422	2.61%	500	4.66%	5.00%	0.34%	0.34%
Other	735	4.55%	248	2.31%	--	--	--
Total	16,142	100.00%	10,736	100.00%	98.60%	-1.40%	1.40%

Plan Stats

District G							
White	8,697	51.09%	7,947	59.57%	59.50%	-0.07%	0.07%
Asian	3,133	18.40%	2,104	15.77%	18.70%	2.93%	2.93%
Hispanic	3,854	22.64%	2,400	17.99%	17.90%	-0.09%	0.09%
Black	484	2.84%	302	2.27%	2.70%	0.43%	0.43%
Other	856	5.03%	587	4.40%	--	--	--
Total	17,024	100.00%	13,341	100.00%	98.80%	-1.20%	1.20%

Deviations	**Net**	**Total Abs**
White	0.37%	1.29%
Asian	9.15%	9.15%
Hispanic	-0.09%	0.55%
Black	3.04%	3.04%
Other	0.00%	0.00%
Total	-10.00%	10.00%

Plaintiff Plan 2 - Alternative Districts	Population	Pop %	Deviation	Deviation %
[A]	16,621	14.27%	-17	-0.10%
[B]	16,305	14.00%	-333	-2.00%
[C]	16,815	14.44%	177	1.06%
[D]	16,816	14.44%	178	1.07%
[E]	16,693	14.33%	55	0.33%
[F]	16,203	13.91%	-435	-2.61%
[G]	16,963	14.56%	325	1.95%
Range		0.00%	760	4.57%
None	52	0.04%		

District A	Population	Pop %	CVAP	CVAP %	Pltf CVAP%	Diff CVAP%	Abs Diff
White	3,472	20.89%	3,065	36.95%	36.90%	-0.05%	0.05%
Asian	10,311	62.04%	3,987	48.07%	49.60%	1.53%	1.53%
Hispanic	1,647	9.91%	627	7.56%	7.70%	0.14%	0.14%
Black	434	2.61%	389	4.69%	5.10%	0.41%	0.41%
Other	757	4.55%	226	2.72%	--	--	--
Total	16,621	100.00%	8,294	100.00%	99.30%	-0.70%	0.70%

District B							
White	4,129	25.32%	3,840	39.75%	39.70%	-0.05%	0.05%
Asian	5,941	36.44%	3,183	32.95%	33.80%	0.85%	0.85%
Hispanic	4,887	29.97%	1,904	19.71%	19.50%	-0.21%	0.21%
Black	571	3.50%	501	5.19%	5.40%	0.21%	0.21%
Other	777	4.77%	231	2.39%	--	--	--
Total	16,305	100.00%	9,659	100.00%	98.40%	-1.60%	1.60%

District C

White	6,693	39.80%	4,420	44.61%	44.60%	-0.01%	0.01%
Asian	7,055	41.96%	3,468	35.01%	35.90%	0.89%	0.89%
Hispanic	2,056	12.23%	1,454	14.68%	14.60%	-0.08%	0.08%
Black	292	1.74%	183	1.84%	2.40%	0.56%	0.56%
Other	719	4.28%	383	3.86%	--	--	--
Total	16,815	100.00%	9,907	100.00%	97.50%	-2.50%	2.50%
District D							
White	4,875	28.99%	3,668	38.32%	38.30%	-0.02%	0.02%
Asian	7,050	41.92%	3,950	41.27%	42.20%	0.93%	0.93%
Hispanic	3,720	22.12%	1,219	12.74%	12.70%	-0.04%	0.04%
Black	369	2.19%	405	4.23%	4.90%	0.67%	0.67%
Other	802	4.77%	330	3.45%	--	--	--
Total	16,816	100.00%	9,572	100.00%	98.10%	-1.90%	1.90%
District E							
White	6,147	36.82%	4,673	47.95%	48.00%	0.05%	0.05%
Asian	6,035	36.15%	2,496	25.61%	26.80%	1.19%	1.19%
Hispanic	3,418	20.48%	1,823	18.70%	18.70%	0.00%	0.00%
Black	346	2.07%	438	4.49%	4.90%	0.41%	0.41%
Other	747	4.47%	316	3.24%	--	--	--
Total	16,693	100.00%	9,747	100.00%	98.40%	-1.60%	1.60%
District F							
White	8,045	49.65%	6,319	58.54%	58.40%	-0.14%	0.14%
Asian	3,996	24.66%	2,328	21.57%	22.30%	0.73%	0.73%
Hispanic	2,998	18.50%	1,391	12.89%	12.90%	0.01%	0.01%
Black	425	2.62%	506	4.69%	5.00%	0.31%	0.31%
Other	739	4.56%	250	2.32%	--	--	--
Total	16,203	100.00%	10,794	100.00%	98.60%	-1.40%	1.40%

Plan Stats

District G							
White	8,659	51.05%	7,913	59.57%	59.50%	-0.07%	0.07%
Asian	3,125	18.42%	2,091	15.74%	18.60%	2.86%	2.86%
Hispanic	3,846	22.67%	2,397	18.04%	18.00%	-0.04%	0.04%
Black	481	2.84%	297	2.24%	2.70%	0.46%	0.46%
Other	852	5.02%	586	4.41%	--	--	--
Total	16,963	100.00%	13,284	100.00%	98.80%	-1.20%	1.20%

Deviations	**Net**	**Total Abs**
White	-0.29%	0.39%
Asian	8.98%	8.98%
Hispanic	-0.22%	0.52%
Black	3.03%	3.03%
Other	0.00%	0.00%
Total	-10.90%	10.90%

Jennifer Yamaguma

From: Kevin Krave <kevin.krave@gmail.com>
Sent: Wednesday, July 11, 2018 9:54 PM
To: Districts
Subject: Council Districting

Sirs,

As a resident of North Santa Clara, I am opposed to Draft 2 of the demographers' options and to the two proposals from Plaintiffs that divide our neighborhood into multiple districts. The northern neighborhood of the city will be directly affected by a number of current development proposals in the neighborhood and residents will be better served by a single district and council member.

Thank you for your consideration,
Kevin Krave
4365 Watson Circle, Santa Clara

Open City Hall

Provide Input on Proposed Council Districts (Draft Maps Included)

i Summary Of Responses 2

ii Individual Responses 3

Summary Of Responses

As of July 13, 2018, 3:57 PM, this forum had:

Attendees:	151
Responses:	51
Hours of Public Comment:	2.6

This topic started on July 9, 2018, 6:22 PM.

Do you prefer any of the draft maps? Explain why.

Answered	50
Skipped	1

Are there any draft maps you do not support? Explain why.

Answered	47
Skipped	4

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.

Answered	50
Skipped	1

Individual Responses

Name not available (unclaimed) July 9, 2018, 6:19 PM

Do you prefer any of the draft maps? Explain why.
No response

Are there any draft maps you do not support? Explain why.
No response

Name not available (unclaimed) July 10, 2018, 12:11 PM

Do you prefer any of the draft maps? Explain why.
The two district map. We are a small enough city that two districts is sufficient.

Are there any draft maps you do not support? Explain why.
Every map with more than two districts. More than two is ridiculous and will create several competing factions.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No. The mayor should be elected by the entire city. This would allow for the most civility and compromise.

Anthony Becker inside Santa Clara (registered) July 10, 2018, 12:42 PM

Do you prefer any of the draft maps? Explain why.
Draft map 1 six districts and the plaintiffs 7 districts plan, 6 or 7 meet what the judge requires the city needs to stop hiding this. This is democracy

Are there any draft maps you do not support? Explain why.
I do not support any maps like the 2 district, or 3 district plan, it's not meeting the requirements, while smaller cities around California etc have more districts, I just don't understand why the city is fighting against more than 3.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I support this, why because the mayor was unelected before the charter change in the 1960's. Therefore as much as I love the mayor elected separately maybe it is time we revert back to the old charted ways and add more diversity and less retread politicians. So if they do pick 7 districts that means essentially there will be 3

council seats up for election in November. If they don't pick 7 districts it would 2 council seats and a mayor. So hopefully someone can clarify that 3 council seats will be up for election should the judge pick 7 districts
We must remember that the lawsuit trumps all city charter laws

Name not available (unclaimed) July 10, 2018, 12:44 PM

Do you prefer any of the draft maps? Explain why.
City of Santa Clara - Three District Map (Draft Plan 1)

It looks like it reaches the right demographic balance without splitting the city into too many districts, thereby reducing election overhead.

Are there any draft maps you do not support? Explain why.
No response

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
Yes. Any voting change from the current setup is an upgrade, in my opinion.

Name not shown inside Santa Clara (registered) July 10, 2018, 12:46 PM

Do you prefer any of the draft maps? Explain why.
I prefer Map #4. It seems to me that it leaves more "neighborhoods" intact. Per Map #4, I would live in District 4. I agree that the area between Lawrence and Scott, and El Camino and Pruneridge, would constitute an area that is comprised of high-density (historical 2-plex, 4-plex, townhomes, and apartment complexes) as well as single-family homes, and of people who would identify themselves as living "near Central Park". There is also a good demographic mix (racial, children/elderly, and income bracket) in this area due to a combination of renters and home-owners.

Are there any draft maps you do not support? Explain why.
Map #5 cuts the "Central Park" neighborhood in two. It really doesn't make sense to declare White Drive, which is not even a major street, as the eastern boundary and it *also* doesn't make sense to exclude residents immediately east of Central Park from a district that may make decisions that would have an impact on them.

I believe that proposed Maps #1-3 create a district between State Road 82 (El Camino) and Highway 237 that is disproportionate from a demographic perspective, as well as from a square mile perspective. It would contain an overly large percentage of Santa Clara's businesses and industry. Any of these proposed districts (Map #1-District 2, Map #2 and Map #3-Districts 1+2) would be faced with choices around infrastructure, new development/construction, and transportation (CalTrain, BART extensions) that are not relatable to residents in the other districts.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I don't support a seven district map (which, by the way, was not included in the choices here for us to review).

Benjamin Cooley inside Santa Clara (registered) July 10, 2018, 1:46 PM

Do you prefer any of the draft maps? Explain why.
Best would be an interim solution before moving onto a ranked choice voting system.

Are there any draft maps you do not support? Explain why.
The 7 district maps, they split up north side

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
A rotating mayor is a stupid idea we should not use. There are much better ways to eliminate the at-large problem. For example, we could elect all 7 members from a single district using STV with the largest first-round vote-getter being Mayor.

Santa Claran's should choose their mayor.

Michael Bierman inside Santa Clara (registered) July 10, 2018, 2:35 PM

Do you prefer any of the draft maps? Explain why.
City of Santa Clara - Six District Map (Draft Plan 3) seems to have slightly less Gerrymandered looking shapes that are easy to follow.

Are there any draft maps you do not support? Explain why.
No response

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
This is news to me. I strongly oppose this. The Mayor should be elected by the entire city. I can't find any information on this on the website. I'm disturbed by the poor communication (intentional or not) about such major changes.

Diane Harrison inside Santa Clara (registered) July 10, 2018, 3:11 PM

Do you prefer any of the draft maps? Explain why.
Number 4, the Draft 1 6-district map, though I would also be quite ok with #5 to keep the families in the

Cupertino School District together. District 2 makes it likely that Asians will get at least one council member. District 1 gives Hispanics a chance for a foot in the door, and this is a community that does most of the hard work around the city but seems to be woefully under-represented.

Are there any draft maps you do not support? Explain why.
#6 & #7 for 2 reasons. One, I prefer having the mayor elected city-wide, though with ranked choice voting. Two, the demographics are not shown for the plaintiff's maps, so I don't know if they're any good or not.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No - see above.

Name not shown inside Santa Clara (registered) July 10, 2018, 3:39 PM

Do you prefer any of the draft maps? Explain why.
Prefer map 1 (two districts) or draft plan 1 (3 or 6 districts). I believe they divide the city into areas of like concern. Our city has varied neighborhoods with different needs and issues. The issues, as I see them, are MOSTLY NOT RACE related. This process of districting seems to be making this process about race.

Are there any draft maps you do not support? Explain why.
I do not support the plaintiff's maps. The plaintiff appears to have focused on RACE only, ignoring critical neighborhood ties and impacts. This is especially true in the north side (district 1 and 2). Neighborhoods impacted by the stadium, future city place development and Great America theme park. The plaintiff will also dilute

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
There are no maps that show 7 districts, so not sure where the 7th district will be carved out of. I would rather have the 7th council member be elected across all districts.

Name not available (unclaimed) July 10, 2018, 4:23 PM

Do you prefer any of the draft maps? Explain why.
I prefer the original 2 District map.

Are there any draft maps you do not support? Explain why.
I do not support 3 or more Districts because representatives will be elected without my vote, and the fewer Districts there are, the less impact there will be for that unrepresentative situation. At the extreme of 7 Districts, I will have an influence over only one-seventh of the City Council. That would only be acceptable if the Council reduced my taxes by six-sevenths — and we know they won't do that. So fewer Districts is better for Santa

Clara residents. Two Districts maximum.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I do not support any District voting because people who were not elected by me will bve spending my tax dollars. But under the circumstances, a 2-District map is the least damaging outcome for Santa Clara residents and taxpayers. If the City Council had only put its two district proposal on Measure A, without the confusing ranked-choice voting scheme, the 2 District map would have likely been approved. Adding the ranked-choice voting scheme was the reason that Measure A was rejected by the voters.

Howard Myers inside Santa Clara (registered) July 10, 2018, 5:04 PM

Do you prefer any of the draft maps? Explain why.
#4.
2 and 3 are too few districts and 7 is just silly.
Of the two 6 districts maps #4 is less gerrymandered and cleaner.

Are there any draft maps you do not support? Explain why.
2 and 3 are too few.
seven is silly, six is already too many for a city our size

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
Not at all. Assuming a rotating mayor system the mayor would be too weak and the city mgr would too much more power.
a mayor needs to make long term relationships with others and if they are only temporary they would have no real authority. much like the vice mayor now.

Name not shown inside Santa Clara (registered) July 10, 2018, 5:54 PM

Do you prefer any of the draft maps? Explain why.
I prefer the Six District Map draft plan 1. I live in district 5 on that plan and feel that the area it represents is more suitable for my area than the six district map draft plan 3 as that one puts me in district 4 which isn't as representative. I do not like the other plans that have 3 or 2 districts. I also like the Seven District Alternative plan, but would not support it if it meant that the mayor was no longer elected by the voters-at-large.

Are there any draft maps you do not support? Explain why.
The ones with 2 or 3 districts. I don't feel that they give enough representation to the different sections of the city.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No. I believe the citizens of this city should directly elect the members of our city council, including the mayor. If the council were to be responsible for picking the mayor, that decision would be made by only a few people. It is easier for a few people to conspire to pick their favorite thus having more influence on their candidate, than to have the general population pick their favorite.

Name not shown inside Santa Clara (registered) July 10, 2018, 6:17 PM

Do you prefer any of the draft maps? Explain why.
The Plaintiff Alternative 7 Districts Map seems the most fair in terms of the size for each district.

Are there any draft maps you do not support? Explain why.
I do not like either of the 6 Districts Maps. They are oddly sized with District 2 being disproportionately large in comparison with the other 5.
I'm not in favor of anything smaller than 6 Districts. Less than that does not give all residents equitable representation.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
So the Mayor would rotate like in Sunnyvale? I like that idea. The Mayor or for that matter any candidate for a city election should be based on qualifications. If the Santa Clara Mayor becomes a rotating position it could be good for our city.

Name not shown inside Santa Clara (registered) July 10, 2018, 6:37 PM

Do you prefer any of the draft maps? Explain why.
I prefer Draft 3 with 6 districts. As an adult I have lived in Santa Clara for 36 years. I have been lucky enough to have had 2 council members living within a block of me. They have been dedicated representatives, who are attuned to the needs of our area. It's very nice to be able to personally share my concerns. For quite a few years, I have realized that the rest of our citizens have not shared that access. I hope others share my desire that the City Council more fully reflect all the people of Santa Clara.

