

Charter Review Committee

CHARTER PROJECT 2026 FINAL REPORT TO COUNCIL

Pat Nikolai, Chair
Joe Sosinski, Vice Chair
Mark Boeckman
John Brooks
Eric Crutchlow
Lauren Diamond
Burt Field
Steve Kelly
Eric Jensen
Mohammad Naveed
Susan Peters
Holly Rhea Roberts
Bernard Tansey

City Attorney's Office
Glen Googins, City Attorney
June 9, 2026

**CHARTER PROJECT
2026
Charter Review Committee
Final Report to Council**

BACKGROUND

The idea for a comprehensive review and update of the City Charter (now commonly referred to as the “Charter Project”) was incorporated into the Governance and Ethics Committee Work Plan in early 2025. With support from the Committee, the project concept was presented to the full City Council on July 15, 2025. The Council was supportive and directed staff to form a Charter Review Committee (“CRC”) comprised of 13 individuals, one recommended by each Council Member, and 6 chosen by lottery, to implement the project. On September 16, 2025, the City Council appointed the CRC members so chosen and formally established the CRC by adoption of the CRC Bylaws (**Attachment One**).

The CRC’s first meeting was held on October 1, 2025. At their October 22, 2025, meeting, the CRC took action to form six Ad Hoc Subcommittees to serve as the Charter Project working groups. Since then, the Ad Hoc Subcommittees have met, in aggregate, a total of 28 times, with monthly report outs to the full CRC by each Subcommittee on the issues being discussed and progress being made. To date, the CRC itself has held a total of 10 public meetings. After some initial training sessions, full CRC meetings generally focused on work plan development, review and approval of proposed Charter-wide update standards, feedback and direction to both the reporting Subcommittees and professional staff on the issues and language presented, and solicitation of public input.

The CRC held two meetings in May (the 20th and the 27th) at which they received and provided preliminary direction on the final recommendations from all six Subcommittees. On June 3rd, the CRC met and took final action on their comprehensive Charter Project recommendation to the City Council. This report now presents that recommendation for Council consideration and direction.

DISCUSSION

The Charter Project has been a significant undertaking, involving hundreds of hours of City staff time, and almost as many volunteer hours contributed by CRC members meeting within their assigned Ad Hoc Subcommittees (each CRC member participated in two of these), and at the monthly meetings of the full CRC. At these meetings, and in between, CRC members have been highly engaged with: receiving and reacting to information presented by City staff and stakeholders describing the workings of City government and proposals for improvements; presenting and discussing their own issues, concerns and suggestions; reviewing multiple iterations of proposed additions, deletions and modifications to Charter language; and, after balancing competing interests and sensitivities, developing their own ultimate recommendations for each Article and each Section. The overall CRC recommendation that came from this effort is

now presented for Council consideration in this report. As a basis for this recommendation, both for the benefit of the public and the Council, this report is organized into the following Sections:

1. **Charter Project Origins and Objectives.** A description of the origins and objectives of the Charter Project.
2. **The Process.** A summary of the process and approach used to implement the Charter Project.
3. **The Results.** A summary of the proposed changes generated by this process, ranging from corrections, wording updates and reorganization (“Level One”) to changes that are recommended but may be so substantive or sensitive they may warrant consideration as a stand-alone ballot measure (“Level Three”).
4. **CRC Final Recommendation.** The CRC’s final recommendation on what the City Council should consider placing on the November 2026 ballot, including some issues the City Council may wish to consider in deciding how to proceed.
5. **What’s Next.** Steps required if the Council decides to place a measure on the ballot, including things that could be done to help inform the voters.

1. **Charter Project Origins and Objectives**

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

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

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

Project is to produce a draft comprehensive Charter Amendment for presentation to the City Council and, if the City Council so directs, possibly the voters at the November 2026 Election.”

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

“Make a Recommendation to the City Council regarding a Comprehensive Amendment of the City Charter. To implement the Charter Project City, staff will be preparing draft revisions to the City Charter for consideration and input by CRC Subcommittees and/or the CRC itself. At the end of the process, the CRC will be expected to make a recommendation to the City Council on one or more proposed amendments to the City Charter. The proposed “top to bottom” review process is intended to be driven by practical and legal considerations, with the prime objective being to bring the Charter up to current “best practices” for City operations. It is not intended to implement any major restructuring of City operations or to change the City’s election process.”

With this, the Charter Project was framed as an endeavor intended to be both **comprehensive**, in that the entire Charter was put under review, and **limited**, with the understanding that any major change or addition, no matter how good an idea, should be considered beyond the scope of the project and, at most, referred for possible future consideration. This formalized Charter Project purpose was presented to the CRC as their first order of business at their first substantive meeting on October 1, 2025. Since then, and throughout the project, the CRC has endeavored to keep this defined scope and purpose as a core guiding principle: on the one hand, not shying away from issues that arise and warrant clarification, but at the same time, being pragmatic and focused on improving what’s already in the Charter, and refraining from proposing major changes to the structure of the existing City government.

2. The Process

a. Introduction to the Structure and Workings of City Government

The CRC is comprised of individuals with a wide range of knowledge and experience with the workings of local government. For some, this was their first experience; others have been engaged for years in a variety of capacities. But even the most experienced of the group had little exposure to the history and import of the City’s Charter. Accordingly, for a project dedicated to updating the City’s Charter, City staff thought it important to begin the process with some education on what a City Charter is, and the history of Santa Clara’s own City Charter. Concepts and materials presented included: (1) the idea of the Charter as the equivalent of the City’s constitution; (2) Charter cities local authority over “municipal affairs,” and the limits to that authority on matters of “statewide concern;” (3) a review of the City Charter in its current form; (4) a summary of the history of City Charter amendments (both successful and failed) compiled by the City Clerk from 1952 to the present (**Attachment 3**); and (5) a preview of areas that had already been identified by City staff as warranting review and update.

Since the CRC was purposely formed as a “legislative body” that would meet in public and be subject to the full range of open government laws, the CAO also presented a training session on the Brown Act, the Public Records Act and applicable State and local ethics rules.

b. Ad Hoc Subcommittee Working Groups

(1) In General. At the heart of the Charter Project’s work plan were the CRC Ad Hoc Subcommittee working groups. With such a large undertaking, it made sense to divide the Charter into segments involving common subject matters, and to create working groups to focus on their assigned segments. Since ad hoc subcommittees of this type are exempt from the Brown Act,¹ these working groups would have flexibility to meet when member schedules allowed, coordinate with City staff for presentations, and have candid discussions about any issues or ideas that might arise in an informal setting, allowing for free flowing “back and forth” discussions. Meetings could also be scheduled to allow for each group’s identified “stakeholders” to present (see Stakeholder discussion, below). As presented to the full CRC at its October 22nd meeting, with ad hoc subcommittees as the project’s working groups, the overall Charter Project work plan was proposed as follows:

- Subcommittee members communicate to discuss/agree upon mutually agreeable dates/times (can even meet immediately after each CRC meeting)
- Ideally meetings occur after normal business hours and at City facilities (convenience, staffing, technology); coordinate with City staff.
- Staff to provide each Subcommittee a starting “packet” of information to include word version of assigned sections and other relevant information.
- CAO and designated City department representatives will present to and work with Subcommittees to develop proposed modifications.
- Subcommittees and staff will “report out” to the full CRC on progress, with “final” report to be a committee presentation of proposed modifications.
- Possible adjustments/phasing to group meeting schedules depending upon progress.
- Ultimately, all subcommittee work will be consolidated into a comprehensive Charter Amendment proposal from the full CRC for presentation to the City Council by no later than early July 2026.

(2) Six Ad Hoc Subcommittees Formed. At the CRC’s October 1st meeting, six Ad Hoc Subcommittees work groups were proposed as follows: (1) Group One: Powers and Structure of City Government: Rules/Process for Action; (2) Group Two: City Council: Elections, Powers and Conduct of Meetings; (3) Group Three: Senior Officials: Duties and Qualifications; (4) Group Four: Boards and Commissions: Composition, Powers and Duties; (5) Group Five:

¹ Under the Brown Act, subcommittees of a legislative body that are comprised of less than majority of its members, with no outside members, are of limited duration (typically less than 1 year), and are assigned a specific task to complete, are exempt from the Brown Act’s public meeting requirements, and may meet privately. See Govt. Code Section 54952(b).

Civil Service: General Rules for Classified and Unclassified Employees; Commission Composition and Duties; and (6) Group Six: Fiscal Administration and Procurement. Immediately thereafter, CRC members were asked to indicate by rank which subcommittees most interested them. Through an AI assisted selection process proposed rosters were developed so that each CRC member would be a member of two committees, with their ranked preferences maximized. The resulting rosters, with a few on-the-fly adjustments (AI is not perfect), resulted in the following appointments being made at the CRC's October 22nd meeting:

Group One

Steve Kelly
Bernard Tansey
Patrick Nikolai
Eric Jensen
Joe Sosinski

Group Four

Lauren Diamond
John Brooks
Burt Field
Jose Sosinski

Group Two

Steve Kelly
Mark Boeckman
Eric Crutchlow
Holly Roberts
Susan Peters

Group Five

Mark Boeckman
Holly Roberts
Susan Peters
Mohammad Naveed

Group Three

Bernard Tansey
Patrick Nikolai
Lauren Diamond
Mohammad Naveed

Group Six

Eric Jensen
Eric Crutchlow
John Brooks
Burt Field

Note: The color coding assigned to each group was intentional, serving as a visual tool to identify Charter Sections each Group was responsible for. This color coding has been preserved in the table of contents, and the Article and Section headings of the underline/strikeout version of the Charter highlighting each Group's proposed revisions.

(3) Robust Meeting Schedules. In the aggregate, the CRC Ad Hoc Subcommittees met a total of 28 times. The following is a list of each Group's meetings:

Group One:

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

- November 12, 2025
- December 15, 2025
- January 14, 2026
- April 9, 2026
- May 12, 2026
- May 25, 2026

Group Two:

City Council: Elections, Powers and Conduct of Meetings

- December 8, 2025
- February 9, 2026
- March 9, 2026
- April 13, 2026
- May 7, 2026

Group Three:

Senior Officials: Duties and Qualifications

- January 12, 2026
- March 11, 2026
- April 8, 2026
- May 13, 2026
- May 25, 2026

Group Four:

Boards and Commissions: Composition, Powers and Duties

- November 13, 2025
- December 15, 2025
- February 12, 2026
- March 12, 2026
- May 14, 2026

Group Five:

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

- November 17, 2025
- December 10, 2025
- January 5, 2026
- January 14, 2026

Group Six:

Fiscal Administration and Procurement

- February 4, 2026
- March 17, 2026
- April 6, 2026
- May 11, 2026

Note: All Ad Hoc Subcommittee meetings were held at City Hall, either in the City Council or Sparacino conference rooms, with remote participation available. All meetings were staffed by the City Attorney's office and, where appropriate, also attended by professional City staff and/or Boards and Commission representative stakeholders. (For more on stakeholders, please see the "Stakeholder Input" section of this report, below.)

(4) Monthly and Final Report Outs to Full CRC. The first Ad Hoc Subcommittees report out to the full CRC occurred at its November 19, 2025, meeting. Each subsequent monthly CRC meeting also agendized Group report outs. Report outs included a summary of issues discussed, input (if any) received from Charter Project stakeholders (for example, relevant City Staff, Boards and Commissions), any referenced benchmarking+ information and proposed next steps. CRC questions and input were also solicited. Starting in February, Ad Hoc Subcommittees started moving beyond preliminary discussions of issues and began reviewing and commenting on actual proposed Charter language. As the culmination of these efforts, at the May 20th CRC meeting, the final work products of Groups Two and Six were presented and approved. At the May 27th meeting, the final work products of Groups One, Three, Four and Five were presented and approved, with the caveat that the Group Five work product had not yet been fully signed off in the “meet and confer” process with potentially impacted labor groups. As presented below, at its June 3rd meeting, the full CRC considered the assembled collection of these recommendations and made its own comprehensive recommendation to the City Council for Council consideration and action.

c. Stakeholder Input

At the time the Ad Hoc Subcommittees were proposed, City staff also included proposed sets of “stakeholders,” meaning individuals or groups thought to have special knowledge or interest in the subject matters assigned. Given the subject matters covered by the Charter, and that one of the primary objectives of the Charter Project was to update its provisions to align its terms with current City/best practices, most of the designated stakeholders were the professional City staff responsible for implementing the various operational Charter sections in accordance with their terms. Accordingly, for Group One, covering the basic Powers and Structure of City Government, the identified stakeholders were the elected City Clerk and the Appointed Assistant City Clerk. For Group Two, covering City Elected Officials, these same parties were identified, plus the Parks and Recreation Commission (regarding possible modifications to Charter Section 714.1, approved by Measure R). For Group Three, covering Senior Officials, each of the Department Heads listed were identified, including the City Manager, the Chief of Police, the City Clerk (and the Assistant City Clerk), the Director of Finance, the Public Works Director/City Engineer, the City Attorney, the City’s (acting) Auditor and the Fire Chief. For Group Four, covering the rules and duties for the City’s Boards and Commissions, the Boards and Commissions that were identified in the Charter were engaged, along with their staff liaisons; this included the Planning Commission, the Parks and Recreation Commission, and the Board of Library Trustees. For Group Five, assigned the sections regarding the City’s civil service workforce, the Civil Service Commission; the Human Resources Department, and all City labor groups were identified. Finally, for Group Six, assigned the Finance and Procurement sections, the Finance Department, the City Auditor, the Public Works Department and Silicon Valley Power were identified.

Professional staff stakeholder input was provided to the Ad Hoc Subcommittees directly at one or more of their scheduled meetings. For example, the Chief of Police and the City Manager spoke directly to Group Three at their March 11, 2026, meeting regarding their

substantially aligned but ultimately competing views on certain aspects of their assigned authority on appointment and discipline of Police Department personnel. (The President of the POA also made an impromptu appearance at this meeting to present the POA's perspective.) Both the Finance Director and the Public Works Director presented to Group Six regarding changes they were seeking to update the City's outdated Budget, Finance and Public Works procurement provisions. Finally, the City Clerk appeared before Group One and Group Three regarding City elections provisions and the powers and duties of the City Clerk, respectively. In other cases, the City Attorney's office was able to solicit input from impacted departments and relay that information to the subcommittees on their behalf.