Are there any draft maps you do not support? Explain why.
One and Two do not speak to the diversity of Santa Clara.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I would prefer the 6 districts with the mayor elected by the majority.

Rob Jerdonek inside Santa Clara (registered) July 10, 2018, 9:23 PM

Do you prefer any of the draft maps? Explain why.
This districting process is too rushed and is not allowing enough time for thorough analysis or community input. However, I realize that this is a court order and we do not have much choice.

It looks like we need an interim solution for November 2018 to satisfy the ridiculous time frame demanded by the courts. Since the court system likely wants to see "single-member districts", we are stuck with 6 or 7 districts.
For November 2018, as an interim solution, I would choose map #4 (6-district plan)
With map #4, in Nov 2018, we would elect a councilmember from two of the districts only.

Finally, drawing 6 districts alone will not solve the problem of minority representation on our city council. If multiple minority candidates run for office in a district, they could easily split the vote among each other, and the incumbent would still win.
The typical solution for this problem would be run-off elections. However, we all know that run-off elections are expensive and turnout is typically low.
These problems can be solved by requiring Instant Runoff Voting, otherwise known as IRV, in year 2020. IRV is a form of Ranked Choice Voting and is used in San Francisco, Oakland, San Leandro, and many other cities across the country. The state of Maine even uses it for its primaries and its Congressional elections.

The court agreement language should clearly state that IRV should be used for all elected offices as soon as the election equipment is available. (County election equipment will likely be able to support IRV by the year 2020.)

I would also support a plan for 2020 that uses no districts and Ranked Choice Voting for all elected offices to ensure minority representation.

Are there any draft maps you do not support? Explain why.
I do not support either of the 7-district proposals. They split well-defined neighborhoods, including my own. These 7-district maps are obviously drawn by someone who has never set foot in Santa Clara. Also, looking at the numbers on the court website, the 7-district plans do no better at defining the majority Asian-American district that will be expected by the court. Map #4 (6-district plan) already creates the required majority 51% Asian-American CVAP district. These proposed 7 district plans do no better than that.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I believe our city should continue to have an elected mayor. The mayor needs to be a single elected leader that is accountable for his or her actions. The mayor needs to be able to effectively lead city council meetings and represent our city in external affairs. The mayor should have to *earn* this position in an election. I would like to have a say in who the mayor should be. With a 7-district plan, I would only be able to vote for *one* councilmember, and I would have no input into choosing the other 6. With a rotating mayor, unqualified people would likely end up in the mayor's seat.

Name not shown inside Santa Clara (registered) July 10, 2018, 9:46 PM

Do you prefer any of the draft maps? Explain why.
I support...
City of Santa Clara - Six District Map (Draft Plan 3)
http://santaclaraca.gov/home/showdocument?id=58494

Are there any draft maps you do not support? Explain why.
I do not support...
City of Santa Clara - Two District Map
http://santaclaraca.gov/home/showdocument?id=58480

City of Santa Clara - Three District Map (Draft Plan 1)
http://santaclaraca.gov/home/showdocument?id=58484

City of Santa Clara - Three District Map (Draft Plan 3)
http://santaclaraca.gov/home/showdocument?id=58498

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
no

Name not shown inside Santa Clara (registered) July 10, 2018, 11:20 PM

Do you prefer any of the draft maps? Explain why.
Map #4 (Draft Plan 1) is my preferred map. It's the closest to the makeup of neighborhoods and communities in Santa Clara and would ensure a fair and balanced representation of the city in the council.
For example North Santa Clara is kept mostly in whole in District 1. District 2 represents the more sparsely populated areas but has two coherent population areas (North of 101 and south of the railroads). I'd imagine that after City Place is built some reshuffling will happen but that is a future concern.
District's 3 - 6 all represent the rough makeup of those communities - Homestead/Bowers/El Camino/Wolfe/Saratoga are major roadways and reflect the rough boundaries.
Additionally, I believe Map #4 (Draft Plan 1) is the only map that will pass both adhere to the CVRA as well as the court's review given the population distribution.

Are there any draft maps you do not support? Explain why.
Maps 1 through 3 - the two and three district maps. Map 1 was voted on and didn't pass and the Court has indicated it likely wouldn't pass scrutiny, seems like the three district maps are just a way for the Council to retain the current seat makeup and power. This is a waste of time and resources to even include these in there.
Map 5 makes weird cuts between districts 4, 5, and 6 - incidentally it's the only one that allows all current council members to not have to compete for seats, looks a bit suspicious.
Maps 6 and 7 also have some interesting looking districts (District 3 and 5 respectively) that doesn't make sense with our community makeup.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No. But not because the Mayor wouldn't be elected directly but because the 7 district map proposals don't make sense in keeping communities together. If there were a good 7 district map I'd be fine with that. Especially since the Mayor does not serve as the city executive, the practical change in directly electing vs. rotating seats is very limited.

Name not available (unclaimed) July 11, 2018, 4:17 AM

Do you prefer any of the draft maps? Explain why.
Any of the 6 divisions. I want to have a vote for mayor.

Are there any draft maps you do not support? Explain why.
Don't like the 7 options. Important to keep mayor as elected by voters.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No. That would make the position even more political.

Roger March inside Santa Clara (registered) July 11, 2018, 5:11 AM

Do you prefer any of the draft maps? Explain why.
I strongly prefer the 6 district map (the one label #5 specifically). Over the many years I have been a resident of Santa Clara I have lived in several of the proposed districts and the boundaries seem a good fit for the character of the regions.

Are there any draft maps you do not support? Explain why.
I think anything less than 6 districts would just be a return to the political gangsterism that has been the norm for Santa Clara. It would be nice to finally feel like an election is a stacked deck.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
Again I strongly feel the mayor should be representing the interests of all voters and as such we should all get a chance at voting for the office.

Name not shown outside Santa Clara (unverified) July 11, 2018, 5:50 AM

Do you prefer any of the draft maps? Explain why.
No!

This was voted down by the voters and should not even be considered!

Are there any draft maps you do not support? Explain why.
All!
Voted down by the voters!

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No!
Voters voted this down!

Philip Moorhead inside Santa Clara (registered) July 11, 2018, 6:15 AM

Do you prefer any of the draft maps? Explain why.
No the city is just fine like it is... If the people living here produce a qualified candidate the people will vote for them..The Judge has no right telling the people of the city what to do..

Are there any draft maps you do not support? Explain why.
NO

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
NO

Name not available (unclaimed) July 11, 2018, 6:36 AM

Do you prefer any of the draft maps? Explain why.
I prefer a six district map because the elected officials currently serving have no idea what the various parts of the city need. And I believe a ranked-choice vote for a mayor should be part of the plan, so I dislike the 7-district map idea.

Are there any draft maps you do not support? Explain why.
2-district mapping wouldn't substantially change the layout of the city, especially as proposed. 3-districts would be preferred to 2, but not as good as 6. 7 would give us a non-standard mayoral role, which would weaken the position.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I would be okay with it, but only because I have near zero confidence in the council and mayor as it stands today. I would prefer a 6-district map.

Name not shown inside Santa Clara (registered) July 11, 2018, 6:52 AM

Do you prefer any of the draft maps? Explain why.
Yes, being a lifetime resident I have seen many issues split the city in two. I personally believe having the city split along the el Camino with 3 council seats each and the mayor elected at large is the best option for Santa Clarans. I think ranked choice was too difficult for most people to understand and cause measure A to fail.

Are there any draft maps you do not support? Explain why.
I believe the city being 19 square miles with many areas consisting of large amounts of commercial and industrial do not warrant individual council seats. The candidate stock will be limited with too many districts and we will be left with a weaker council for it.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
Absolutely not. The Mary or represents (traditionally) the entire city and should be elected by all residents. Having a "Mayor" district with either gov too much power to one district, create confusion with voters if districts rotate, or will upset people of the elected council appoints someone. This almost looks like someone is trying to divide and conquer Santa Clara.

Robert SHERMAN inside Santa Clara (registered) July 11, 2018, 7:10 AM

Do you prefer any of the draft maps? Explain why.
I vastly prefer the two- and three- district maps proposed by the committee, but any of the drafts submitted by the city are vastly preferable to the plaintiff's proposed maps, which seem to me to be tone-deaf in terms of creating districts that have no apparent commonality.

Are there any draft maps you do not support? Explain why.
yes - both of the plaintiff's maps have an artificially constructed district 2 that somehow places my neighborhood (Lake Santa Clara - in the 49ers backyard area) in a district along with areas far south of 101 that share virtually none of the challenges we face in terms of traffic, airport noise, construction, etc. I see no commonality between my neighborhood and the area around Monroe street, yet somehow the plaintiffs' proposal places us in the same district - essentially totally diluting the influence of those of us in the small slice of District 2 north of 101.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I do not. This presages a weak mayor system, in which the power is concentrated in council members elected by a very small section of the city. I vastly prefer a strong mayor, where the mayor is elected by the entire city and is responsible and accountable. Weak mayor systems lead to situations like Chicago's historical example of machine politics in which powerful city council members wield power through patronage.

Name not available (unclaimed) July 11, 2018, 7:20 AM

Do you prefer any of the draft maps? Explain why.
Draft #1, for six district, seems to be a fair representative of the City.

Are there any draft maps you do not support? Explain why.
1, 2, 3., 4.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
Yes, its a waste of money

Nancy DuPuy inside Santa Clara (registered) July 11, 2018, 7:59 AM

Do you prefer any of the draft maps? Explain why.
No

Are there any draft maps you do not support? Explain why.
No

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No, I think we should be able to elect a mayor

John Lemon inside Santa Clara (registered) July 11, 2018, 8:23 AM

Do you prefer any of the draft maps? Explain why.
Six District Map (Draft Plan 1) seems to accurately reflect neighborhoods. Second best is Plaintiff - Seven District Map Proposal.

Are there any draft maps you do not support? Explain why.
Any of the maps with fewer than 6 districts as they don't reflect actual neighborhoods. Also the lines in Six District Map (Draft Plan 3) and in Plaintiff - Seven District Map Alternative do not reflect actual neighborhood boundaries.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I don't care.

Name not shown inside Santa Clara (registered) July 11, 2018, 9:26 AM

Do you prefer any of the draft maps? Explain why.
Draft Plan 3 seems to keep most neighborhoods (as they are thought of) together. I do wish the area the City considers the Old Quad (which runs on both sides of El Camino Real was not split between 2 districts.

Are there any draft maps you do not support? Explain why.
The 2 and 3-District plans have too few Districts. I have spoken to several people that live in a 6-District plan Cities, and they tell me it works well. The 7-District plan has too many Districts.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No because the Mayor has to preside over all the representatives from all the districts and should be elected by everyone who votes.

Leonne (Lee) Broughman inside Santa Clara (registered) July 11, 2018, 9:35 AM

Do you prefer any of the draft maps? Explain why.
I prefer one of the 3 district options because I would be able to vote for more than on council member but if that is not to be considered then of the 6 districts plans, I would prefer Draft option 3. The reason for my preference is that it address neighborhoods lines.

Are there any draft maps you do not support? Explain why.
I do not consider the 7 district option to be viable since it violates our charter.
I do understand that this court action can overrule our Charter but hopefully it won't.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No, I have noted Sunnyvale's has a revolving mayor and seem to lack leadership on important issues.

Name not shown inside Santa Clara (registered) July 11, 2018, 9:53 AM

Do you prefer any of the draft maps? Explain why.
Draft Plan 1 - Six districts (#4) has the most reasonably drawn districts, which keep neighborhoods of interest together.

Are there any draft maps you do not support? Explain why.
Every other map. It seems clear that three districts is not enough for Santa Clara. The seven district maps also introduce further confusion with the mayoral issue referenced below. The other six-district maps cut neighborhoods in strange places and create groupings that don't make sense.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-

large. Do you support this change? Explain why.
No. People in Santa Clara want to be more involved with city politics, not less. Further, I've heard concerns about creation of a weak mayor that make me very skeptical that this could be good for our city.

Name not available (unclaimed) July 11, 2018, 10:10 AM

Do you prefer any of the draft maps? Explain why.
No. They are are all roughly equivalent as far as I am concerned. I studied the data for as long as I could stand it, but there is too much information and not enough summarization of what it means.

Are there any draft maps you do not support? Explain why.
No. Same answer as above.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No. I believe the voters should elect the mayor.

Name not shown inside Santa Clara (registered) July 11, 2018, 11:15 AM

Do you prefer any of the draft maps? Explain why.
No. I believe the process is flawed by the time line and a judge engineering a method of voting without input from an informed Public and a City Council Public debate.

Are there any draft maps you do not support? Explain why.
No response

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
NO! The Mayor is an important position. Without a City wide vote and separate elected position the balance of representation is adversely disturbed.

Name not shown inside Santa Clara (registered) July 11, 2018, 11:31 AM

Do you prefer any of the draft maps? Explain why.
Draft Plan 1 with 6 district plan has good grouping.

Are there any draft maps you do not support? Explain why.
7 District Proposal because district 3 is too spread out.
7 District Alternate because Mayor should be city wide.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No. Mayor should be city wide.
Under seven district map, will there be a mayor? How will the mayor be determined? Need more details here.

Name not available (unclaimed) July 11, 2018, 11:41 AM

Do you prefer any of the draft maps? Explain why.
No

Are there any draft maps you do not support? Explain why.
I don't support breaking up the city. We need one mayor.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No I don't support this. As I stated,we need one mayor for the entire city.

Ted Hasegawa inside Santa Clara (registered) July 11, 2018, 11:54 AM

Do you prefer any of the draft maps? Explain why.
I prefer 6 or 7 district proposals as they would seem to both localize and focus representation. I also favor proposals with districts that are compact and do not divide neighborhoods along minor roads. Thus, 6 and 7 district proposals are favored over and 3 district proposals; 6 district Draft Plan 1 is slightly favored over Draft Plan 3; 7 District Alternative and 6 district Draft Plan 1 are my top preferences.

Are there any draft maps you do not support? Explain why.
7 District Proposal is undesirable due to the shape of District 3

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I do not understand why there is a need to combine the two changes, cannot they be considered separately? I might imagine that the "all-or-nothing" choice may encourage rejection of any changes.

Peter Feain inside Santa Clara (registered) July 11, 2018, 12:29 PM

Do you prefer any of the draft maps? Explain why.
Where are they?

Are there any draft maps you do not support? Explain why.

Where are they

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No....I do not want an appointed Mayor...I grew up in a Monarchy...I'm a American now...I want to elect my officials.
Thank you.

Name not available (unclaimed) July 11, 2018, 12:30 PM

Do you prefer any of the draft maps? Explain why.
Draft plan 1, 3 districts. It has the simplest district shapes, with minimal gerrymandering.

Are there any draft maps you do not support? Explain why.
Maps that split the north-side in an attempt to dilute the influence of near-stadium voters.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No, the mayor should be directly electable by the whole city, to provide a check & balance against the council.

Jim Narveson inside Santa Clara (registered) July 11, 2018, 1:12 PM

Do you prefer any of the draft maps? Explain why.
#7 best fit for SC

Are there any draft maps you do not support? Explain why.
Any with less than six districts

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
Better representation

Name not shown inside Santa Clara (registered) July 11, 2018, 2:51 PM

Do you prefer any of the draft maps? Explain why.
I don't feel I have enough info to make an informed choice. Doesn't the statewide non-partisan districting commission have districting tools that could be used?

Are there any draft maps you do not support? Explain why.
The even-numbered maps don't make sense to have if the reporting on the issue by the Weekly is true.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I used to live in Sunnyvale and they just rotated being mayor. Seemed like a nice perk to be able to say you once were the mayor.

Travis Flora inside Santa Clara (registered) July 11, 2018, 4:31 PM

Do you prefer any of the draft maps? Explain why.
I'm ok with the 2-districts map from Measure A, and the 3-districts Draft Plan 1 map. I also think we should consider establishing districts according to zip code.

Are there any draft maps you do not support? Explain why.
I do not support 7 districts. The mayor needs to be independently elected by City voters at-large and represent the entire City.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No, the mayor needs to be independently elected by City voters at-large and represent the entire City.