Stakeholder input from the Charter-listed Boards and Commissions was especially robust. All of the listed "Chartered" Boards and Commissions received presentations from the City Attorney's office regarding the Charter Project; and in the case of the Planning Commission and the Board of Library Trustees (BOLT), met again after that (the BOLT multiple times) in order to develop their recommendations. Both the Planning Commission and the BOLT designated representatives from their respective Boards to present their comments directly to Group Four. These presentations were very comprehensive and well received. Both the Parks and Recreation Commission and the Civil Service Commission also met publicly to develop formal recommendations for possible changes to their respective Charter sections. With these Boards' approvals, these recommendations were presented on their behalf by the City Attorney's office.

Stakeholder input, as required by law, was also solicited and received from the City's labor unions with respect to proposed updates to existing Charter Article X (Civil Service Commission only), Charter Article XI, Civil Service and XII, Retirement System. In order to solicit this input in a timely manner, Ad Hoc Subcommittee Group Five met multiple times in November, December, and January in order to be in a position to make their recommendation on proposed updates for these sections to the full CRC early on in the process. At the CRC's January 21st, 2026, meeting, Group Five's recommendation on language updates was presented and approved by the CRC in substantial form. Thereafter, the City's Human Resources and the City Attorney's Office distributed the proposed changes to the City's labor groups and formally commenced a "meet and confer" process on possible impacts to those groups' working conditions. Although substantial progress was made in addressing labor group concerns, as of the date of this report a number of issues remain. City staff will continue to engage with the groups and endeavor to address these concerns. If issues can't be resolved, the City Council may consider excluding some or all of the unresolved language in these Articles from any comprehensive ballot measure proposal.

While there was an occasional live speaker at the full CRC meetings, and usually four to eight individuals monitoring the meetings on-line, the CRC did not receive substantial input or testimony from the general public. Early on, a few speakers emphasized the importance of ethics and asked that this be a consideration in any proposed update of the Charter, including a potential provision or call for an Ethics Commission. Written testimony was also presented to the CRC at their June 3rd meeting with some suggestions on ethics and transparency. But beyond that, there was not much direct public testimony to the CRC. It seems likely that the technical nature of the Charter Project made it unlikely to attract a lot of public attention or interest. Further, there was only occasional press coverage of the project.

Given that any Charter amendment proposal can only be implemented with the approval of Santa Clara voters, it will be crucial for the public to be informed of what any proposed Charter amendment contains and why it matters. Accordingly, the CRC believes that if a measure is placed on the ballot in November, a plan must be developed to communicate to the voters the overall Charter Project objectives and the details of the proposal. Possible mechanisms for this kind of information and outreach, consistent with applicable legal limitations on using City resources to advocate for or against a ballot measure, will be discussed below.

d. Benchmarking

(1) Comparable Cities. How other cities choose to govern themselves obviously shouldn't dictate how Santa Clara chooses to govern itself. (Santa Clara is proudly unique in many ways.) Nonetheless, for a project interested in alignment with current "best practices" the CRC thought it would be highly appropriate for the Charter Project to build into its process some meaningful consideration of the Charter provisions for similarly situated Charter cities.

Based on input from the CRC criteria were developed and applied in order to guide the assembly of a "library" of Charters that the CRC, City staff, and the public could refer to for examples of comparable city policies and standards for governance. This included Charters from cities that met one or more of the following conditions: (1) populations between 100,000 and 200,000; (2) operates a municipal utility; (3) home to a stadium; or (4) a Santa Clara "neighbor" city. Also added to the list was the Charter from the City of Chula Vista. Chula Vista was added in light of the City Attorney's recent experience with successfully updating that city's Charter, which was also originally adopted around the same time as Santa Clara's Charter, had many similar "old school" provisions, and, until recently, had not gone through a major overhaul. Of the 126 or so Charter cities in California, the resulting list of comparable Charters for benchmarking purposes included the following 19 cities:

[Alameda](#), [Anaheim](#), [Berkeley](#), [Chula Vista](#), [Gilroy](#), [Hayward](#), [Inglewood](#), [Los Angeles](#), [Mountain View](#), [Oakland](#), [Palo Alto](#), [Pasadena](#), [Redwood City](#), [Roseville](#), [Sacramento](#), [San Francisco](#), [San Jose](#), [San Mateo](#), [Sunnyvale](#).

The full text of the 19 "benchmarked" charters was uploaded to the City's Charter Project web page in late January 2026. Throughout the process, particularly during deliberations at the Ad Hoc Subcommittee level, reference was made to how such benchmarked cities handled various issues under discussion in their charters (if at all), as a way of balancing and refining any language or policy options presented. It should also be noted, however, that the benchmarked charters, while likely representing "common" practices, did not necessarily represent "best practices" as few of them appear to have undergone any recent comprehensive update like the one undertaken by the Charter Project.

(2) City of Sunnyvale. The ongoing Charter review process in Sunnyvale was also considered and presented for benchmarking purposes at the CRC's February 18th meeting. The Sunnyvale process began with a Council referral back in the summer of 2024 and culminated with

a final report and recommendation to Council presented at the February 3rd City Council meeting. The following is a summary of the Sunnyvale process and status: Culmination of an 18-month process, with 12 months of CRC meetings and analysis.

- Final Report and Recommendations document completed on December 4, 2025, and presented to Sunnyvale City Council at their February 3, 2026, meeting.
- Process initiated by a Council referral to consider identified issues for update (extending appointed City Council terms to the next November election, City Council compensation, alternative voting systems, rules for re-districting), along with a general Charter review for possible additional updates.
- Sixteen public meetings held by their Committee from February until December 2025.

Three issues were “surveyed” with the public: City Council appointment process, City Council compensation and City Manager authority to settle claims.

- A list of 23 potential amendments was created; these were ultimately narrowed down to five issues: (1) possible increases to City Council and Mayor compensation; (2) modify appointed City Council terms so that the next election to fill that position would be a November election; (3) change the number of City Council meetings from 2 per month to 24 per year; (4) increase City Manager authority to settle claims to an amount above \$50K per year; and (5) expand public works procurement to add “design-build” and other mechanisms.
- Preliminary Takeaways
 - Staff level background work and analysis of issues had been going on for many months, if not years.
 - The Committee’s ultimate recommendations appear to require only minor language changes.
 - Good discussion/analysis of the 2 meeting per month versus 24 meetings per year issue, including benchmarking; ultimate recommendation not to change based on concerns that voters would perceive an attempted Council work reduction while at the same time Council salaries were proposed for increase.
 - Good discussion/analysis of \$50K settlement authority issue with ultimate recommendation to not include a dollar limit in the Charter, but to have the Council adopt a simultaneous ordinance setting the limit at \$150K.
 - Good discussion/analysis of proposed amendment to public works language to allow for “design-build” and other “best value” procurement mechanisms to be implemented by ordinance. Note: Sunnyvale’s existing Charter language had no dollar thresholds for Council approval or formal bid requirements, with those things determined by ordinance.

(3) City of Mountain View. On February 10, 2026, the Mountain View City Council also initiated a process for consideration of possible updates to their Charter. The following is a summary of what’s under consideration:

- Proposed amendments intended to be non-controversial and limited to technical changes, including correcting typos, language updates and alignment with state law.
- Developed by their City Attorney's office based on reviews of other area Charter's (including Santa Clara's) to identify "best practices."
- Examples include: gender neutrality, increase time period for Council appointments from 30 to 60 days; update qualifications for boards and commission members.
- Potentially more substantive changes to follow in 2028.

(4) Santa Clara's Charter in Historical Context. Santa Clara is one of many cities in California that took action to update their city charters or become charter cities in the first place in the "post war" suburbanization era of the late 1940s and early 1950s. Many of these charters are based on a "Model City Charter" first developed in the early 1900s by the National Municipal League (now the National Civic League) and updated periodically thereafter. As a result, many such charters, including Santa Clara's, have the same general contents, same overall organizational structure and, for many, virtually identical language for many of their sections. Over time, in a manner unique to each City, these original charters have evolved. Larger cities now tend to have longer, more detailed charters (with the City and County of San Francisco's being the longest at 593 pages), with mid-size and smaller cities mostly sticking to the original format, with varying levels of updates and enhancements.

Relative to other California Charters, Santa Clara is fairly typical in that, over time, it has substantially maintained its original Model Charter structure, with periodic, mostly issue-specific modifications proposed and enacted over the years. The City's history of proposed and approved Charter amendments from 1952 through 2024 is captured in a document prepared by the City Clerk's office. This history was provided to the CRC early on for context and possible lessons learned from the types of changes that had been approved and the types that had been rejected by Santa Clara voters. A copy of this summary is also attached to this report for City Council's reference (**Attachment 3**).

In thinking about the changes that made sense as part of Santa Clara's Charter Project, the consensus of the CRC was that it did not think it appropriate to substantially enlarge or shrink the Charter, and that its relative content and size made sense. Per the project Bylaws, there was a desire to keep the Santa Clara Charter relatively simple, with added provisions and details only for educational purposes, to fill in gaps and to add clarity how things were intended to work. As a balance, it was also okay to delete things that were too detailed, or no longer relevant. Unlike the highly detailed City Charters that seemed more like City Codes, throughout the process the individual subcommittees and the full CRC maintained the consistent belief that the Charter should contain the basic sets of rules regarding City governance structure, with more complex details left to policy making by the City Council and professional staff. The City's Charter is its constitution, not its code of regulations.

At the CRC's April 15th meeting, City staff also presented information regarding Santa Clara's own most recent "comprehensive" Charter update from back in 2000. The CAO's best record of the "underline/strikeout" of that Charter was provided. In summary, Santa Clara's Year 2000 update:

- Made changes throughout, but a very light touch compared to what the 2026 Charter Project CRC is undertaking.
- Sample changes included:
 - Added language regarding required residency and qualified elector status (Section 600)
 - Added language preventing a City Council member from running for another City Council seat if they have more than 6 months left on their term (Section 600)
 - Deleted unnecessary details for holding of local elections
 - Deleted a 1-year preceding residency requirement
 - Changed “he/his” to “he/she/his/her”
 - Deleted details for calling a Special Election and instead referred to Brown Act (Section 708)
 - Deleted requirements for meetings to be held at City Hall, deferring to Brown Act (Section 709)
 - Deleted outdated provisions regarding taxing system and limits (Sections 1306 through 1308)

e. Development of “Levels” of Proposed Changes

Another process tool used to guide Charter Project implementation was a categorization of proposed changes based on the degree or “level” of such change. The idea here was to categorize proposed changes into levels so that when the total package is presented to the City Council, the Council will have a basis to evaluate which of the proposed changes ought to be submitted to the voters (generally, Levels One and Two), which changes might be so significant or politically sensitive that such changes might be considered for presentation to the voters as one or more separate ballot measures (generally, Level Three), and which areas discussed were so significant, complex or sensitive that they were beyond the scope of the Charter Project, but might warrant future study or consideration (Level Four).

With this in mind, the following standards for “levels” were presented to and accepted by the CRC at the February 18th meeting.

Level One

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

Note: The vast majority of proposed changes fall into the Level One category.

Level Two

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

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

Level Three

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

Note: Ideally, approved Level Three changes would be combined with Level One and Level Two Changes as part of one comprehensive ballot measure, understanding that some Level Three changes may warrant separate or deferred consideration.

Level Four

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

Note: An example of a Level Four issue might be consideration of a different voting system like “ranked choice” voting.

f. Role of the City Council

The City Council initiated the Charter Project, defined its scope and purpose and created the CRC as its implementing body. Ultimately, the City Council will determine what elements of the CRC’s proposed Charter changes, if any, will be placed before the voters in November. As is the norm for this type of project, however, by creating an independent CRC, the City Council intentionally removed itself from the day-to-day aspects of Charter Project implementation, so as not to dictate any particular outcome or unduly influence any final recommendation.

Although the CRC understood that the City Council was standing back awaiting its final recommendation, at its February meeting, the CRC determined that it would make sense to check in with the City Council to update the Council on progress, and to solicit any questions or concerns that the Council might have regarding the direction the project was taking. Specifically, the CRC wanted to make sure that its support of a substantial reorganization of the City Charter, with an entirely new numbering system and rewritten language that would make even non-substantive changes look dramatic, was something the City Council could ultimately be comfortable with. It would not be a good use of CRC and staff resources to implement such an

overarching change if in the end the Council was not supportive. Accordingly, the CRC directed staff to provide a report to the City Council with an overall project update, a preview of the proposed reorganization, and the CRC's thought process in supporting this approach. The report was prepared and presented as a consent item on the City Council's April 7th agenda. The report included a summary of the proposed reorganization, the CRC's thought process, the arguments it considered for and against the approach, and statement that if the Council, or any individual Councilmember had any concerns with the approach, the item could be pulled for further discussion, or any individual Councilmember could contact City Attorney Googins with any questions. The report also indicated that CRC Members Roberts and Tansey, and CRC Chair Nikolai would be available to respond to any questions at the meeting. The item was not pulled, and no concerns were raised by any Councilmembers at that time or since. Nonetheless, since the proposed reorganization remains a significant aspect of the CRC's overall recommendation, the CRC's thought process in proceeding down this path is presented again in the "Results; Summary of Proposed Changes" section of this report, below.

g. The Role of the City Attorney's Office

The City Attorney's Office (CAO) has taken the lead in providing professional staff support for the Charter Project and the CRC. In this role, CAO staff has (1) coordinated logistics and staffing for all full CRC and Ad Hoc Subcommittee meetings (with substantial early assistance from City Council staff); (2) presented directly to the four Boards and Commissions stakeholder groups, and facilitated the delivery of their input to the Group Four Ad Hoc Subcommittees; (3) solicited input from other professional City staff "stakeholders" and facilitated delivery of their input to the various Ad Hoc Subcommittees groups; (4) served as primary drafters for proposed and requested Charter language changes; (5) facilitated discussions, answered questions and followed up on requests for additional information, benchmarking and legal research on the full range of topics taken up by the CRC; (6) facilitated and led report outs from the six Ad Hoc Subcommittees to the full CRC regarding Group progress, issues discussed, and ultimately, each Group's section by section recommendations; and (7) assembled the Groups' recommendations into an overall CRC recommendation for the Project with CRC direction and oversight.

h. Full CRC Meetings

In the end, the various elements of the Charter Project process were developed, decided, applied and brought to fruition at the meetings of the full CRC. All told, as of the date of this report, the CRC has met 10 times. Meetings were held in 2025 on October 1st, October 22nd and November 19th and in 2026 on January 21st, February 18th, March 18th, April 15th, May 20th, May 27th and June 3rd. All meetings were in City Council Chambers, except the May 20th meeting which was held in the Redwood Room at Central Library. Early meetings focused on training and work plan development. Thereafter, building upon the monthly report outs from the six Ad Hoc Subcommittees, the CRC proceeded towards the development of its final recommendation. This recommendation is now presented for City Council consideration, below.