Name not shown inside Santa Clara (registered) July 11, 2018, 7:00 PM

Do you prefer any of the draft maps? Explain why.
#4 or 5 because we might get better representation

Are there any draft maps you do not support? Explain why.
1 the 2 districts not enough variety

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No on 7 district, how would the mayor be chosen if not by election?

Name not shown inside Santa Clara (registered) July 11, 2018, 7:03 PM

Do you prefer any of the draft maps? Explain why.
Either of the plans with 3 districts. I like that it's not the "north side" vs "the south side". I like that each district gets two representatives. Not matter how hard we try, representatives always have pet projects; this way voters

have a chance of hearing their voices heard on more issues.

Are there any draft maps you do not support? Explain why.
Any of the district maps with 6 or 7 districts. No single district is made up of a single demographic. The plaintiffs 7 district maps are absurdly gerrymandered-district 3 is awful. 7 districts require strange boundaries that don't align with real issue boundaries. Furthermore - the city population is ~126,000. That's about 18,000 people per district and not all of them can vote. 40,000 showed up in June. So only about 6000 people or less elect a council person - there is way too much room for error and unqualified candidates to hold office. Boundary houses are likely to swap representatives too often.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No! Our charter lays out democratic election of the mayor. Every voice in the city should get a day in the mayor, even if our first choice of councilperson does not get elected. A mayor should be a visionary and a leader and inspirational to the voters - not the 6 people on the council. We couldn't even get the council to appoint a vacant council seat - why would we trust them to select the mayor? The democratic election of mayor is a Santa Clara feature I've valued.

Name not shown inside Santa Clara (registered) July 11, 2018, 8:20 PM

Do you prefer any of the draft maps? Explain why.
I prefer the alternate 7 district map, because it gives minority voters and candidates a good chance to organize and win council seats.

Are there any draft maps you do not support? Explain why.
Any maps with less than 6 districts, and the 6 district draft plan 3 map because it is based on nextdoor proprietary data. Local politicians who know the district are a good thing, and the 6 district draft plan 1 map along with the 7 district maps does that.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
Yes, let's have a rotating mayor like Sunnyvale and give any of the council members an equal chance to be mayor.

Name not available (unclaimed) July 11, 2018, 10:19 PM

Do you prefer any of the draft maps? Explain why.
I prefer Draft 3 of the 6 district map. It appears to do the best job of keeping neighborhoods together.

Are there any draft maps you do not support? Explain why.

I do not prefer Draft 2 of the 6 district map, as the split between Districts 1 and 2 is not keeping similar neighborhoods on either side of Lafayette together.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I prefer the Mayor to be elected by the city voters at-large. However, the preference is not strong.

James Stott inside Santa Clara (registered) July 12, 2018, 2:11 PM

Do you prefer any of the draft maps? Explain why.
No

Are there any draft maps you do not support? Explain why.
I do not support any map that does not split the old quad.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No I definitely want the mayor elected by the city voters

Lisa Eckstein inside Santa Clara (registered) July 12, 2018, 3:40 PM

Do you prefer any of the draft maps? Explain why.
I attended the meeting last night (7/11), and after hearing the explanations for the different maps, I came to the same conclusion as the committee. I prefer the idea of having 6 districts and using the revised version of DP3, which takes into account the school district boundaries and other adjustments made from public comments.

Are there any draft maps you do not support? Explain why.
I don't think it makes much sense to switch to 3 districts. If the city is changing from citywide to district elections, it should be a full switch, with one council member per district.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
I'd prefer to keep the mayoral election citywide. The switch to district elections will already be a major change, so it's better to keep one piece of our system unchanged.

Name not shown inside Santa Clara (registered) July 12, 2018, 4:37 PM

Do you prefer any of the draft maps? Explain why.
I prefer either of the 6-district plans. I was against having only 2 districts and don't think that having 3 will be

much of an improvement. I think it's important to follow the Court's directives to ensure fair representation of all communities within the city. I think that having the appropriate and current demographic data about the racial/ethnic make-up of the proposed districts (especially of voting-age residents) will go a long way toward meeting the Court's requirements and toward making the City Council more representative of Santa Clara's population. I am not sure I'd support the two 7-district plans, especially if one or both would mean that the mayor wouldn't be elected by a majority of voters throughout the city (as noted in your question below).

Are there any draft maps you do not support? Explain why.
I do not support the proposed 3-district plans and feel ambivalent about the 7-district plans (see above). The City should follow the Court's directives to ensure that we are in compliance and have a more demographically representative City Council. Please avoid trying out plans (like the doomed 2-district plan that City Council put on the ballot) that aren't in legal compliance with fair elections practices, both to avoid wasted money on legal fees and wasted time in achieving a more democratic City Council election method.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
No--I think the Mayor SHOULD be elected by a majority of all city voters. If it were possible to have 7 districts (instead of 6, the number I prefer) without changing how the mayor is elected, that might be a possibility.

Ken Mignosa inside Santa Clara (registered) July 12, 2018, 8:00 PM

Do you prefer any of the draft maps? Explain why.
Plaintiff Draft 1 appears to be a reasonable distribution of voters

Are there any draft maps you do not support? Explain why.
Any maps with less than 7 districts

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
Yes. The current at-large system disenfranchises minority voters and has kept the council and leadership positions free of any minority representation. Changing to a district based election system might allow for the council to be more representative of the communities each council seat represents.

Name not shown inside Santa Clara (registered) July 13, 2018, 9:52 AM

Do you prefer any of the draft maps? Explain why.
not really, honestly the ideal would be to stay one community and have a change in the voting system. If I had to pick one I liked the original two districts only concept. Dividing us into multiple small districts feels like a divide and conquer system.

Are there any draft maps you do not support? Explain why.
the seven or 6 districts none of those work for me - deciding to split us into seven districts creates a divide and conquer system, factions, fractions and discord.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
Not at all - the court / judge clearly doesn't live in our city and does not understand our city and the concept that it is so small what happens on the north side affects the south side, the west side affects the east side - we are ONE city not divided city but this concept of 6 or 7 districts divides us and creates separation / division / upset in a city.

Ammy Woodbury inside Santa Clara (registered) July 13, 2018, 10:05 AM

Do you prefer any of the draft maps? Explain why.
I found the draft maps on the page very hard to view. There were a lot of symbols and lettering undefined. (D1+D2? What does that refer to?) There was no accounting for why the lines are drawn where they are. They're just pictures. What population is being divided? Do the districts represent similar volumes of population? How are we to effectively judge from an under-labeled map alone?

Are there any draft maps you do not support? Explain why.
I don't support the 2 district map.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-large. Do you support this change? Explain why.
It depends on how the rest of population is divided. There needs to be some additional background information provided to make a rational, informed choice.

Linda Schwalbe inside Santa Clara (registered) July 13, 2018, 12:58 PM

Do you prefer any of the draft maps? Explain why.
I have attended or watched most of the city run discussion on this issue. I prefer being all one city, but since the Judge will make the decision, I can only assume that he will want at least six. In addition, if it does actually create better opportunity for a more diverse city council, that would be wonderful. I can live with the maps showing 6 districts.

Are there any draft maps you do not support? Explain why.
I do not want 7 districts, as it appears to support a rotating Mayor. Also, we are a small city, why divide us so much.

If the Court adopts a seven district map, the Mayor would no longer be elected by the City voters at-

large. Do you support this change? Explain why.
I do not support the 7 districts with a rotating Mayor. I support the City Mayor election at-large. I may no longer have a voice on all city council members, but I want to at least have a voice in who will be my Mayor.

City of Santa Clara
The Center of What's Possible

City Manager's Office

Memorandum

COMMUNICATIONS OUTREACH
Council Districting Process

Social Media Posts

Ongoing scheduled posts throughout process

- Twitter: 6/27, 6/28, 6/29, 7/3, 7/4, 7/5, 7/10, 7/11, 7/13
- Facebook: 6/27, 6/28, 6/29, 7/3, 7/4, 7/5, 7/10, 7/11, 7/13
- Next Door: 6/27, 6/28, 6/29, 7/3, 7/4, 7/5, 7/10, 7/13

Outreach

- Proposed Maps and Survey online at www.santaclaraca.gov/opencityhall or direct link to survey at https://www.opentownhall.com/6502
- City website banner on Home page
- Developed website page at www.santaclaraca.gov/districts
- Developed Open City Hall Survey: https://www.opentownhall.com/6467
- Posted News item on June 27, 2018 on eNotify to City email subscribers; updated News item on July 13, 2018 and re-sent to eNotify email subscribers
- Flyers distributed and posted: Community Recreation Center, Senior Center, Youth Center, Teen Center, Central Park Library, Northside Branch Library; updated flyer posted July 13, 2018
- Flyers posted on Park Buildings by Parks & Rec staff
- Cable Channel 15 ad placed on recurring broadcast
- Email Flyer and information from Communications email to constituent database; updated flyer sent July 13, 2018
- Emailed Translated materials to Ken Kim, President of Korean Chamber of Commerce for distribution
- Emailed translated materials to SES Portuguese Community leaders for distribution
- Added slide of upcoming public hearings on Santa Clara Source: www.santaclaraca.gov/scsource and posted on social media

Media Distribution

- Press Release sent on June 29, 2018 to local media outlets
- Mercury News lists our public hearing dates on their article: https://www.mercurynews.com/2018/06/27/judge-blasts-santa-clara-over-redistricting-in-new-order/

Updated 7/13/2018

- Santa Clara News Online posted dates in their article: https://santaclaranews.org/2018/07/02/superior-court-judge-kuhnle-doesnt-seem-to-understand-santa-clara-the-registrar-of-voters-or-political-realities/

Translation of Materials

Posted translated materials on website www.santaclaraca.gov/districts

Korean, Chinese, Vietnamese, Spanish, Portuguese, Japanese Hindu and Tagalog - COMPLETED

Postcard Mailer – 5.5 x 8.5 postcard 2-sided color

San Jose Mailing Completed postcards and dropped off at US Post Office on June 29, 2018 by 11:30 a.m.. The anticipated delivery is no later than July 2. Distribution to All Santa Clara zip codes = 56,550 Households

Ad Placements in Local/Ethnic Media

Note: Due to time of requests, some publications are weekly therefore we placed ads as soon as possible. Costs listed are estimated.

1. Korea Daily News & Times: Ad placement: July 2, July 6, July 9, 16
2. Spanish - La Oferta News: Ad Placement July 6
3. Vietnamese - Vietnam Daily: Ad Placement July 6
4. Tagalog – Philippine News: Ad Placement July 6
5. Chinese – World Journal: Ad Placement July 6
6. Santa Clara Weekly: Ad Placement Week of July 2
7. Japanese – J Weekly: Ad Placement July 6, July 13
8. Hindi - India Currents: Ad placement July 3, 2018 on website, blog, social media
9. India West – Ad placement July 6, 2018

Ad hoc Advisory Districting Committee Meetings

All meeting dates (July 3, 5, 11, 21) added to the website event calendar
July 3 Meeting: Agenda and supporting material posted to website and sent via e-Notify June 29, as well as posted to events on social media channels
July 5 Meeting: Agenda and supporting material posted to website and sent via e-Notify July 2, as well as posted to events on social media channels
July 11 Meeting: Agenda and supporting material posted to website and sent via e-Notify July 9, as well as posted to events on social media channels

18-997 **Agenda Date: 7/16/2018**

INFORMATIONAL REPORT TO COUNCIL

SUBJECT

Informational Report on the Management Agreement with Santa Clara Chamber of Commerce/Convention-Visitors Bureau for Management of the Santa Clara Convention Center

EXECUTIVE SUMMARY

The purpose of this Information Report is to provide the City Council with an update on the above matter and advise the City Council on issues that will be before the City Council in the August/September timeframe for further action. As stated the evening of June 26, the analysis had not been conducted relative to the impacts and disruption to convention and visitor services and that implementing City Council's direction would surface issues that staff would need to address. As background, the Santa Clara Chamber of Commerce/Convention-Visitors Bureau (Chamber) had two separate agreements with the City of Santa Clara related to convention and visitor services:

(1) **Management Agreement for the Santa Clara Convention Center** (Management Agreement) -- The Management Agreement provides the Chamber with oversight and implementation responsibilities for all services necessary to direct, manage all Convention Center operations including marketing, advertising and promoting the center; booking of events; hiring of staff; and, daily operations of the center including accounting, catering, security, janitorial, and maintenance.

(2) **Convention-Visitors Bureau Agreement** (CVB Agreement) -- The CVB Agreement was an annual agreement with the Chamber that provided convention and visitor services through the Chamber's Convention-Visitors Bureau operation. These services included marketing and sales of the Convention Center and Santa Clara to large groups and citywide events; visitor marketing and communication; and, operation of a City Store.

The City Council has taken two recent actions on both agreements that require more clarity on the governance structure for and legal authority of oversight of the Convention Center, which are:

a) Allowed the continuation of the Management Agreement, without compensation, placing all convention center operational responsibilities above under the legal authority of the Chamber;

b) Allowed the CVB Agreement to expire and directed staff to retain Jones Lang LaSalle (JLL) to assist the City in the development of options for the provision of convention and visitor services for the purpose of supporting current and potential bookings at the Convention Center.

The first action maintained the Chamber's legal authority to direct, manage, and operate the Convention Center, specifically on the booking of events. The second direction to City staff to use a third-party consultant leaves the direction of these services under the legal management of the

Chamber, which limits how City staff can implement interim services. Meaning that, in order to put into place the City Council direction, the authority rests with the Chamber since it is legally required to direct, manage all Convention Center operations including the marketing, promoting, booking, and day-to-day operations of the Convention Center. However, the Auditor's preliminary observations and staff's review, give rise to valid concerns about moving forward with new a management agreement and establishing new performance measures in absence of the final Audit Report and staff's review.

BACKGROUND

The two Council actions (May 22 and June 26) have had an impact on the governance structure originally in place and the options available to implement City Council direction. Without the final formal findings of the audit currently in progress, setting key performance objectives and outlining the terms of a new Management Agreement would be premature. In addition, the City's desire to seek independent third-party consultant services still provides legal authority for the Chamber for the Convention Center. While the Chamber continues to fulfill obligations under the terms of the Management Agreement to operate and management the Convention Center, they have done so without additional compensation. As a result of the above, it is unlikely that interim services will be fully implemented until further action is taken by the City Council and/or Chamber.

Management Agreement -- On March 27, 1984, the City of Santa Clara executed a Management Agreement with the Chamber for the management and operation of the Santa Clara Convention Center (attached). Through the Agreement, the Chamber is charged with performing all services necessary to direct, manage all Convention Center operations including marketing and promoting the center; booking of events; hiring of staff; and daily operations of the center including accounting, catering, security, janitorial, and, maintenance.

Following the February 27, 2018 Study Session on overall Convention Center issues, on May 22, 2018 Council directed the City Manager and City Attorney to: 1) begin process of exploring a term sheet for a new agreement with the Chamber for their management of the Convention Center; 2) begin process to execute a financial and performance audit; and 3) suspend management fee until such time as completed. Per Council direction, the payment of a management fee has been suspended and an audit of the Convention Center is underway. Staff expects the audit to be complete in the September/October timeframe.

CVB Agreement -- On June 26, 2018, Council did not fund a $1.5 million request from the Chamber for convention and visitor service activity and directed staff to retain Jones Lang LaSalle (JLL) to assist the City in the development of options for the provision of convention and visitor services. Further at the June 26 Council meeting, City staff presented valid concerns with 1) the absence of information to extend the CVB Agreement and 2) the observations that had been made by either City staff or the Auditor charged with implementing City Council's direction. The Auditor provided preliminary observations and maintained her professional practice of "*when there is preliminary evidence of potential fraud, waste or abuse, it is an audit requirement to immediately report it to the client (the City). The Chamber/CVB and CC providing discounts to Chamber members at the Convention Center, including full discounts to the Chamber and other entities that use Convention Center facilities triggered this requirement.*" These preliminary observations also contribute to the concern of not prematurely implementing Council direction that may not cure the issues requiring corrective action, e.g., given that the Chamber would maintain legal authority of the management and oversight.