3. The Results: Summary of Proposed Changes

The results and recommendations of the CRC for Council action on the Charter Project comprise a number of components. These are presented below as follows: (a) proposed comprehensive reorganization; (b) Charter-wide conventions; (c) Section by Section modifications; and (d) considerations in placing any measure on the ballot.

a. Proposed Comprehensive Reorganization. As City staff and the various CRC subcommittees started digging into their assigned sections, it became increasingly clear that the current Charter was not always organized in a logical or intuitive manner. In many instances, subjects and sections related to the same topic were not even within the same Article. This led to early proposals to relocate sections, or parts of sections, along with more and more substantial clarifying revisions, both to update outdated language, and to integrate sections into their relocated context. At a certain point, it became increasingly clear that merely revising sections “in place” would not achieve one of the prime Charter Project purposes of making the Charter more accessible and user friendly.

The proposal for a comprehensive reorganization of the Charter was first previewed for the CRC at its January 21st meeting. Responding to general CRC support, City staff refined its proposal and resubmitted it for CRC action at their February 18th meeting. Key components of the reorganization proposal included: (1) Consolidation of Articles I through V; (2) shifting of certain Sections into more logical arrangements by subject matter; (3) retitling of Articles and Sections with more descriptive language; (4) breaking up longer Sections into titled Subsections; (5) deleting headings and numbering left over from previously deleted Sections; (6) renumbering Articles and Sections with a more modern, intuitive numbering system; and (7) creation of a comprehensive matrix to be attached at the end of the Charter showing the history of changes to each Section, references to previous Section numbers, and references to City Code Sections that are implementing of the Charter.

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

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

This comprehensive reorganization proposal, with some relatively minor modifications to the Article and Section references submitted to the Council back on April 7th, remains a central component of the CRC's recommended Charter update. The proposal consolidates the current Charter's eighteen (18) Articles into nine (9) Articles and relocates a number of Sections and Subsections into more logical alignment. This relocation of Sections occurs most frequently in and among old Articles VI, The Elective Offices, VII, The Council, City and VIII, Manager, Ordinances, Meetings, now new Articles Two, Elected Officials, Three, City Elections, and Four. City Council Meetings/Actions. A number of miscellaneous Sections that were located throughout the old Charter are also now proposed for relocation to new Article Nine, Miscellaneous and Legal Provisions.

The proposed matrix to be attached at the end of the Charter showing the history of changes to each Section, references to previous Section numbers, and references to City Code Sections that related back to or implement Charter requirements has not yet been generated, but will be generated if Council provides preliminary direction of its intent to place the comprehensive update on the November ballot.

b. Charter-wide Conventions

Charter-wide "conventions" refers to minor, but important, changes proposed throughout the document to improve the Charter's appearance, make it more accessible, more modern, and easier to understand. In addition to those conventions described as part of the reorganization proposal, above, the Charter-wide conventions to be implemented as part of the CRC's recommendation include:

- (1) "he/she him/her" pronoun references converted to using the relevant position title, whenever possible or "they/them" when not possible or too awkward;
- (2) numbers one through nine presented as words, with numbers 10 and above presented as numerals;
- (3) where appropriate, explain/educate on basic concepts and functions of government (e.g., added language to explain the concept of a "Council-Manager" form of government (new Section 103); and what an "Ordinance," is and does, including an explanation of the two step Ordinance approval process (new Section 403.1);

(4) use of capitalized terms to create defined terms throughout as referenced in the new Section 105. Note: The Charter is still under comprehensive review to ensure that all capitalized terms are being used correctly and consistently. The list of “Defined Terms” at the end of the Charter (new Section 908) is also still under construction.

c. Section by Section Summary of Proposed Changes

This section presents, in summary form, the proposed changes from each Ad Hoc Subcommittee Group for updates to their assigned Charter sections that were ultimately approved by the full CRC on June 3rd. While each assigned subject matter area had its own unique issues, each Group was also conscious of the importance of viewing their task through the common lens of the express Charter Project purpose stated in the adopted Bylaws. The assigned task was not to restructure the operations of City government, or to propose major changes in the City’s political process. Instead, the Charter Project was about developing a comprehensive update to make the Charter easier to understand for the public, elected officials, and professional staff alike, and, based on stakeholder input, to bring the Charter into alignment with currently applicable law, City practices, and/or current, “best practices,” all of which, along with Santa Clara itself, have evolved substantially since the Charter’s original adoption. In some cases, this meant rewriting whole sections to make the language used more modern and less ambiguous. In other cases, it meant adding new provisions to fill gaps or deleting provisions that were outdated or no longer necessary. All of these changes are summarized below, with references to Section numbers in both the existing “Old” Charter and the proposed updated “New” Charter.

Perhaps the best reference tools to use in conducting a detailed review of the CRC’s proposed recommended changes are the attached underline/strikeout and clean version of the proposed Charter update (**See Attachments 4 and 5 to this report**). These updated Charter documents contain (and in the underline/strikeout version, highlight) every proposed CRC Charter modification. They also contain, throughout, annotations in the margins that provide references to primary source materials and applicable laws considered. For the more substantive proposed changes, or proposed changes in politically sensitive areas, these annotations also include summaries of the CRC’s thought process in deciding whether to include, or not to include proposed Charter changes that were under consideration. Where any proposed CRC modification rose to Level 3, this was also noted.

With that in mind, the CRC would encourage that any review of the following summary of proposed Charter changes be done with reference to the actual proposed Charter update documents, with the added value of their embedded annotations.

Group One

Powers and Structure of City Government: Rules/Process for Action

Addition of a Preamble

[Preamble]

“We, the people of the City of Santa Clara, pursuant to our authority under the laws of the State of California, hereby adopt this Charter to be the rules for the governance and operations of our City in an open, fair and effective manner.”

Notes: A preamble is not legally required but, consistent with the purposes of the Charter Project, is thought to be a good presentation and framing of what a Charter is: the local rules that the people choose to govern themselves.

Foundational Terms (Article One)

[Old Articles I through V, New Article One, Sections 100 through 105]

- Replacement of formal language with familiar language throughout (e.g., Section 100).
- Deletion of Old Article III, Succession, Sections 300 through 305, regarding the effect of Charter adoption on previously existing rules, rights and contracts; replaced with a single summarizing sentence in new Section 104.
- More definitive statement of City's "Charter Authority" with respect to "municipal affairs" (Section 102.1), and the relationship of its enumerated Charter authority to other laws (Section 102.2).
- Aggregate voter approved limitations on City authority into one Section (102.3), including "Disposal of Public Utilities" (Section 102.3(a)), with clarifying modifications to allow internal transfers and disposition of property no longer needed for utility purposes.
- Expanded language to explain "Council-Manager" form of government (Section 103).
- New language to make clear the "Effective Date" of this Charter update, and the need for voter approval of any future Charter amendment (Section 104).
- Use and Definitions of Capitalized Terms Section added with cross-reference to the list of Definitions to be added in Article Nine, which is still "under construction" (Section 105).