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Options to Move Forward -- The Management Agreement provides each party with the right to terminate the Agreement with a 180-day notice. At the May 22 Council meeting, there was testimony expressing concern about requiring the Chamber to provide service without compensation. As such, and in combination with staff's inability to set audit-recommended performance objectives for several more months, staff will be seeking direction from the Council in regard to the termination provision of the Management Agreement and the potential termination of the contract. Accordingly, during the City Council recess, City staff will approach the Chambers to determine whether it has a preference on how it would like to proceed.

Upon this information, and receipt of information from the Chamber, staff will be requesting the Council to provide direction on the following options to resolve governance and legal authority over the Convention Center, which are:

Option 1: Resend a 180 day notice of the termination of the Management Agreement, given that the Council has already determined that a new Management Agreement is necessary in its May 22 City Council direction.

Option 2: Pursue discussion with the Chambers that would allow for the early termination of the Management Agreement, with interim services provided by JLL and Convention Center staff while a competitive procurement process is completed.

180-day Notice

Significant time has passed since the transmittal of the June 4, 2015 letter terminating the Management Agreement. As the active negotiations on significant changes to the Management Agreement cannot occur until after the audit is complete and presented to Council for policy direction, to provide the City with as much flexibility as possible while giving the Chamber with as much notice as possible, Council may consider authorizing the delivery of a 180-day notice of the termination of the 1984 Management Agreement. Even if after the audit is complete and the City and Chamber determine that it is in their mutual best interest to continue its contractual relationship regarding the management of the Convention Center, a new agreement will be necessary.

Allow for the early termination of the Management Agreement by the Chamber

The 1984 Management Agreement provides for a requisite 180 day notice for either party to terminate the Agreement. As the Council has directed the suspension of the Management Fee until the audit is complete, the Chamber may determine that it is not financially feasible for it to continue to provide services. The City Council may also determine that it is in the best interest of the Convention Center to be managed by another party until the audit findings are determined and to restructure the existing governance and legal authority. Staff is seeking Council direction and authority to accept a notice from the Chamber to terminate the Management Agreement with less than a 180-day notice (with a minimum of 30 days) if the Chamber delivers such a notice to the City.

CONCLUSION

The Chamber has continued to provide management and operational services at the Convention Center and is assisting City staff as the City becomes increasingly active in the financial activity of the Convention Center and the contract management of the Management Agreement. While staff began to pursue implementation of the June 26 City Council direction, it became clearer that the legal authority of Convention Center oversight sill rests with the Chamber and that it would be premature to

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pursue the May 22 direction because of the absence of the audit findings and given the serious nature of the preliminary observations, along with staff's disclosures regarding conflicts of interest and other issues recently presented. In advance of the final audit report, staff will reach out to the Chamber during the Council recess to discuss the Chamber's interests and potential options. Staff will bring forward to the City Council the above options and information from the Chamber for the City Council consideration, an audit update and a status report on interim services.

After the completion of the audit in September/October, staff will present findings to the Council and seek direction on the establishment of key performance objectives for future Management Agreement contracts. At that time, staff would also seek direction from the Council regarding a procurement process for permanent delivery of services. In either event, a new Management Agreement is required to implement the City Council's directions and, based on the audit findings, it may be that additional City Council action is required.

COORDINATION

This report has been coordinated with the City Attorney's Office.

Reviewed by: Ruth Shikada, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Convention Center Management Agreement
2. April 22, 2015 letter to Chamber
3. June 4, 2015 letter to Chamber

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CITY OF SANTA CLARA, CALIFORNIA

ROUTING SHEET

SUBJECT: MANAGEMENT CONTRACT FOR OPERATION OF CONVENTION CENTER - CHAMBER OF COMMERCE

CERTIFICATION

The proposed Management Contract regarding Operation of Convention Center by the Chamber of Commerce

has been reviewed and is hereby certified as follows:

1. As to City functions, by _____ Department Head
2. As to legality, by _____ City Attorney
3. As to environmental impact requirements, by _____ Director of Planning and Inspection
4. As to substance, by _____ City Manager

Department Head's summary of costs:

1. Manpower	Budget to be submitted	$_____
2. Supervision	_____	$_____
3. Supplies and Equipment	_____	$_____
4. Revenue	_____	$_____
	Total--	$_____

Council Authorization _____ (date), 19____

Introduced _____ (date), 19____

Adopted _____ (date), 19____

* with attachments of Exhibits B, C and D. Policy Exhibit A was deleted in negotiations.

...ed 3-19-84

FILE
CITY CLERK
3/29/84

CONFERENCE AND CONVENTION CENTER MANAGEMENT AGREEMENT

PARTIES AND PURPOSE

Parties. This Agreement is entered into this 27th day of March, 1984, between the City of Santa Clara, a municipal corporation (the "City"), and the Santa Clara Chamber of Commerce and Convention/Visitors Bureau, Inc., a California nonprofit corporation (the "Chamber").

Administration of Agreement. Administration of this agreement shall be by the City's City Manager or the City Manager's designee and by the President/General Manager of the Chamber.

Purpose. This Agreement establishes an arrangement for the financing, management and operation of the Santa Clara Conference and Convention Center (the "Convention Center") in an efficient, businesslike manner. The Convention Center, located at Tasman Drive and Great America Parkway in Santa Clara, California, is to be owned by the Redevelopment Agency of the City of Santa Clara (the "Agency") and leased to the City of Santa Clara.

TERM

Term. Unless sooner terminated by giving written notice as provided herein, the initial Term of this Agreement shall be for the construction period (Spring, 1984) through fiscal year June 30, 1986, for the three years following June 30, 1986 through fiscal year June 30, 1989 and shall automatically be extended for

an additional year at the conclusion of the June 30, 1989 initial Term of this Agreement, and at the conclusion of each year thereafter. At any time during the Term of this Agreement either party may terminate the Agreement, with or without cause, by giving the other party written notice of one hundred eighty (180) or more days, of such intention to terminate.

Bookings Upon Termination. If this Agreement is terminated with or without cause by either party, the City agrees that it will honor any and every booking of the Convention Center made in good faith by the Chamber prior to the time that notice of intention to terminate is received by Chamber.

Contracts and Subcontracts. Contracts and subcontracts entered into by Chamber shall be subject to the Agency lease to City of Convention Center and this Agreement. They shall all be terminated with the termination of this Agreement except as provided herein as to bookings, or unless approved by City Council for a longer period and then in accordance with that City approval in writing. A clause will be in all Chamber contracts and subcontracts stating that they are not binding on the City, with the exception of bookings, if this Agreement is terminated.

Property. All property, both real and personal, shall be held in the name of the Agency unless otherwise directed in writing by City.

CHAMBER DUTIES AND POWERS

Chamber Duties. The Chamber shall perform all services necessary to direct, manage, and supervise the activities and operations of the Convention Center, including the employment of a full-time general manager, in a businesslike and efficient manner. The Chamber shall operate and maintain the Convention Center in a first class manner. Services performed by the Chamber shall include, but are not limited to, the following:

(a) Market, advertise and promote the Convention Center through its own efforts as well as by subcontracts which the Chamber may enter into with others, which will include subcontracting with the Convention & Visitors Bureau to avoid duplication of budgets;

(b) Be responsible for coordinating the use of the Convention Center in accordance with agreements between the City, the Agency, and others as they now exist or may hereafter exist;

(c) Book events, theatre performances, shows, conventions, exhibitions and meetings, and with the provisions for Ballroom booking as outlined in the Ballroom License Agreement described in Exhibit B attached; and maintain and control the Master Book for the Convention Center;

(d) Schedule and administer the daily operation and provide services required by users of the Convention Center, including

but not limited to:

(i) event coordination, parking arrangements, set up and take down, clean up, security, provision of labor, sound equipment operations, equipment rental, housekeeping and box office operations;

(ii) direct, manage, supervise, operate or contract for the operation of the catering, food and beverage, gift, novelty, concession stands and other facilities at the Convention Center;

(iii) collect all rents, fees, charges and other sums which may become due for the use of the Convention Center and deposit these receipts in a revenue account (the "Revenue Account") as more fully set forth below;

(iv) pay from an annual operating account (the "Annual Operating Account"), all operating expenses of the Convention Center, including costs of all contracts, subcontracts, utilities, trash collection, etc., as outlined in the annual budget;

(v) account for all money received and disbursed as prescribed below;

(vi) maintain the Convention Center, the equipment and furniture situated therein, and related facilities in good order and repair, and replace as necessary such equipment and furniture as defined in the hereinafter described City Council approved annual budget or as approved by separate City Council action.

Powers. The Chamber is authorized to exercise all powers

granted by its Articles of Incorporation and within the parameters of this Agreement and reasonably useful in the performance of its duties. These powers shall include, but are not limited to, the following:

(a) sub-contract to perform various services related to the operations of the Convention Center under the Chamber's direct supervision;

(b) hire and maintain a permanent and temporary staff, to include a full-time general manager, and establish appropriate personnel policies, and employment of a general manager will be subject to mutual approval by the City Manager and the Chamber President/General Manager;

(c) purchase, subject to annual budget approval by City Council, equipment and supplies for the Convention Center;

(d) perform other functions as mutually agreed to by the City and the Chamber.

City Duties. The City shall:

(a) be responsible for all structural or significant non-structural modifications to the Convention Center and Chamber shall not make nor authorize the making of nor agree to make such modifications, or change colors, or structural materials without prior written approval of the City;

(b) provide for the structural integrity of the physical plant, exclusive of ordinary wear and tear, which will consist of:

(i) heating and cooling system;

(ii) fire prevention and control system;

(iii) security alarm system, and

(iv) elevator/escalator service and maintenance.

(c) be responsible, through the Redevelopment Agency, for parking and landscaping.

City's Right to Inspect. The City shall have the right to inspect the premises and operations of the Convention Center in a reasonable manner to ensure that the Convention Center is being maintained and operated at the level required by this Agreement.

FINANCING CONVENTION CENTER OPERATIONS

Approval of the Annual Convention Center Management Budget. The Chamber shall yearly prepare a proposed annual budget for the operation and maintenance of the Convention Center. This proposed annual budget, during the construction period Spring, 1984 through fiscal year June 30, 1986, shall include projected expenses identified by category, including initial start-up costs, and shall be in concert with, but not duplicate, the Chamber's contractual agreement budget for the Convention & Visitors Bureau. The proposed annual budget for the balance of the Term of this Agreement, shall include projected expenses identified by category, and for informational purposes, projected income identified by source. The proposed annual budget shall be submitted to the City for approval with appropriate detail, to include:

(a) joint Convention Center/Bureau marketing plans;

(b) statement of booking policies and proper fee schedules;

(c) copies of rules and regulations governing the operations,

on or before May 1 of each year for modification and approval by the City Council. No such proposed budget shall be effective for any purpose until approved by the City Council. No monies will be transferred to the Chamber for operation of the Chamber, except for services received as identified in the budget as approved by the City Council of City.

Contract Payments. Upon request of the Chamber, the City will provide the funds needed to fund the operations and maintenance of the Convention Center to the Chamber each quarter in accordance with an appropriate City Council approved annual budget. In no event shall the total amount advanced for the year exceed the amount of the City Council approved annual budget.

Chamber Accounts. The Chamber shall establish and maintain the following accounts to finance the operation of the Convention Center:

(a) Annual Operating Account. The Annual Operating Account shall be established on a fiscal year basis in conformance to the fiscal year of the City. Expenses for the Annual Operating Account shall be accounted for by the accrual method. The Chamber shall pay all operating expenses and contract services for the Convention Center, as outlined in the City Council approved annual budget, incurred during a given fiscal year from the Annual Operating Account for that year. At the end of each fiscal year, the Annual Operating Account balance shall be determined and certified by the Chamber's Chief Financial Officer. The Annual Operating Account balance shall be delivered and returned to the City.

(b) Revenue Account. The following revenues shall be accounted for in the Revenue Account by the accrual method:

(i) all rents, fees, charges, receipts from food and beverage, equipment rentals, interest on the Revenue Account and other sums which accrue during the year from use of the Convention Center excluding monies from hotel reservation and use under Exhibit B Ballroom License agreement as from time to time amended; and

(ii) cash in excess of $10,000 in the Revenue Account at the end of each quarter of City's fiscal year shall be submitted to the City. The City may apply said cash to the operation expenses of the Convention Center.

Return of Funds at End of Term. At the end of the Term or upon the termination of this Agreement, the Chamber shall close all accounts, determine and certify the balance of each account, and deliver and return the balance of each account to the City. Final return shall be completed within one hundred twenty (120) days after such termination.

Accounting Procedures. The Chamber shall maintain a full set of accounting records on a double-entry basis using generally accepted accounting principles and procedures for the Convention Center. These accounting records shall be maintained by Chamber for the term of this Agreement and for three (3) years beyond, and they shall be made accessible to the City Finance Director or the City Council's independent auditor during that entire time period at all reasonable times, upon request.

Annual Financial Statement. Within one hundred twenty (120)

days after the end of each fiscal year of City, the Chamber shall submit to the City financial statements reflecting the condition of the Annual Operating Account and Revenue Account for the preceding year accompanied by an opinion of an independent Certified Public Accountant on the financial statements. The City may request its independent auditor to prepare the opinion, in lieu of an independent Certified Public Accountant contracted for by the Chamber to perform that function, paid for from Center budget or by City.

Financial and Operation Reports. Within thirty (30) days after the end of each quarter during the fiscal year of City, the Chamber shall provide the City with a quarterly activity and operations report. An annual financial statement will be reported for as outlined under Annual Financial Statement above.

INDEMNITY AND INSURANCE

Indemnity of City. Chamber shall protect, defend, indemnify and hold the City, its Council, the Agency, its board, and the officers, employees and agents of the City and Agency free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character in connection with or arising directly or indirectly out of the use, operation or maintenance of the Convention Center. Chamber further agrees to investigate, handle, respond to, provide defense for and defend any such claim, etc. and to

bear all other costs and expenses related thereto from the Chamber Annual Operating Account.

Indemnity of Chamber. The City shall protect, defend, indemnify and hold harmless Chamber, its Board of Directors, officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character in connection with or arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or arising directly or indirectly out of the design or construction of the Convention Center. The City further agrees to investigate, handle, respond to, provide defense for and defend any such claim, etc. and to bear all other costs and expenses related thereto at its sole expense.

Fidelity Bond. Within 30 days of the execution of this Agreement, Chamber shall purchase, maintain and provide a Fidelity Bond in the amount of $250,000.00 covering all employees and directors who will handle cash receipts or who have authority to sign checks for Chamber.

Insurance Maintained by Chamber. Within 30 days of the execution of this Agreement, Chamber shall purchase, maintain and provide the following insurance coverage through insurance companies licensed in California. The insurance shall be evidenced by certificate and/or policies as determined by the City. Each certificate or policy shall require that sixty days prior to cancellation or material change in the policies, notice

shall be given to City by registered mail, return receipt requested. The types of coverage to be maintained are:

(a) Comprehensive General Liability and Public Liability Insurance with a single combined liability limit of $20,000,000, covering the terms set forth in Exhibit C.

(b) Comprehensive Automobile Liability Insurance covering all vehicles whether owned, non-owned or hired with limits not less than the following: $10,000,000 combined single limit including bodily injury and property damage.

(c) Worker's Compensation and Employer's Liability Insurance related to all permanent and part-time employees of Chamber as required by law and Employer's Liability Insurance, Coverage B, with a limit of not less than $1,000,000. In addition, Chamber and City shall explore the most prudent method for protecting against liability arising from injury suffered by volunteers working on behalf of Chamber. Chamber shall then implement the recommended method of protection for volunteers.

The City, its Council, the Agency, its board and the officers, employees, and agents of the City and the Agency shall have no responsibility to Chamber with respect to any insurance coverage as stated above, its procurement or absence thereof. The policies of insurance procured and maintained hereunder shall not affect Chamber's liability to the City, its Council, the Agency, its board and their officers, employees and agents for the performance of any obligations assumed by Chamber under this Agreement.