Notes: A definitive statement of the City's authority with respect to "municipal affairs" is intended to maximize the City's authority to govern itself at the local level. What's viewed by City staff and the CRC as a clarification of the provision requiring a vote on any transfer of a public utility to allow the transfer of utility property no longer needed, or internal utility restructuring, could be viewed by some as a substantive change warranting Level 3 consideration. See also discussion of proposed modifications of Measure R language, new Section 102.3(b), below.

Elected Officials (Article Two)

[Old Article VI, Section 600, City elected officers, New Article Two, Elected Officials, Sections 200, 201.1, 203.1 and 203.3]

- Added new Section 200 to clearly state in one place which positions in the City are elected, with a definitional distinction for "District Council Members" and a cross-reference to Article Three regarding the process for elections and interim appointments.
- Qualified Elector and Residency requirements retained and clarified, with "Residency" to be determined under State Law, and "Qualified Elector" status to be determined by the County Registrar of Voters (Section 201.1).
- Clarifying language regarding ability to hold one office and run for another (e.g., Mayor for Council, and Council for Mayor), except that District Councilmembers can't simultaneously run for another District Council seat) (Section 203.3).

Notes: Existing general qualification requirements for Elected Officials were retained. There was a discussion of lengthening the 30-days in advance requirement, but beyond 30 days has been challenged as unconstitutional. Better defining "Residency" was also discussed, but current best practice is to defer to state law, with the City Clerk requiring a sworn statement from the candidate.

City Elections (Article Three)

[Old Section 600.01, New Section 301]

- Maintains concept of a “regular election” but uses modern language to refer to as “General City Election” held in even numbered years to be consolidated with the corresponding State election. Everything else is a “Special Election.” Provision for no primary election retained.

City Council Meetings/Actions (Article Four)

[Old Section 808, Ordinances, New Section 403, Special Rules for Ordinances]

- Added language to explain what an ordinance is and to use modern language to explain the two step process for “introducing” and “adopting” ordinances (Section 403.1).
- Retains general rule for ordinance adoption at a “regular meeting” but adds a provision for adoption at a special meeting if the City Council finds an urgent necessity with five affirmative votes (last sentence of 403.1).
- Simplifies and updates language regarding repeal/amendment (403.2), effective date (403.3), emergency (403.4), codification (403.6), and adoption of uniform codes (403.7), with City Clerk only required to maintain one (was three) physical copies of the code, with added requirement for posting on the City’s website.
- Posting/publication of ordinances requirement changed from **advance** posting/publication in a newspaper (a general law city practice) to **post** adoption posting/publication in newspaper, plus website posting (403.5).

Notes: Charter cities can develop their own ordinance adoption standards, but most substantially adhere to the General Law city standard. This update maintains that standard, with a “best practice” modification to allow for ordinance adoption at a special meeting with a five-vote determination of urgency, and replacement of a pre-adoption newspaper publication requirement, with a 15-day post-adoption publication requirement.

Employee Performance Bonds

[Old Section 911, Official Bonds, New Section 503, Employee Performance Bonds]

- Added language to describe what bonds are for, to outline the contents of any City policy to identify covered officials and terms of bonds, with City to pay premiums (503.1), with State law to apply in the absence of City policy (503.4).

Miscellaneous and Legal Provisions (Article Nine)

[Old Article XVIII, New Article Nine]

- Overall updates/clarifications to existing language in new Sections 900 (Mandatory and Permissive), 901 (Legal Actions Against the City), 903 (Severability) and 907 (Oaths of Office, old Section 912).
- Violations and Enforcement updates allow for prosecution of Charter violations as misdemeanors **or** infractions, in prosecutor’s discretion based on severity of offense, with reference to state law for applicable range of punishments, and a clear statement that Elected Officials forfeit their position for a misdemeanor conviction (902.1).
- The District Attorney to be the prosecuting authority; if DA declines, City Attorney to hire someone from outside the City Attorney’s Office to prosecute (902.2).
- Ordinance required as a legal basis for any Local Law criminal prosecution (902.3).

- Publication of legal notice updates maintains newspaper publication requirement with updated language to align with State Law (904.1), requires additional “electronic” notice by City policy based on latest technologies to maximize reach to those expressing interest or likely to be impacted (904.2).
- Where Charter requires a City Council ordinance or policy, currently applicable local or state laws to remain in effect pending adoption (905).
- Add City Clerk authority to make minor corrections if approved as to form by City Attorney and ratified by Council (906).
- Definitions, still under construction (907).

Notes: A Charter’s “Miscellaneous” Sections are often overlooked, but they contain important content. For enhanced transparency, this update adds a requirement for the City to create a policy for modernizing its legal public notice requirements. It also makes clear that violations of the Charter could be prosecuted as misdemeanors or infractions depending upon the severity of the offense. The existing Charter identifies the City Attorney as the prosecuting authority for Charter violations, but this is almost always a conflict of interest as this position is appointed by the City Council and has attorney-client relationships with virtually every City official governed by the Charter. The proposed solution is to identify the DA or, if the DA declines, special outside counsel as the prosecuting authority.

Group Two

City Council: Elections, Powers and Conduct of Meetings

Voter Approval for Disposal or Change of Use of Certain City Parkland

[Old Section 714.1, New Section 102.3(c)]

- Proposal to add language to allow for “secondary uses” that do not “materially impact” underlying Park uses if approved by 2/3rds vote of Council (five votes); any revenues generated must be used to fund parks and recreation purposes.

Notes: This proposed change is supported by both the Planning Commission and the Parks and Recreation Commission. The added language to allow “secondary uses” could reasonably be viewed more as a clarification than a substantive change, but because it modifies the terms of a recent, voter approved measure to protect City parkland (Measure R, approved by 90% of the voters in 2016), this likely rises to a “Level Three” proposal.

Qualification Requirements for Elected Chief of Police

[Old Section 906, New Section 201.2]

- Proposal to add a requirement for a POST “Management Certificate” (must be a Lieutenant with Two Years Experience)

Notes: Given sensitivity in this area, this proposal is clearly at “Level 3”. That said, current and past Chiefs have all indicated that all of the elected Chiefs that have served in the last 30 plus years have met this standard. The intent of the CRC in proposing this change (along with the proposed additions to the Chief’s powers and duties sections; see Group

Three, Section 202.3, below), is to clearly communicate and provide that the elected Chief's position is a professional management position, not a ceremonial position, or for someone without supervisory experience.

City Council Challenges to Qualifications of Elected Officials

[Old Section 711, New Section 201.3]

- Replaces language for City Council to “judge” the qualifications of elected officials with provision for them to challenge qualifications as provided “under State Law.”

Notes: This change replaces the vague concept of the City Council “judging” Elected Official qualifications, which is susceptible to politicization, with reference to provisions under State Law which would allow for challenges to an Elected Official’s qualifications through a judicial process.

Mayor’s Power and Duties

[Old Section 704.3 (and others), New Section 202.1]

- Gathers Mayor’s powers in one place without substantive changes.
- Eliminates provision requiring Mayor recommendations affecting the budget to identify funding sources or cuts in support of that recommendation (Section 202.1.a.(5)).
- Maintains existing provisions limiting the Mayor’s authority so as not to interfere with the City Manager’s authority over the City’s administrative branch (Section 202.1.b).

City Council Powers and Duties

[Old Sections 706, New Section 202.2]

- Adds substantial new language for Council/Council Member powers and duties.
- Puts parameters around the City Council’s powers to investigate or subpoena witnesses (Section 202.2.a.(7))
- Individual Council member duties (including the Mayor) emphasize attendance of official meetings, consideration of public input, and ethics (Section 202.2.b).
- An additional “expectation” for “professional and courteous” conduct is also proposed.
- “Councilmanic interference” still prohibited, with any prohibited formal action deemed void (Section 202.2.c), but language for automatic removal of office eliminated to be addressed instead in the Charter “Violations” Section at the end (Section 902).

Notes: Added provisions for City Council powers are intended to be informative, not limiting. Added provisions for City Council Member powers and duties are more oriented towards what’s expected, with a desire to emphasize ethical and professional conduct.

Term Limits

[Old Section 600, New Section 203.2.a. and b.]

- Clarifies term limits are “Lifetime” with service in one office not counting as service in another.
- States clearly no term limits apply to offices of Chief of Police and Clerk.

Compensation

[Old Section 906, New Sections 204 and 604.5]

- Clarifies current practice to include salary and benefits in “Total Compensation.”
- “Salary Setting Commission” terms moved to Article Six (Boards and Commissions), Section 604.5.
- Per current practice, benefits for Mayor/Council/Clerk (part time positions) limited to Health and Retirement, with no ability to convert Health Benefits to cash.

Notes: Additional language intended to be clarifying. Although no health benefits have been awarded to date, the Salary Setting commission has considered the possibility.

Vacancies

[Old Section 703, New Section 205]

- List added to specify what constitutes a “vacancy” (forfeiture from office) (205.1).
- List includes conviction of any felony, or a misdemeanor involving moral turpitude or misconduct in office.
- Clarifies process for “declaring” and potentially filling a vacancy by appointment, to fill a vacancy increasing time period from 30 to 45 days (205.2).
- Replaces language suggesting that if no appointment is made an election to be held “forthwith” to fill the vacancy (which is not clear and is subject to inconsistent interpretations), with a requirement that an election be held at the next scheduled statewide election (205.2.b).

Notes: This is an example of filling a gap in the Charter, as the existing Charter provides no provision for what constitutes a “Vacancy.” The proposed list is fairly standard, with a few refinements regarding criminal convictions (as described above), and determinations of disability.

City Elections (Generally)

[Old Section 700, New Section 300]

- Language added to clarify relationship between local and state law (Elections Code), with Charter governing except as necessary for the ROV to administer the election.

Notes: Both the existing Charter and proposed Charter update specify City’s Elected Officials, their qualifications, their terms, how and when they are elected, etc. But as with virtually every City, general law and charter city alike, Santa Clara consolidates its local election with the County Registrar of Voters (ROV). As a result, most of Santa Clara’s filing and voting requirements are set forth in the State Elections Code and administered by the ROV. The proposed Charter updates in this Section describe and clarify this relationship.

Administration and Determination of Election Outcomes

[Portions of Old Sections 700 and 711, New Section 302]

- Added language clarifies ROV primary responsibility working with elected/appointed Clerk's Office officials to administer City elections.
- Given the potential conflict, the Assistant Clerk is designated to handle election matters related to the elected City Clerk.
- Language that provided for the City Council to "judge" election returns replaced with a clearer and more standard role under the Elections Code for the City Council to "certify" elections (302.3)

Notes: The language providing for the City Council to "judge" elections suggests a broader role for the Council than is traditional or appropriate. It's the ROV that counts the votes and determines the outcome of elections they administer. The City Council's role is to "certify" that election outcome. An explanation of this is provided in the City Attorney's annotation to proposed new Section 302.3

City Council Members Elected by Districts

[Old Section 700.1, New Section 303]

- Mostly language clean up here, with the requirement for "nomination" by District added to the initial paragraph and deleted (where it was confusing) from the provisions describing how elections for the various District Council seats will be staggered.
- Additional clean-up language (pending) will be required to reference the redistricting process approved by the voters in June of 2022. This will become the new "base line," for District boundaries referenced in the Charter, replacing the map referenced in the existing Charter that was adopted by judgement of the Superior Court in 2018.

Redistricting

[Old Section 700.2, New Section 304]

- Adds a redistricting "process" including provision for a Redistricting Commission, with composition, authority and process to be established by ordinance.

Notes: The CRC is aware that the City has gone through a series of recent redistricting efforts, including most recently after the 2020 census. Based on the City's history and "best practices," the CRC recommendation requires the creation of a Redistricting Commission for mandatory redistricting but leaves it to the Council to develop the policy for how such commission will be comprised, and the level of independence it will have.

City Council Meetings/Actions

[Old Sections 707, 708, 709, New Sections 400 and 401]

- An added "In General" Section sets the framework for City Council actions to occur only at meetings properly noticed and held in accordance with the Brown Act (400).
- New proposed language adds flexibility for one month each year with only one regular meeting required to accommodate holidays or other scheduling requirements (401.1).
- Added language makes clear that any action taken at a regular meeting can also be taken at a special meeting except as required by law or the Charter (e.g. ordinance adoption) (401.2).

Notes: Proposed changes are generally Level One, with an added reference to electronic noticing of meetings, beyond Brown Act requirements, as may be developed by the City Council using the “latest available technologies” per the requirements of new Section 904.

Procedures and Requirements for Action

[Old Sections 710, 712 and 713, New Sections 402.1, .2 and .3]

- Added language clarifies quorum requirements per existing rules/best practices to require four Council Members present regardless of Council vacancies or abstentions (402.1); to make clear there's a difference, section includes reference to Council action voting requirements in Section 402.3.
- The Assistant City Clerk designated to assist at meetings and keep records of proceedings (402.2)
- Clarifies four affirmative votes required for City Council action unless a greater number is required by Charter or other Applicable Law; retains current Council authority to take action through adoption of informal “minutes” resolutions (402.3)

Notes: Charters are not required to include quorum or voting requirements, but most do and this language clearly presents existing City/best practices. An alternative would be to leave this to City Council policy making.

Powers to lease, sell or convey City property

[Old Section 714, Proposed for Deletion]

- Proposal is to delete existing Section 714 requiring public notice and an opportunity to bid at the sale of any property sold by City valued at \$500 or more.
- Process itself, plus such a low threshold were thought so outdated that it would be better to delete than modify.

Notes: This could be a Level Three issue depending upon City Council's perspective on how the voting public might perceive this deletion.

Group Three

Senior Officials: Duties and Qualifications

Chief of Police Powers and Duties

[Old Section 906, New Section 202.3]

- Language added to make clear that the Chief of Police is the “head” of the Police Department (as currently provided by ordinance, but not in the Charter).
- Added the obligation of the Chief to update and advise the City Council and the City Manager on matters relating to public safety and law enforcement (202.3(d))
- Not able to develop language mutually agreeable to City Manager and Chief to clarify their relationship regarding department appointments and discipline.

Notes: The proposed changes to this Section, like those proposed in the Chief qualifications Section, above, are intended to confirm the professional nature of this position, both as the head of the Police Department and as an advisor to the City Council and the City Manager on public safety and law enforcement issues. While the City Manager and the Chief were not able to agree upon additional language specifying their authority over department appointments and discipline, they are both supportive of these changes. That said, the CRC recognizes that this is a highly sensitive “Level Three” area.