Under the insurance policies described above, the City, its

Council, the Agency, its board and the officers, agents and employees of the City and Agency shall be included as additional insureds with respect to Chamber's performance of obligations pursuant to this Agreement and shall be primary coverage.

Vendor's Insurance. Chamber shall impose upon all vendors at the Convention Center the requirements concerning insurance and indemnification set forth in detail in Exhibit D, attached to this Agreement and incorporated herein by this reference. The City and Chamber reserve the right to increase the insurance limits required for vendors to the limits required for the Chamber as specified in this agreement under section entitled "Insurance Maintained by Chamber". As to the Comprehensive General Liability Insurance requirement, Chamber shall initially require insurance for the following amounts:

(a) For any catering or other concessionaire conducting business at the Convention Center on a continuous or regular basis; $1,000,000.

(b) For any subcontractor providing maintenance, security or other services to Chamber in fulfillment of Chamber's obligations under this Agreement: $1,000,000.

(c) For any lessee of space under contract with Chamber: $1,000,000.

Convention Center Property Damage Insurance. City shall provide, or cause to be provided, Property Damage Insurance (including any Business Interruption Insurance deemed necessary) on the Convention Center building. City shall also provide, or cause to be provided, Property Insurance on all furniture,

fixtures and equipment in the Convention Center that will be held in the City's name.

Special Event Insurance. Special Event Insurance may be made available for convention groups.

MISCELLANEOUS PROVISIONS

Assignment. This agreement is not assignable without the written approval of the City Council of City.

Notice. All notices and other communications required or permitted to be given or delivered hereunder shall be in writing and shall be considered and received either when delivered in person to the recipient named below, or forty-eight (48) hours after deposit in the United States mail in a sealed envelope, either registered or certified mail, return receipt requested, postage prepaid, addressed to the party at the following address:

Santa Clara Chamber of Commerce & Convention/Visitors Bureau, Inc.
1515 El Camino Real, P. O. Box 387
Santa Clara, California 95052
Attention: President/General Manager

Notice to City:

City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 95050
Attention: City Manager

Amendments. Any amendment to this Agreement shall be approved by the City Council and the Chamber and executed in writing.

Titles. The titles of sections and subsections of this Agreement are intend for convenience of reference only and shall be disregarded in construing or interpreting any part of its

provisions.

Applicable Law. This Agreement shall be interpreted pursuant to the laws of the State of California.

Severability. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall continue in full force and effect unless the rights and obligations of the parties have been materially altered or abridged by such invalidation, voiding or unenforceability.

Hold Harmless. The City, its Council, the Agency, its board, and their officers, agents and employees of the City and Agency, shall be held harmless for any acts of omissions in contracts or subcontracts of the Chamber.

Complete Agreement. This Agreement constitutes the entire understanding and agreement of the parties.

WHEREFORE, the parties have executed this Agreement on and as of the date first above written.

SANTA CLARA CHAMBER OF COMMERCE AND CONVENTION/VISITORS BUREAU, INC., a nonprofit corporation

By: _____
President & General Manager

CITY OF SANTA CLARA

By: _____
Mayor

By: _____
City Manager

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ATTACHMENT NO. 7

EXHIBIT B
(Doubletree Ballroom Lease)

BALLROOM LICENSE AGREEMENT

by and between

THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA CLARA

Agency

and

SCCC ASSOCIATES

Hotel Lessee

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BALLROOM LICENSE AGREEMENT

This Ballroom License Agreement (the "License") is made by and between the REDEVELOPMENT AGENCY OF THE CITY OF SANTA CLARA ("Agency"), and SCCC ASSOCIATES, a California general partnership ("Hotel Lessee").

WITNESSETH

WHEREAS, concurrently with the execution of this License, Agency and Hotel Lessee have entered into a Ground Lease (the "Lease") pursuant to which Agency has leased to Hotel Lessee certain real property consisting of approximately _____ (___) acres, more or less, as more particularly described on Exhibit "A" attached hereto (referred to herein as "Parcel 1") and Hotel Lessee has agreed to construct, operate and maintain a first class hotel with related facilities and amenities (the "Hotel") on Parcel 1; and

WHEREAS, under the terms of the Lease, Agency has agreed to construct, operate and maintain a first class conference and exhibit center (the "Conference Center") including a grand ballroom (the "Ballroom") with related facilities and amenities, on certain real property consisting of approximately _____ (___) acres, more or less, as more particularly described on Exhibit "B" attached hereto (referred to herein as "Parcel 3"); and

WHEREAS, Agency and Hotel Lessee intend that construction, operation and maintenance of the Conference Center, Ballroom and Hotel in a complementary manner will enhance land utilization and values in the area, will draw visitors, conferences, conventions, trade exhibits, and group meetings to the City of Santa Clara ("City") and will result in increased tax revenue to City, and room rent, sublease fees and other revenues to Hotel Lessee; and

WHEREAS, Hotel Lessee recognizes that the Ballroom must also be available to provide the facilities necessary to draw visitors, conferences, conventions, trade exhibits and group meetings which will generate business for all hotels supporting the Conference Center through increased tax revenues; and

WHEREAS, the Ballroom is intended to be used by Hotel Lessee and Agency (or its designee) for assembly purposes in connection with conferences and conventions and generally for purposes in which ballrooms are intended; and

WHEREAS, as an inducement to Hotel Lessee, to construct, operate and maintain the Hotel on Parcel 1, Agency desires to grant Hotel Lessee a license to priority use of twelve thousand (12,000) square feet of the Ballroom, and the right to expand into an additional six thousand (6,000) square feet of the Ballroom subject to the terms, conditions and limitations contained in this License.

NOW, THEREFORE, in consideration of their mutual covenants and promises hereinafter set forth, and subject to all terms, conditions, limitations and other provisions of this License, the parties hereto agree as follows:

I. [§ 100] DEFINITIONS

The following definitions are to be applied in the interpretation of this License:

A. "Ballroom," "Agency Ballroom" "Ballroom Facility" and "Expansion Area" shall mean the following:

1. "Ballroom" shall mean an approximately twenty-four thousand (24,000) square foot room to be constructed by Agency under the terms of the Lease to accommodate the Agency Ballroom, the Ballroom Facility, the Expansion Area, together with a pantry, prefunction and service and storage areas which is more particularly described on Exhibit C attached hereto. The Ballroom shall be a first class facility containing facilities and amenities generally found in a first class ballroom.

2. "Agency Ballroom" shall mean approximately six thousand (6,000) square feet of the Ballroom which shall be adjacent to the Ballroom Facility and the Expansion Area (as hereinafter defined), and more particularly described on Exhibit C.

3. "Ballroom Facility" shall mean approximately twelve thousand (12,000) square feet of the Ballroom, which shall be closest to the Hotel, including access to the pantry, prefunction and service and storage areas and more particularly described on Exhibit C. Wherever used herein, the term "Ballroom Facility" shall mean and include the pantry, prefunction and service and storage areas, as shown on the Floor Plan of Ballroom attached hereto as Exhibit C. The Ballroom Facility shall also contain facilities and amenities generally found in a first class ballroom.

4. "Expansion Area" shall mean approximately six thousand (6,000) square feet of the Ballroom, which shall initially remain unfinished, but which shall be available to permit expansion of the Ballroom Facility by Hotel Lessee, or expansion of the Agency Ballroom by Agency, or available for another use determined by Agency as provided in this License, and more particularly described on Exhibit C.

B. "Basic License Fee" shall have the meaning ascribed to it in Section 301.

C. "Conference Center" shall mean the structure which shall contain the Ballroom, (including the Agency Ballroom, the Ballroom Facility and Expansion Area), meeting rooms, exhibit facilities, and other conference and convention center facilities to be constructed by Agency, and located on Parcel 3 as described in the Lease and Exhibit B hereto, or the operator thereof as the context may require.

D. "Gross Receipts" shall mean the gross receipts in any Lease Year, including credit charges, received by or on behalf of Hotel Lessee or by whomsoever received through or under Hotel Lessee's right to use the Ballroom Facility from (i) the sales of all foods and non-alcoholic and alcoholic beverages (whether such sales be made by the drink, by the bottle or any basis) served in the Ballroom Facility (including but not limited to banquets, conventions and other events), but excluding (a) the value of meals furnished Lessee's employees as an incident to their employment, (b) gratuities to employees, and (c) any federal, state and municipal sales, excise, use or similar

taxes collected from patrons or guests; and (ii) the rental or use of the Ballroom Facility, but excluding Pass-through Revenue (as hereinafter defined).

E. "Hotel" shall mean the hotel located and operated on Parcel 1 as described in the Lease and Exhibit A hereto, or the operator thereof as the context may require.

F. "Pass-through Revenue" shall mean charges for entertainment, services, decorations, audio-visual presentations, or other non-food or non-beverage items paid to Hotel Lessee, and paid out by Hotel Lessee to the vendor(s) of such services on behalf of authorized users of the Ballroom Facility, provided that any such charges paid by such authorized users in excess of the amount actually paid to such vendors shall be deemed charges for the rental or use of the Ballroom Facility.

G. "Percentage License Fee" shall have the meaning ascribed to it in Section 305.

H. "Lease" shall mean that lease of property entered into concurrently herewith between Agency and Hotel Lessee, pursuant to which Agency has leased to Hotel Lessee Parcel 1 and Hotel Lessee has agreed to construct, operate and maintain the Hotel thereon.

I. "Lease Year" shall have the same meaning as "Lease Year" under the terms of the Lease beginning with Sub Term B, so that, for example, the first Lease Year of this License shall be the same as the first Lease Year of Sub Term B under the Lease.

II. [§ 200] DESIGN, DEVELOPMENT AND CONSTRUCTION OF THE BALLROOM; GRANT OF LICENSE IN BALLROOM FACILITY

A. [§ 201] Design, Development and Construction of the Ballroom

Agency agrees to design, develop and construct a first class Ballroom (including the Ballroom Facility) as provided in Section 1402 of the Lease.

B. [§ 202] Grant of License in Ballroom Facility

Hotel Lessee shall have the right to use the Ballroom Facility as provided in this License, subject to the terms, covenants and conditions of this License and the Lease.

III. [§ 300] LICENSE FEE

A. [§ 301] Basic License Fee

1. [§ 302] Amount

Hotel Lessee agrees to pay to Agency each Lease Year an annual license fee for the rights granted to it hereunder as a basic license fee (the "Basic License Fee") the amount of One Hundred Thousand Dollars ($100,000) or an adjusted amount determined pursuant to Section 303 hereinbelow. The Basic License Fee shall be paid as provided in Section 304 hereinbelow.

2. [§ 303] Adjusted Amount

For the purpose of adjusting the Basic License Fee the following definitions shall apply:

1. "Index" means the U.S. Consumer Price Index for all Urban Consumers (CPI-U) (all items) for the San Francisco/Oakland Metropolitan Area, Index 1967=100, published by the Bureau of Labor Statistics of the U.S. Department of Labor, or its successor.

2. "Initial Index" means the Index published for the calendar month nearest but prior to the first Lease Year of this License.

3. "New Index" means the Index published for the calendar month nearest but prior to the applicable Adjustment Date.

4. "Adjustment Date" means the date on which the Basic License Fee is adjusted. The first Adjustment Date is the first day of the sixth (6th) Lease Year. The second Adjustment Date is the first day of the eleventh (11th) Lease Year and an Adjustment Date occurs on the first day of the fourteenth (14th) Lease Year and every third Lease Year thereafter.

5. "Utility Index" means the quotient of a fraction the numerator of which is the PG&E G-2 Gas Rate (3500 Therms) for Commercial Users in effect on the applicable Adjustment Date and the denominator is the PG&E G-2 Gas Rate (3500 Therms) for Commercial Users in effect on the first day of the first Lease Year of this License.

If the Consumer Price Index of the U.S. Bureau of Labor Statistics is discontinued, the parties shall accept comparable statistics on the purchasing power of the consumer's dollar as published at the time of said discontinuation by a responsible periodical of recognized authority to be mutually selected by the parties.

If the PG&E G-2 Gas Rate (3500 Therms) for Commercial Users is discontinued, or redefined, then the parties shall accept comparable rates on the cost of utility service to the Conference Center as charged by the applicable utility, as mutually selected by the parties.

The Basic License Fee shall be adjusted on each Adjustment Date to an amount for each Lease Year, until the next Adjustment Date, equal to the sum of the CPI Component and the Utility Component of the Basic License Fee for the applicable Lease Year, where the CPI Component and the Utility Component for each Lease Year are determined as follows:

(a) The CPI Component of the Basic License Fee shall equal Seventy-Eight Thousand Dollars ($78,000) for Lease Years one (1) through ten (10). The CPI Component for Lease Years eleven (11) through thirteen (13) shall equal $78,000 multiplied by a fraction, the numerator of which is the New Index as of the applicable Adjustment Date (the first day of the eleventh (11th) Lease Year) and the denominator of which is the Initial Index, provided that such CPI Component shall not exceed $78,000 increased for ten (10) years at

six percent (6%) per annum compounded annually. The CPI Component shall be adjusted on each Adjustment Date thereafter to be an amount equal to Seventy-Eight Thousand Dollars ($78,000) multiplied by a fraction, the numerator of which is the New Index as of the applicable Adjustment Date and the denominator of which is the Initial Index, provided that each such CPI Component shall not exceed an amount equal to Seventy-Eight Thousand Dollars ($78,000) increased for the number of years since the first Lease Year as defined in Section 100.I. at six percent (6%) per annum compounded annually.

(b) The Utility Component of the Basic License Fee shall equal Twenty-Two Thousand Dollars ($22,000) for Lease Years one (1) through five (5). The Utility Component for Lease Years six (6) through ten (10) shall equal $22,000 multiplied by the Utility Index as of the first Adjustment Date (the first day of the sixth (6th) Lease Year). The Utility Component shall be adjusted on each Adjustment date thereafter to be an amount equal to $22,000 multiplied by the Utility Index for the applicable Adjustment Date.

3. [§ 304] Payment of Basic License Fee

The annual Basic License Fee shall be paid each Lease Year, commencing with the first Lease Year of this License, in equal monthly installments on the fifteenth (15th) day of each calendar month for and in respect of such calendar month. Provided, however that if the Ballroom Facility, the Hotel Common Area improvements and the Main Drive are not substantially completed for any reason whatsoever (except a default by Hotel Lessee), including an enforced delay as provided in Section 1212 of the Lease, on or before the beginning of the first Lease Year of this License as defined in Section 100.I., then the Basic License Fee to be paid by Hotel Lessee shall be totally abated until such time as said facilities and improvements are substantially complete. Substantial completion shall have the same meaning as set forth in Section 302 of the Lease.

B. [§ 305] Percentage License Fee

1. [§ 306] Amount

In addition to the Basic License Fee, Hotel Lessee agrees to pay to Agency each Lease Year a percentage license fee (the "Percentage License Fee") equal to the amount by which five percent (5%) of the annual Gross Receipts for the applicable Lease Year exceeds the Basic License Fee for the applicable Lease Year, if any.

The Basic License Fee and the Percentage License Fee shall be the only fees charged by Agency for Hotel Lessee's use of the Ballroom Facility.

2. [§ 307] Payment of Percentage License Fee

a. [§ 308] Payment of Estimated Percentage License Fee

The Percentage License Fee shall be payable in monthly installments of the respective amounts hereinafter provided, which estimated monthly installments of

Percentage License Fee shall be paid by Hotel Lessee to Agency on the fifteenth (15th) day of each calendar month with the payment of the Additional Rent as provided in Section 307 of the Lease.

The estimated monthly installment of the Percentage License Fee shall be computed under the same conditions and in the same manner as the estimated monthly installment of Additional Rent is computed pursuant to Section 307 of the Lease, as applicable.

b. [§ 309] Adjustment of Percentage License Fee

If, for any Lease Year, the aggregate amount of the estimated monthly installments paid to Agency on account of the Percentage License Fee pursuant to Section 308 shall be more or less than the Percentage License Fee payable for such Lease Year based upon the final determination of Percentage License Fee for such Lease Year as reflected in the certified financial statement for such Lease Year referred to in Section 310 hereof, then, a year-end adjustment shall be made under the same conditions and in the same manner as the adjustment of Additional Rent is made pursuant to Section 308 of the Lease, as applicable.

c. [§ 310] Certified Annual Statement

Within one hundred twenty (120) days after the end of each Lease Year, Hotel Lessee shall submit to Agency a detailed statement of Gross Receipts for the applicable Lease Year as a part of the detailed statement required by Section 309 of the Lease, together with the certificate of Hotel Lessee's independent certified public accountant certifying the accountant is also familiar with the definition of Gross Receipts, as defined in this License.

G. [§ 311] Delinquency in License Fee Payment; Collection of License Fee

The failure of Hotel Lessee to pay the applicable license fee by the due date, shall constitute a default. In the event Hotel Lessee fails to pay the applicable license fee on or before the due date, in addition to any other remedy provided by this License, Hotel Lessee shall pay Agency the delinquent license fee and interest on the total delinquent license fee under the same conditions (and interest rates) and in the same manner as the delinquency in rental payment as set forth in Section 312 of the Lease, as applicable.

H. [§ 312] Right to Inspection and Audit of Records

Hotel Lessee shall keep full and accurate books and accounts, records, cash receipts, and other pertinent data showing its financial operations with respect to the Ballroom Facility as a part of the same books, accounts and other data showing the financial operation of the Hotel as provided in Section 313 of the Lease. Agency shall have the same rights to inspect, examine, copy, audit the books and to collect deficiencies with interest charges within the same times, under the same conditions, and in the same manner as set forth in Section 313 of the Lease, as applicable.

IV. [§ 400] MAINTENANCE AND OPERATION OF BALLROOM FACILITY

A. [§ 401] Maintenance of the Ballroom Facility

The parties recognize and agree that a program of continuing maintenance will be required to insure that the Ballroom Facility will remain in first class condition. As used in this paragraph "first class condition" shall mean that the Ballroom Facility shall be kept in decent, safe and sanitary condition, in compliance with applicable laws, and equal in value, quality and use to the condition of the Ballroom Facility as originally constructed, reasonable wear and tear excepted. Agency covenants and agrees to maintain or cause to be maintained (and, subject to the limitations set forth herein with respect to damage or destruction and eminent domain, to repair or replace as necessary) the Ballroom Facility in a first class condition at all times throughout the term of this License, and to make all repairs and replacements to the furniture (except tables and chairs as provided for in Section 402 hereinbelow), fixtures and equipment contained thereon or therein necessary to maintain such furniture, fixtures and equipment in first class condition. As between Agency and Hotel Lessee, Agency shall bear the costs and expenses for maintenance of the Ballroom Facility, except that Hotel Lessee agrees to pay for the repair or replacement of all damage to the Ballroom Facility, and the furniture, fixtures and equipment therein, other than ordinary wear and tear, resulting from the use of the Ballroom Facility by Hotel Lessee, or its guests or invitees, and also as provided in Sections 402 and 403 hereinbelow.

1. [§ 402] Furniture, Fixtures and Equipment

Agency shall provide furniture (except for matching tables and chairs to be provided by Hotel Lessee), fixtures, and equipment (including all necessary replacements thereof), for the Agency Ballroom, Ballroom Facility and the Expansion Area (if and when it is put in use as part of the Agency Ballroom or the Ballroom Facility), necessary for the operation of a first class Ballroom. Hotel Lessee shall provide, at its cost and expense, dinner settings as reasonably approved by Agency for the Ballroom Facility, Agency Ballroom and the Expansion Area (if and when the Agency Ballroom is put in use as part of the Ballroom Facility) including all necessary replacements thereof. Such dinner settings shall only consist of one hundred forty-four (144) tables and one thousand four hundred and forty (1,440) chairs for the Ballroom (excluding the Expansion Area) and one hundred ninety-two (192) tables and one thousand nine hundred and twenty (1,920) chairs for the entire Ballroom only upon expansion by Hotel Lessee into the Agency Ballroom (which shall become part of the Ballroom Facility) pursuant to the terms of Section 601 hereof; provided, however, that if Agency first improves or uses the Expansion Area as provided in Section 602 hereof and purchases the tables and chairs therefor, then Hotel Lessee shall reimburse Agency for the cost of such tables and chairs upon expansion of the Ballroom Facility in an amount equal to the greater of their original cost or the then-current cost of comparable tables and chairs.

2. [§ 403] Preparation and Cleanup

All set up, take down, and return to storage of the furniture and equipment shall be the responsibility of the party to this License which Booked the Ballroom Facility, at the cost and expense of such party.

Service and support staff necessary to operate the Ballroom Facility for specific events shall be the responsibility of the party which Booked the Ballroom Facility, at its cost and expense, except that Agency shall provide general maintenance for the Ballroom Facility not related to a particular Booking.

B. [§ 404] Operation of the Ballroom Facility

Agency shall operate or cause the Ballroom Facility to be operated in such first class manner as is consistent with the physical condition in which it is required to be maintained. Agency may in its discretion, operate the Ballroom Facility with its own forces, or lease or enter into a contract for the operation of the Ballroom Facility to a third party operator or operators who shall be required to operate the Ballroom Facility as required by this License. If Agency elects to lease or enter into a contract for the operation of the Ballroom Facility, Hotel Lessee shall be entitled to submit a proposal, along with other third parties, to lease or operate the Ballroom Facility in accordance with established terms and conditions as offered by Agency.

As between Agency and Hotel Lessee, Agency shall bear the costs and expenses for the general operation (including provision of utilities) of the Ballroom Facility but each party shall pay its own costs and expenses with respect to a particular Booking, as set forth in Section 403 above.

C. [§ 405] Impositions (Including Taxes and Assessments)

Hotel Lessee shall pay or cause to be paid such Impositions (and only such Impositions) with respect to the Ballroom Facility required to be paid by Hotel Lessee, and in the manner and subject to the terms and conditions, as referred to in Section 609 of the Lease. In accordance with California Revenue and Taxation Code Section 107.6(a), Agency states that by entering into this Ballroom License Agreement, a possessory interst subject to property taxes may be created. Hotel Lessee or other party in whom the possessory interest is vested may be subject to the payment of property taxes levied on such interest; provided, however, that Hotel Lessee shall have no obligation to pay any possessory interest tax, levy or imposition assessed, levied, confirmed, imposed upon or growing or becoming due and payable out of or in respect of becoming a lien on Parcel 3 and/or the Ballroom Facility except as expressly provided in Section 609 of the Lease.

V. [§ 500] PROCEDURES FOR OPERATION OF THE BALLROOM FACILITY

Agency may establish procedures for the operation of the Ballroom Facility to assure such operation in a coordinated manner, taking into account its use by guests of the respective parties to this License.

Agency shall adopt procedures for priority use of the Ballroom Facility. Such procedures shall incorporate the "Booking Priorities" set forth in Exhibit "D" attached hereto. Such Booking Priorities may be amended only with the prior written consent of Hotel Lessee, which shall not be withheld if such amendments do not impair the utility or economic benefit of the Ballroom Facility to the Hotel. In the event of any dispute as to whether such proposed amendment will so impair the utility or economic benefit of the Ballroom Facility to the Hotel, the dispute shall be submitted to arbitration according to the procedures described in Section 1214 of the Lease.

VI. [§ 600] OPTION TO IMPROVE EXPANSION AREA

A. [§ 601] Hotel Lessee

Hotel Lessee may elect, at its option, within the first twelve (12) Lease Years of this License to require Agency to improve the six thousand (6,000) square foot Expansion Area and use it as the Agency Ballroom and make the existing Agency Ballroom a part of the Ballroom Facility resulting in an eighteen thousand (18,000) square foot contiguous Ballroom Facility. If Hotel Lessee fails to exercise its option within the time set forth hereinabove, it shall have no further right to do so. Hotel Lessee may elect to require Agency to improve the Expansion Area and make the Agency Ballroom, which shall be in the condition in which it is required to be maintained pursuant to the terms of Section 401 hereof at the time it is added, as part of the Ballroom Facility, subject to the conditions that:

(1) Within the first twelve (12) Lease Years of this License, Hotel Lessee shall give written notice to Agency of its exercise of such option specifying the date one year from such notice as the date upon which the Agency Ballroom will be added as part of the Ballroom Facility. Hotel Lessee shall have the right immediately upon giving such notice to Book the Agency Ballroom as part of the Ballroom Facility for any times after the date specified in such notice (which have not previously been Booked) in accordance with the Booking Priorities as set forth in Exhibit D. Agency will use its best efforts to move previously Booked events to the Expansion Area to the extent feasible.

(2) Hotel Lessee shall reimburse Agency for the costs and expenses, of improving the Expansion Area, if the Expansion Area is improved as part of the Ballroom, within thirty (30) days after written demand therefor by Agency specifying the amount of such costs and certifying the accuracy thereof. Such costs and expenses shall include the cost of design and permits, floor, ceiling and wall coverings, panelings, plumbing and electric and other mechanical components, fixtures, window coverings and similar components integral to the basic room. The amount which Hotel Lessee shall be required to pay shall be the cost of improving the Expansion Area, assuming its original condition as shell space, and not taking into account any changes or improvements already made to the shell space by Agency, whether for interim use or otherwise. If Agency has already improved the Expansion Area for the use and to the standards of the Ballroom at the time Hotel Lessee elects to make the Agency Ballroom part of the Ballroom Facility, then Hotel Lessee shall reimburse Agency the amount of Agency's actual costs and expenses for such improvement of the Expansion Area. Agency may require Hotel Lessee to provide reasonable security for the payment of the amount to be reimbursed prior to the commencement of construction, such as a cash deposit or a letter of credit covering Agency's reasonable estimate of the cost of the improvement of the Expansion Area.

(3) Hotel Lessee shall not be in default of its obligations to pay the Basic License Fee and the Percentage License Fee, under the provisions of this License at the time notice of intent to expand is given or on the date construction of the improvements is commenced by Agency. Upon a cure of such default the rights of Hotel Lessee hereunder shall immediately be reinstated.

(4) Commencing with the date the Agency Ballroom is added as part of the Ballroom Facility, as specified in Hotel Lessee's notice given pursuant to paragraph (1) above, the Basic License Fee for each Lease Year shall equal the Basic License Fee calculated as provided in Sections 302 or 303 as applicable of this License, multiplied by one hundred and fifty percent (150%). Such increase for any initial partial Lease Year shall be prorated.

(5) Once the Ballroom Facility is expanded to include the previous Agency Ballroom space, all the terms and conditions of this License apply to the expanded area, including without limitation the Booking Priorities set forth in Exhibit D and the inclusion of Gross Receipts therefrom in calculating the Percentage License Fee beginning concurrently with the increase in the Basic Licensee Fee referred to in paragraph (4) above.

B. [§ 602] Agency

Agency shall have the right at any time before Hotel Lessee makes its election pursuant to Section 601, to improve and/or use the Expansion Area, either as part of the Agency Ballroom or for any interim use consistent with the Conference Center. The costs and expenses of any such improvements shall be borne by Agency, subject to reimbursement by Hotel Lessee in accordance with the terms and conditions set forth in paragraph (2) of Section 601.

After Hotel Lessee's option period has expired, Agency shall have the right to improve the Expansion Area for any use consistent with the Conference Center. If Agency improves the Expansion Area then the expanded area shall become a part of the Agency Ballroom or the Conference Center, as the case may be, and all costs and expenses of improving the Expansion Area shall be borne by Agency.

If Agency improves the Expansion Area for use as part of the Agency Ballroom, whether on an interim basis prior to Hotel Lessee's election pursuant to Section 601, or after Hotel Lessee's option period has expired, all terms and conditions of this License applicable to the Agency Ballroom shall apply to the Expansion Area except that if Hotel Lessee's option period has expired without exercise, Hotel Lessee shall not be required to provide dinner settings therefor.

VII. [§ 700] ADVERTISING

Hotel Lessee shall have the right to advertise, promote and market the Ballroom Facility as an amenity available to Hotel guests, consistent with the preferences for use set forth in this License.

VIII. [§ 800] INDEMNIFICATION

Agency and Hotel Lessee hereby mutually agree to indemnify and hold the other and their respective contractors, agents, servants, officers and employees harmless for loss or damage, including property damage, personal injury, or wrongful death, arising out of or in connection with their respective wrongful willful or negligent acts or omissions or the wrongful willful or negligent acts or omissions of their respective contractors, agents, servants, officers or employees in the use or occupancy of the Ballroom Facility or the Agency Ballroom.

Agency and Hotel Lessee also agree to indemnify and hold the other and their respective contractors, agents, servants, officers and employees harmless for loss or damage, including property damage, personal injury, or wrongful death, arising out of or in connection with the wrongful willful or negligent acts or omissions of their respective guests or invitees in the use and occupancy of the Ballroom Facility and the Agency Ballroom during the periods of their possession after Booked by or on behalf of either such party or its guests or invitees.

IX. [§ 900] DAMAGE OR DESTRUCTION

Agency covenants and agrees that, in the event the Ballroom Facility is damaged or destroyed by any casualty and Agency is required or elects to rebuild or restore the Conference Center as a result of such casualty pursuant to the terms of Section 1412 of the Lease, then Agency shall make full repair of the damage and destruction and restore the Ballroom Facility to the condition and operation which existed prior to said damage with such alterations or changes thereto as are required by then current building codes; provided, that if such casualty occurs within the first twelve (12) Lease Years of this License and Hotel Lessee has not yet elected to expand the Ballroom Facility, then Agency covenants and agrees to restore the Agency Ballroom as part of the Ballroom Facility to the condition stated in this paragraph upon notice to Agency that Hotel Lessee exercises its option to expand as provided in Section 601(1) above.

In the event the Ballroom Facility is damaged or destroyed as a result of a casualty which is of a type which Agency is not required to rebuild or restore pursuant to the preceding paragraph, Agency shall notify Hotel Lessee whether Agency elects to restore within forty-five (45) days after settlement of insurance proceeds, if any, but in any event within one hundred and eighty (180) days after the event causing such damage or destruction, and if Agency does not elect to restore the Ballroom Facility, then, at Hotel Lessee's election, Agency shall transfer the Ballroom Facility in its damaged condition and all furniture, fixtures and equipment used or usable in connection therewith in their "as is" condition, to Hotel Lessee in the manner and under the terms and conditions provided in Section 1306 of this License, except that Hotel Lessee, at its sole cost and expense, shall rebuild or restore the Ballroom Facility and all applicable revenues thereafter attributable to the Ballroom Facility (but beginning one (1) year after completion of the restoration if the Ballroom Facility was in damaged condition at the time of transfer) shall constitute Gross Food and Beverage Revenues under Section 305 of the Lease.

If the damage or destruction occurs within the first twelve (12) Lease Years of this License and Hotel Lessee elects to restore the Ballroom Facility as provided above, it may restore it as an eighteen thousand (18,000) or twelve thousand (12,000) square foot facility if it has not exercised its option to expand the Ballroom Facility

pursuant to Section 601 of this License. If the damage or destruction occurs after the twelfth (12th) Lease Year and Hotel Lessee has not exercised it option to expand, Hotel Lessee may only restore the Ballroom Facility to a twelve thousand (12,000) square foot facility. Hotel Lessee shall give written notice to Agency of its exercise of the option to restore the damaged or destroyed Ballroom Facility within ninety (90) days after receipt of Agency's notice of termination of this License and the parties shall execute, acknowledge and record a supplement to the Lease in the manner set forth in Section 1306 of this License. If Hotel Lessee fails to exercise its option within said ninety (90) day period, it shall have no further right to do so.

If Agency is required or elects to restore the Ballroom Facility as required or permitted by the provisions above, Agency agrees that preliminary steps toward performing repairs, restoration or replacement of the Ballroom Facility shall be commenced within forty-five (45) days after settlement of insurance proceeds, if any, but in any event within one hundred and eighty (180) days after the event causing such damage or destruction and the required repairs, restoration or replacement shall be completed within a reasonable time thereafter. Until the Ballroom Facility is restored, the Basic License Fee shall be abated.

Agency acknowledges that Lessee may (but shall not be obligated to), at its cost and expense, obtain or procure a casualty insurance policy or policies insuring against loss or damage to the Ballroom Facility (including the Agency Ballroom within the first twelve (12) Lease Years) as a result of any casualties Hotel Lessee desires to insure against with such limits and such coverages as Hotel Lessee may desire. In the event the Ballroom Facility is damaged or destroyed by any casualty and Agency is not required and does not elect to rebuild or restore the Ballroom Facility and Hotel Lessee elects to rebuild the Ballroom Facility as provided above, then all insurance proceeds, if any, from policies carried by Agency or Hotel Lessee covering loss or damage to the Ballroom Facility shall be assigned and made available to Hotel Lessee to rebuild or restore the Ballroom Facility as provided above. If Hotel Lessee elects to restore or rebuild the Ballroom Facility as provided above, Agency agrees not to unreasonably withhold its approval of plans and specifications submitted by Hotel Lessee for the rebuilding or restoring of the Ballroom Facility as a more functional ballroom for use by the Hotel.

X. [§ 1000] EMINENT DOMAIN

In the event of the taking by eminent domain of the entire Ballroom Facility, or any part thereof, or a taking of the Agency Ballroom within the first twelve (12) Lease Years of this License provided Hotel Lessee has not yet elected to expand Ballroom Facility as described in Section 601 hereof, Section 1100 of the Lease shall apply (provided that the term "Ballroom Facility" referred to in Section 1100 of the Lease shall be construed to include Hotel Lessee's right to expand into the Agency Ballroom as provided in Section 601 hereof in the event of a taking of the Agency Ballroom as provided herein). In the event of such taking, the Basic License Fee shall be equitably reduced.

XI. [§ 1100] ASSIGNMENT AND TRANSFER

A. [§ 1101] Hotel Lessee

Hotel Lessee shall not, except as expressly permitted by Article 800 of the Lease, and subject to the limitations and conditions therein contained, assign this License, nor make any total or partial conveyance, assignment or transfer (including sublease) in any other mode or form of the whole or any part of its rights in the Ballroom Facility. Nothing herein shall prevent Hotel Lessee from entering into an operating lease, management contract, license agreement, franchise or other similar arrangement with an operator and/or franchisor of the Hotel as provided in Section 502 of the Lease. The approved operator under the Lease may operate under this License provided that Hotel Lessee shall remain liable for its obligations under this License.

B. [§ 1102] Agency

In the event Agency conveys, assigns or transfers (including lease) in any other mode or form the whole or any part of Parcel 3 containing the Ballroom Facility or the Ballroom Facility itself, which Agency shall have the right to do from time to time and at any time without any consent of Hotel Lessee being required (subject to Hotel Lessee's right of first refusal as provided in Section 1314 of the Lease with respect to the property specified therein), then any such conveyance, assignment or transfer shall be subject to the terms of this License and Hotel Lessee's rights under the Lease pertaining to the portion of Parcel 3 containing the Ballroom Facility and the Ballroom Facility. In the event Agency enters into a sublease or an operating agreement for the operation of the Ballroom Facility, Agency shall remain liable for its obligation under this License. For purposes of this Section 1102, the term "Ballroom Facility" shall be construed or interpreted to include, the Agency Ballroom within the first twelve (12) Lease Years of this License if Hotel Lessee has not yet elected to expand the Ballroom Facility.

This Section 1102 shall not apply to assignments, conveyances or transfers for financing which shall be governed by Section 1202 of this License.

XII. [§ 1200] MORTGAGES

A. [§ 1201] Hotel Lessee

Hotel Lessee shall have the right, but only as expressly permitted by Article 900 of the Lease, and subject to the limitations and conditions therein contained, to mortgage, pledge, deed in trust and/or collaterally assign its interest in this License or the Ballroom Facility, or assign or pledge assignment of the same as security for debt. Leasehold mortgagees (as defined in the Lease), if any, shall have the same rights with respect to this License as set forth in Section 902 of the Lease as applicable. Any action taken by a leasehold mortgagee under Section 902 of the Lease which operates to preserve its rights under the Lease (including obtaining a new Lease) shall operate to preserve such leasehold mortgagee's rights under this License.

B. [§ 1202] Agency

In the event Agency shall mortgage, pledge, deed in trust, assign rents, issues and profits and/or collaterally assigns part of Parcel 3 containing the Ballroom

Facility or the Ballroom Facility itself, which Agency shall have the right to do from time to time and at any time without any consent of Hotel Lessee being required, then any such encumbrance, as it pertains to such part of Parcel 3 and the Ballroom Facility, shall be subject and subordinate to the terms of this License. For purposes of this Section 1202, the term "Ballroom Facility" shall be construed or interpreted to include, the Agency Ballroom within the first twelve (12) Lease Years of this License if Hotel Lessee has not yet elected to expand the Ballroom Facility.

XIII. [§ 1300] TERM

A. [§ 1301] Generally

The term of this License shall be the period commencing on the Effective Date of the Lease as provided in Section 202 of the Lease, and terminating fifty (50) years thereafter, (except that, if Lessee exercises its option to extend the initial fifty (50) year term of the Hotel Lease, this License shall automatically extend for a period coterminous with said Hotel Lease unless and until Agency ceases operating the Conference Center) or on the date resulting from an earlier termination as hereinafter set forth, except that this License shall terminate upon expiration or earlier termination of the Lease, it being understood however that payment of the Basic License Fee and the Percentage License Fee commence during the first Lease Year as defined in Section 100.I. of this License.

B. [§ 1302] Early Termination

1. [§ 1303] Default

Notwithstanding Section 1301, in the event Hotel Lessee shall be in default of any material provision of this License or any material provision of the Lease applicable to the Ballroom Facility, and such default shall not be cured within thirty (30) days after written demand by Agency, or commenced to be cured within thirty (30) days and cured promptly in a continuous and diligent manner within a reasonable period of time after commencement, then Agency at its option, may terminate this License, upon thirty (30) days prior written notice to Hotel Lessee specifying the condition or conditions upon which the termination is based. In the event of any dispute as to whether such condition or conditions exists, the dispute shall be submitted to arbitration according to the procedures described in Section 1214 of the Lease. In the case of a dispute arbitrated over the payment of the Percentage License Fee, Hotel Lessee shall not be in default unless it failed to pay the fee after a resolution by the arbitrator that payment was due. Upon any such termination, neither Hotel Lessee, Agency or any other persons (including leasehold mortgagees, if any, except for the right of any such leasehold mortgagee, to cure a default as provided in the Lease) shall have any further rights, obligations or liabilities to each other with respect to the Ballroom Facility under this License or the Lease. The provisions of this Section 1303 notwithstanding, nothing stated herein shall be construed or interpreted as giving Agency the right to terminate the Lease in the event Hotel Lessee is in default of any material provision of this License and fails or refuses to cure such default as provided herein.

2. [§ 1304] Cessation of Conference Center

Notwithstanding Section 1301, in the event that Agency shall cease to maintain and operate the Conference Center pursuant to Section 1417 of the Lease, but not prior to 35 years following the Effective Date of the Lease, then this License shall terminate upon the date specified in a written notice sent by Agency to Hotel Lessee notifying Hotel Lessee of the date upon which operation of the Conference Center will cease, which notice shall be served by Agency at least sixty (60) days prior to such cessation. In such event, the provisions of Section 1306 shall apply and the termination of this License shall not occur until the Ballroom Facility has been transferred to Hotel Lessee as therein provided.

3. [§ 1305] Mutual Agreement

Hotel Lessee and Agency, with the written consent of any leasehold mortgagees under the Lease, may also terminate this License at any time by mutual agreement.

C. [§ 1306] Hotel Lessee Rights After Expiration or Early Termination of This License

In the event this License is terminated as provided in Section 1304, or at such time as this License expires by its terms, then concurrently with such termination or expiration, Agency and Hotel Lessee shall execute, acknowledge and record a supplement to the Lease adding the Ballroom Facility as part of the premises leased to Hotel Lessee under the Lease, and all terms, covenants and conditions of the Lease shall apply in like manner to the Ballroom Facility as to Parcel 1 and the Improvements. At the time the Ballroom Facility is added to the Lease it shall be in the condition required to be maintained by Agency pursuant to the terms of Section 401 hereof, and architecturally complete and functional with HVAC and other utilities necessary to operate the Ballroom Facility, free and clear of all liens and encumbrances except liens and encumbrances which are subject and subordinate to the Lease and Hotel Lessee's and leasehold mortgagee's rights thereunder with respect to which Hotel Lessee and leasehold mortgagees shall have no obligations. Said Ballroom Facility shall also contain all equipment, furniture, furnishings and fixtures located thereon or used or usable in connection therewith prior to expiration or termination of the License and necessary to operate said Ballroom Facility. In the event the Ballroom Facility is added to the Lease at or prior to the expiration of the initial fifty (50) year term of the Lease, then the readjustment of Minimum Annual Rent for Parcel 1 as provided for in paragraph (d) of Section 203 of the Lease, shall be based upon the market value of Parcel 1 as therein defined, but including consideration of the availability, and the benefits and burdens, including, but not limited to, the costs and expenses of maintaining, repairing, replacing, operating and using the Ballroom Facility and its equipment and amenities as part of the Hotel, specifically limited to use as a Ballroom Facility. Upon the execution of the supplement to the Lease, applicable amounts of revenue attributable to the Ballroom Facility shall be included in the definition of Gross Food and Beverage Revenues in Section 305 of the Lease. In such event, Hotel Lessee shall have no further obligation to pay the Basic License Fee or the Percentage License Fee from and after the effective date of any such lease supplement.

D. [§ 1307] Ownership of Dinner Settings

Upon termination of this License pursuant to the terms of Section 1303 hereof, or upon termination of the Lease, the ownership of the dinner settings required to be provided by Hotel Lessee pursuant to Section 402 of this License shall be deemed to be in Agency free and clear of all liens or claims thereto by Hotel Lessee or any third person or entity.

XIV. [§ 1400] DEFAULTS AND REMEDIES

A. [§ 1401] Defaults - General

Subject to the extensions of time set forth in Section 1410, failure or delay by either party to perform any term or provision of this License constitutes a default under this License. The party who fails or delays must immediately commence to cure, correct or remedy such failure or delay and shall complete such cure, correction or remedy with reasonable diligence, and during any period of curing shall not be in default.

The injured party shall give written notice of default to the party in default, specifying the default complained of by the injured party. Failure or delay in giving such notice shall not constitute a waiver of any default, nor shall it change the time of default. Except as otherwise expressly provided in this License, any failures or delays by either party in asserting any of its rights and remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies. Delays by either party in asserting any of its rights and remedies shall not deprive either party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

B. [§ 1402] Legal Actions

1. [§ 1403] Institution of Legal Actions

In addition to any other rights or remedies, including the right to terminate this License, either party may institute legal action to cure, correct or remedy any default, to recover damages for any default, or to obtain any other remedy consistent with the purpose of this License. Such legal actions must be instituted in the Superior Court of the County of Santa Clara, State of California, in any other appropriate court of that county, or in the Federal District Court in the Northern District of California.

2. [§ 1404] Applicable Law

The laws of the State of California shall govern the interpretation and enforcement of this License.

3. [§ 1405] Acceptance of Service of Process

In the event that any legal action is commenced by Hotel Lessee against Agency, service of process on Agency shall be made by personal service upon the Executive Director of Agency, or in such other manner as may be provided by law.

In the event that any legal action is commenced by Agency against Hotel Lessee, service of process on Hotel Lessee shall be made by personal service upon one of the general partners of Hotel Lessee or in such manner as may be provided by law.

4. [§ 1406] Attorneys' Fees and Court Costs

In the event that either Agency or Hotel Lessee shall bring or commence an action or legal proceeding or arbitration to interpret this License, enforce the terms and conditions of this License or to obtain damages against the other party arising from any default under or violation of this License, then the prevailing party shall be entitled to and shall be paid reasonable attorneys' fees and court costs as may be fixed by the court or jury therefor or the arbitrators.

C. [§ 1407] Rights and Remedies are Cumulative

Except with respect to rights and remedies expressly declared to be exclusive in this License, the rights and remedies of the parties are cumulative, and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

D. [§ 1408] Damages

If either party defaults with regard to any of the provisions of this License, the nondefaulting party shall serve written notice of such default upon the defaulting party. If the default is not commenced to be cured within thirty (30) days after service of the notice of default and is not cured promptly in a continuous and diligent manner within a reasonable period of time after commencement, the defaulting party shall be liable to the nondefaulting party for any damages caused by such default, and the nondefaulting party may thereafter (but not before) commence an action for damages against the defaulting party with respect to such default.

E. [§ 1409] Specific Performance

If either party defaults with regard to any of the provisions of this License, the nondefaulting party shall serve written notice of such default upon the defaulting party. If the default is not commenced to be cured within thirty (30) days after service of the notice of default and is not cured promptly in a continuous and diligent manner within a reasonable period of time after commencement the nondefaulting party, at its option, may thereafter (but not before) commence an action for specific performance of the terms of this License pertaining to such default.

F. [§ 1410] Enforced Delay in Performance for Causes Beyond Control of Party

For the purposes of any of the provisions of this License, neither Agency nor Hotel Lessee, as the case may be, nor any successor in interest, shall be considered in breach of, or default in, its obligations under this License (exclusive of the obligation to pay money) as a result of the enforced delay in the performance of such obligations due to causes beyond its reasonable control and without its fault or negligence, including, but not limited to any law, regulation, ordinance or order of any public agency, acts of public agencies, acts of God, acts of the public enemy, acts of the

Federal Government, acts of the other party (including but not limited to delays in performing such other party's obligations pursuant to this License), fires, floods, epidemics, quarantine restrictions, strikes, labor disputes, freight embargos, inability to obtain materials or supplies or unusually severe weather or delays of contractors or subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of Agency or Hotel Lessee, as the case may be, shall be extended for the period of such enforced delay: Provided, That the party seeking the benefit of the provision of this Section shall, within ten (10) days after the beginning of any such enforced delay, have first notified the other party thereof in writing, and of the cause or causes thereof, and informed the other party that it was electing to take an extention for up to the period of the enforced delay.

XV. [§ 1500] GENERAL PROVISIONS

A. [§ 1501] Notices

All notices provided for in this License shall be in writing and shall be deemed delivered on the day of delivery if in person to the Redevelopment Agency Director or to one of the general partners of Hotel Lessee, or on the second business day following its deposit in the United States mail, if dispatched by registered or certified mail, postage prepaid, addressed as follows:

To Agency: Redevelopment Agency of the City
of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

To Hotel Lessee: SCCC Associates
305 Montague Expressway
Santa Clara, CA 95054

Either party may give to the other written notice of change of address, in which event, any notice or request shall thereafter be given to it as above provided at such address.

B. [§ 1502] Exhibits

All exhibits attached to this License shall be deemed to be incorporated herein by the individual reference to each such exhibit, and all such exhibits shall be deemed to be a part of this License as though set forth in full in the body of the License.

C. [§ 1503] Headings

The section and subsection headings used in this License are for convenience of reference only. They shall not be construed to limit or extend the meaning of any part of this License, and shall not be deemed relevant in resolving any question of interpretation or construction of any section of this License.

D. [§ 1504] Severability

In case any one or more of the provisions contained herein, shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not effect any other provision of this License.

E. [§ 1505] Capacity to Execute Agreement

Agency and Hotel Lessee each warrant that neither the execution of this License nor the consummation of the transactions contemplated hereby shall violate any provision of law or judgment, writ, injunction, order or decree of any court or governmental authority having jurisdiction over Agency or Hotel Lessee; result in or constitute a breach or default under any material indenture, contract, other commitment or restriction to which either is a party or by which either is bound; or require any consent, vote or approval which has not been taken, or at the time of the transaction involved shall not have been given or taken. Each party covenants that it has and will continue to have throughout the term of this License and any extension thereof, the full right to enter into this License and perform its obligations hereunder.

F. [§ 1506] Counterparts

This License may be executed in several counterparts each of which is an original, and all of which together constitute but one and the same document.

G. [§ 1507] Execution and Recordation

The parties shall execute and record this License concurrently with the execution and recordation of the Lease by Agency and Hotel Lessee.

H. [§ 1508] Successors, Mutuality, Running With Land

Subject to the provisions of this License which limit or terminate the provisions hereof, or any of them, including but not limited to Articles 600, 1100, 1200 and 1300, the covenants and agreements contained in this License are made for the direct mutual and reciprocal benefit of Hotel Lessee, its legal representatives, successors and assigns, and Parcel 1, and of Agency, its legal representatives, successors and assigns, and Parcel 3 and each such covenant and agreement shall create mutual equitable servitudes upon the respective real properties and shall create reciprocal rights and obligations between the owners, lessors, lessees and any other permissive users of such real properties and privity of contract and estate between the parties hereto and their respective successors and assigns; and shall, as to the owners, lessors, lessees and other permissive users of each parcel of real property and their respective successors and assigns, operate as covenants running with the land.

I. [§ 1509] Entire Agreement

Any agreements, warranties, or representations concerning the subject matter of this License not expressly contained herein or in the Lease or the Disposition and Development Agreement (the "Development Agreement") shall in no way bind either Hotel Lessee or Agency, and Hotel Lessee and Agency expressly waive all claims for damages by reason of any statement, representation, warranty, promise or agreement, if any, not contained in this License or in the Lease or the Development Agreement. This License supersedes and cancels any and all previous negotiations, arrangements, brochures, agreements and understandings, whether written or oral, between Hotel Lessee and its agents and Agency and its agents with respect to the Ballroom Facility or this License. This License (together with provisions of the Lease and the Development Agreement applicable to the Ballroom Facility) constitutes the entire agreement between the parties hereto and no addition to, or modifications of, any

term or provision of this License shall be effective until and unless set forth in a written instrument signed by both Hotel Lessee and Agency.

J. [§ 1510] Rights Reserved

This License and the Lease constitute the entire agreement between Agency and Hotel Lessee with respect to the portion of Parcel 3 containing the Ballroom Facility and the Ballroom Facility itself. Hotel Lessee does not have any other rights with respect to the portion of Parcel 3 containing the Ballroom Facility and the Ballroom Facility itself other than as expressly set forth in this License and the Lease.

IN WITNESS WHEREOF, the parties hereto have duly executed and delivered this License as of the day and year first above written.

REDEVELOPMENT AGENCY OF THE
CITY OF SANTA CLARA
(Agency)

By: _____

SCCC ASSOCIATES
(Hotel Lessee)

By: _____

Its: _____

By: _____

Its: _____

APPROVED AS TO FORM:

_____
Counsel to the Agency

Exhibit "A"

DESCRIPTION OF PARCEL 1

[To be added prior to execution of this License after final boundaries have been delineated in precise terms pursuant to Section 104 of the Development Agreement]

Exhibit "B"

DESCRIPTION OF PARCEL 3

[To be added prior to execution of this License after final boundaries have been delineated in precise terms pursuant to Section 104 of the Development Agreement]

Exhibit "C"

FLOOR PLAN OF BALLROOM

[To be prepared pursuant to the Development Agreement and added hereto prior to execution of this License]

Exhibit "D"

BOOKING PRIORITIES

I. Definitions

As used in Sections I. through III., inclusive, the following terms shall have the following respective meanings:

A. "Conference Center" shall have the meaning ascribed to it in Section 100.

B. "SC Hotels" shall mean hotels and motels and other facilities providing transient lodging located within the city limits of the City of Santa Clara, including the Hotel.

C. "Hotel" shall have the meaning ascribed to it in Section 100.

D. "Group" shall mean a collection of persons who desire the common and the concurrent use of the Ballroom Facility.

E. "Ballroom" shall have the meaning ascribed to it in Section 100.

F. "Ballroom Facility" shall have the meaning ascribed to it in Section 100.

G. "Booking" or "Booked" shall mean the act of recording the reservation of the Ballroom Facility, or portion thereof, in the ledger or function book described in Section II, hereinbelow.

II. Administration of Bookings

The Conference Center shall administer the Booking of the Ballroom Facility and maintain a function book for the purpose of recording all Bookings made by the Conference Center or Hotel Lessee, and it shall promptly confirm all of Hotel Lessee's Bookings in writing. Any conflicts or disputes as to Bookings shall be resolved by Conference Center in accordance with the provisions contained in these Booking Priorities. Said function book shall be open to inspection by Hotel Lessee at all times during normal business hours. All Bookings of the Ballroom Facility shall be promptly recorded in said function book and each Booking shall indicate the reservation date, the name of the meeting planner (and his/her organization, group, etc.) making the Booking, the prospective number of rooms to be rented, and the confirmation date with respect to tentative Bookings.

III. Use of the Ballroom Facility

The following provisions shall govern the Booking of times in the Ballroom Facility:

A. Conference Center

Conference Center may Book the Ballroom Facility at any time or times at least six (6) months prior to the event, which time or times have not previously been

EXHIBIT C

COMPREHENSIVE GENERAL LIABILITY INSURANCE

The Comprehensive General Liability Insurance shall be written with a limit of liability of not less than $20 Million for combined single limit Bodily Injury and Property Damage coverage.

Such coverage shall include the following items:

Personal Injury, Bodily Injury and Property Damage on an occurrence basis.

Products Liability including Completed Operations coverage

Automatic Blanket Contractual Liability

Personal Injury Liability coverage - ABC with the Employee Exclusion and Contractual Exclusion deleted.

Employees as additional insureds

Liquor Law (common or statutory) Liability

Water and Fire Damage Legal Liability

Owners and Contractors Protective Liability

Incidental Medical Malpractice

Broad Form Property Damage including Completed Operations

Cross Liability or Severability Clause

Delete the XCU exclusion

EXHIBIT D

CONVENTION CENTER VENDORS
STANDARD INSURANCE REQUIREMENTS AND
INDEMNIFICATION CLAUSE

Chamber shall impose the following insurance requirements on each vendor:

A. VENDOR'S INSURANCE. Prior to commencing work or occupying the Convention Center, the Vendor shall purchase, maintain and provide to the Chamber the following forms of insurance coverage:

1. Comprehensive General Liability Insurance. The Comprehensive General Liability Insurance shall be written with a limit of liability of not less than the amounts specified in the section entitled "Vendors Insurance". Such coverage shall include the following items:

Bodily Injury and Property Damage on an occurrence basis;

Products Liability including Completed Operations coverage;

Automatic Blanket Contractual Liability;

Personal Injury Liability coverage - ABC with the Employee Exclusion and Contractual Exclusion deleted;

Employees as additional insureds;

Liquor Law (common or statutory) Liability;

Water Damage Legal Liability;

Owners and Contractors Protective Liability;

Incidental Medical Malpractice;

Broad Form Property Damage including Completed Operations;

Cross Liability or Severability Clause.

2. Comprehensive Automobile Liability Insurance. A combined Automobile Bodily Injury and Property Damage Liability insurance policy covering all automobiles whether owned, non-owned or hired with limits not less than the following shall be obtained by the Contractor;

Bodily Injury - $1,000,000 per person/$2,000,000 per occurrence

Property Damage - $1,000,000 per accident

3. Workers' Compensation and Employers' Liability. State Workers' Compensation coverage as required by law including Employers' Liability insurance with a limit of not less than $1,000,000.

All required forms of insurance coverage shall be provided through insurance companies licensed in the State of California. The insurance shall be evidenced by certificates and/or policies as determined by the City and Chamber. Each certificate or policy shall require that, sixty (60) days prior to cancellation or material change in the policies, notice shall be given to Chamber by registered mail, return receipt requested.

All such notices shall name the Vendor and identify the contract number.

The City, its Council, the Agency, its board, the Chamber, its Board of Directors, and the officers, representatives, agents and employees of the City, Agency, and Chamber shall have no responsibility whatsoever to the Vendor with respect to any insurance coverage as stated above, its procurement or absence thereof. The policies of insurance procured and maintained hereunder shall not affect the Vendor's Liability to the City, its Council, the Agency, its board, the Chamber, its Board of Directors and the representatives, agents and employees of the City, Agency, and Chamber for the performance of any obligations assumed by the Vendor under its contracts with the City and/or Chamber.

The City, its Council, the Agency, its Board, the Chamber, its Board of Directors, and the officers, representatives, agents and employees of the City, Agency and Chamber shall be included as additional insureds with respect to work, operations or occupancy of the Vendor.

Under policies of insurance described above, it is required that an endorsement be added which provides that such insurance shall not contain any exclusion regarding loss or damage caused by explosion or resulting from collapse of buildings or structures or damages to property underground, commonly referred to by insurers as the "XCU" hazards.

Additional coverages and limits may be required based upon the particular services contracted. If such additional coverages and limits are required for a specific contract, those requirements will be described in the "Special Conditions" of the contract specifications.

B. SUBCONTRACTORS' INSURANCE. The Comprehensive General Liability insurance obtained by the Vendor shall protect the City, Agency, Chamber, their officers and employees and the Vendor from contingent liability which may arise from operation of the Vendor's subcontractors. Also, the Vendor shall secure certificates of insurance as evidence that each subcontractor has in force and will maintain in effect at all times during the performance of work for the Vendor not less than the following coverage and limits of insurance, which shall be maintained with insurers and under forms of policies satisfactory to the Vendor, the City and Chamber. The City and Chamber reserve the right to increase the insurance limits required for subcontractors to the limits required for the Chamber as specified in this Agreement under section entitled "Insurance Maintained by Chamber".

1. Comprehensive General Liability Insurance.

   $1,000,000 each person, $1,000,000 each accident
   $1,000,000 each occurrence for Combined Single
   Limit Bodily Injury - Property Damage Insurance

2. Comprehensive Automobile Liability Insurance, covering all vehicles whether owned, non-owned, or hired with limits not less than the following:

Bodily Injury - $1,000,000 each person;
$1,000,000 each occurrence

Property Damage - $1,000,000 each accident

3. Workers' Compensation and Employer's Liability.

State Workers' Compensation - coverage as required by law including Employers Liability Insurance with a limit of not less than $1,000,000.

All subcontractors' policies shall contain an endorsement providing that written notice shall be given to the Vendor and Chamber at least sixty (60) days prior to termination, cancellation or reduction of coverage in the policy.

The Comprehensive General Liability and Comprehensive Automobile Liability Insurance policies shall contain the following provisions:

1. A provision or endorsement naming the Vendor, the City, and its Council, the Redevelopment Agency of the City of Santa Clara, its board, the Chamber, its Board of Directors, and the representatives, officers, agents and employees of the City, Agency and Chamber as additional insured with respect to work or operations for the Vendor and providing that such insurance is primary insurance with respect to the interests of the Vendor, the City, Agency and Chamber.

2. A "Cross Liability" or "Severability of Interest" clause.

3. Elimination of any exclusion regarding loss or damage to property caused by explosion or resulting from collapse of buildings or structures or damage to property underground, commonly referred to by insurers as the "XCU" hazards.

4. A provision or endorsement stating that such insurance subject to all of its other terms and conditions, applies to the liability assured by the subcontractor under its contract with the Vendor.

5. Products liability (including completed operation) coverage.

6. Personal injury liability coverage - ABC with the employee exclusion deleted.

7. Broad form property damage coverage.

Promptly on execution of a contract with the Vendor and prior to commencement of work, the subcontractor shall return to the Vendor insurance certificates properly executed and signed by an authorized representative on behalf of the insurer(s) evidencing the above coverages and conditions. Upon written request by the Vendor, the subcontractor shall also be required to furnish copies of such policies, certified by an authorized representative of the insurer(s).

C. INDEMNIFICATION. The following Indemnification Agreement shall be a provision of any insurance coverage required to be obtained by the Vendor and its subcontractors and shall be endorsed on the reverse sides of all certificates of insurance:

"The Vendor agrees to protect, defend, indemnify, and hold the City of Santa Clara ("City") and its Council, the Redevelopment Agency of the City of Santa Clara and its board, the Chamber and its Board of Directors, and the officers, representatives, agents and employees of the City, the Agency and Chamber free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character in connection with or arising directly or indirectly out of this agreement and/or the performance hereof. Without limiting the generality of the foregoing, any and all such claims, etc., relating to personal injury, death, damage to property, defects in materials or workmanship, actual or alleged infringement of any patent, trademark, copyright (or application of any thereof) or of any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or decree of any court, shall be included in the indemnity here-

under. The Vendor further agrees to investigate, handle, respond to, provide defense for and defend any such claim, etc., at his sole expense and agrees to bear all other costs and expenses related thereto, even if it (claim, etc.) is groundless, false or fraudulent."

SANTA CLARA CALIFORNIA

Santa Clara
All-America City
2001

Julio J. Fuentes
City Manager

April 22, 2015

Mr. Roy Truitt
Interim President/CEO
Santa Clara Chamber of Commerce
Santa Clara Convention & Visitors Bureau
1850 Warburton Ave.
Santa Clara, CA 95050

Re: Termination of Conference and Convention Center Management Agreement

Dear Roy:

The City of Santa Clara and the Santa Clara Chamber of Commerce and Convention/Visitors Bureau ("Chamber") has enjoyed a long relationship with regards to the management and operations of the Santa Clara Convention Center in accordance with the Conference and Convention Center Management Agreement that was originally entered into in March 1984. As you are aware the City's continued ownership of the Convention Center and thus its ability to continue to direct the management of the Convention Center is the subject of litigation and currently the City is facing a court order that requires that the City turn over the Convention Center to the Successor Agency to the Santa Clara Redevelopment Agency. Therefore, pursuant to the terms of the Conference and Convention Center Management Agreement, the City is giving the Santa Clara Chamber of Commerce and Convention/Visitors Bureau notice of termination. This notice of termination shall be effective on the earlier of (1) 180 days from the date of this notice or (2) the date that the Chamber enters into a management agreement with the Successor Agency.

The City regrets having to take this action, but has no choice given the situation with the litigation. Please feel free to call me if you would like to discuss this matter.

Sincerely,

Julio J. Fuentes
City Manager

cc: Mayor and City Council Members
City Attorney

City Manager's Office
1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2210
FAX (408) 241-6771
www.santaclaraca.gov

CALIFORNIA

Santa Clara
All-America City
2001

Julio J. Fuentes
City Manager

June 4, 2015

Mr. Roy Truitt
Interim President/CEO
Santa Clara Chamber of Commerce
Santa Clara Convention & Visitors Bureau
1850 Warburton Avenue
Santa Clara, CA 95050

Re: Event Bookings – Conference and Convention Center Management Agreement

Dear Roy:

This letter is to advise you that the City is extending the termination date on the April 22, 2015 termination notice delivered to the Chamber as provided under the March 27, 1984 Management Agreement between the City of Santa Clara and the Santa Clara Chamber of Commerce and Convention/Visitors Bureau. The termination of the Management Agreement will be effective as of June 30, 2016, unless the City is able to maintain ownership of the Santa Clara Convention Center and the City approves an extension of the Agreement by the City. Notwithstanding the above, in the event the City is required to transfer ownership of the Center, the City will provide the Chamber a 30-day notice of termination which under any circumstance would not be effective prior to October 19, 2015.

Further, the City is authorizing the Chamber to enter into contracts for events to be held at the Santa Clara Convention Center from April 22, 2015 through June 30, 2016. This authorization recognizes that the City shall indemnify the Chamber for any claims or damages resulting from any bookings made impossible due to 1) the termination notice delivered to the Chamber on April 22, 2015 and 2) a termination of the Management Agreement prior to June 30, 2016.

Please do not hesitate to call me if you have any questions.

Sincerely,

Julio J. Fuentes
City Manager

cc: Mayor and City Council
City Attorney

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