City Clerk Powers and Duties

[Old Section 903, New Section 202.4]

- Proposed changes reflect the current allocation of duties between the City Clerk (elected) and the Assistant City Clerk (ACC) (appointed by the CM) in the City Code (City Code Chapter 2.20).
- The City Clerk’s primary duty is to serve as the City’s “Elections Official” to administer elections and related duties under State and local laws (202.4(a)(1))
- Adds the duty to consult with the ACC, and with ACC concurrence, authorize the ACC to assist with their duties.
- ACC to perform typical City Clerk “day to day” duties to support City Council meetings and maintain City records (202.4(b)).
- Adds provision for ACC to act in the extended absence of the City Clerk to assure continuity of City operations and compliance with laws (202.4(b)(7)).

Notes: This language was developed with the direct input and support of the City Clerk and the ACC.

Structure of Government

[Old Articles VIII and IX, New Article Five]

- **General sections** added/updated to describe City organization by departments, as determined by City Council (500.1), with an “Administrative Code” implementing details, to be updated from time to time (500.2), with the City Manager as the head of operations, and with the City Manager, City Attorney and City Auditor to be appointed by City Council (501).
- **City Manager** sections consolidated and updated to better reflect duties and to align with other department head duties (501.1), with added provisions for exercising “professional judgement” to make recommendations and take actions to assure high quality performance of services, compliance with contracts and with the City Code (501.1(f) and (g)). Outdated language regarding City Management appointment, and process for removal “for cause” deleted, as this is all now handled by contract (Old Section 806).
- **City Attorney** provisions updated to give authority to initiate legal proceedings subject to City Council approval and in consultation with the City Manager (501.2(c)), act as the appointing authority, in consultation with the City Manager, for professional legal staff (501.2(d)), where conflict exists, refer matters to outside attorneys/agencies (501.2(j));

required years of experience increased from 4 to 7, with such other qualifications City Council may impose commensurate with demands of position (end of 501.2).

- **City Auditor** provisions updated to reflect duties for both financial and performance audits (501.3) per an annual work plan the Auditor develops in their professional discretion with required approval from the City Audit Committee (501.3(b)), to be implemented or overseen by the City Auditor (501.3(c)), with a requirement that they conduct themselves in accordance with all applicable professional and ethical standards (501.3(d)).
- **Positions Appointed by the City Manager**, updated with input from current department heads, to better reflect their duties, including as follows:
- **Director of Finance**, update outdated terms, expand duties to City “enterprises,” align with other changes to City’s financial reporting and budget process, designate as the City’s “Treasurer” for all purposes, including financings, add oversight of City’s purchasing system, and applicable professional standards (502.1).
- **Public Works Director**, update to reflect current duties, including oversight of City public works procurement, with the ability to serve as or appoint the City Engineer (502.2).
- **Fire Chief**, update to expand duties to reflect modern “all risk” fire service, to include emergency medical response, and other functions approved/funded by the City Council like hazmat regulation/response, mutual aid and rescue ops (502.3).

Notes: All proposed updates to these Sections are the product of discussions with and input from the Senior Officials themselves and are intended to conform with current City and best practices.

Group Four

Boards and Commissions: Composition, Powers and Duties

General Provisions for Chartered and City Council Created Boards and Commissions

[Old Section 1000, New Sections 600.1 and 600.2, 600.4, 600.5 and 600.6]

- Added language introduces and lists the five “Chartered” Boards and Commissions (600.1) and provides for “City Council Created” Boards and Commissions with Council flexibility on composition and terms for the latter (600.2).
- The existing Salary Setting Commission is added to the list and given its own Section (600.1 and 604.5)
- Old section 1004 regarding application of interest/gift rules per state/local law updated and moved to this Section (600.6)

Qualifications (Qualified Elector/Resident Status)

[Old Section 1000, New Section 600.3]

- Chartered Board members to be both residents and qualified electors.
- City Council created Board members need only be residents.

Notes: The need for “qualified elector” status as a qualification was discussed extensively in light of the Board of Library Trustees (BOLT) request that this requirement be removed.

The Group/CRC ultimately decided that for the Charter created boards and commissions, qualified elector status and consistency were important. They also note that non-Qualified elector residents still have a lot of opportunities to serve on City Council created boards.

Appointment/Removal

[Old Section 1002, New Section 602.1]

- Retain full City Council discretion to appoint/remove but require City Council to adopt policies for this to occur in “an orderly and transparent manner” (602.1).

Notes: Group Four discussed extensively options for making more transparent any decision not to reappoint or remove a board or commission member “for cause” other than the referenced “Vacancy” provisions discussed below. Ultimate decision was to require the City Council to make rules that allow for appointment and removal “in an orderly and transparent” manner but not draft such rules into the Charter as it is not the place for that level of detail.

Term Limits

[Old Section 1002, New Section 602.2]

- Codify existing practice allowing two 4-year terms in one’s “lifetime” on any one board/commission, with Council flexibility to change for Council Created Boards and Commissions (602.2).

Vacancies

[Old Section 1004, New Sections 602.3 and 602.4]

- Applies same “Vacancy” rules as for Elected Officials, with the exception of the existing (different) rule for Boards and Commissions for the number of non-excused absences allowed (three) before position declared vacant.
- Per suggestion of Parks and Recreation Commission (and others) provision now contemplates City Council creating a set of rules governing excused/non-excused absences (602.3).

Conduct of Meetings

[Old Section 1003, New Section 603]

- Added language makes clear Brown Act/City Council rules apply (603.1)
- Language that contemplates Boards and Commissions going into closed session in conflict with Brown Act now deleted.
- Added language makes clear that any action requires a majority vote of authorized number of members (603.3).
- Extraordinary powers of investigation/subpoena powers for all Boards and Commissions deleted as this should probably only be available to the Civil Service Commission (603.4).

Notes: The City Council could make different quorum/voting rules of Boards and Commissions, but the Group/CRC thought maintaining consistency with City Council rules was important to retain.

Planning Commission

[Old Sections 1006 and 1007, New Section 604.1]

- Updated Powers and Duties based on staff and Commission input, with a particular interest from the Planning Commission in adding references to advanced planning work, analysis of environmental impacts, and solicitation of public input (604.1.b)
- Planning Commission proposal for City Council deference, plus a supermajority vote required for the Council to overturn Planning Commission determinations on appeal was considered but not recommended (604.1.c).

Notes: The CRC was sympathetic to the Planning Commission's desire for deference but determined that the requirement for a super majority vote went too far. This conclusion was helped by confirmation that the commission has an existing right to designate a member to represent their position at the City Council should they elect to do so with respect to any particular item.

Parks and Recreation Commission

[Old Sections 1008 and 1009, New Section 604.2]

- Added language updates Powers and Duties based on staff and Commission input, including adding the review of any Parks and Recreation Master Plan, providing input on City-wide events using parks and rec facilities, and removal of direct involvement with planning and supervising recreation programs and solicitation of school authority cooperation, instead acting in an advisory capacity (604.2.b).

Notes: Added language maintains, but now more accurately reflects, the Commissions advisory rule across a broad spectrum of City projects and programs.

Board of Library Trustees (BOLT)

[Old Sections 1012 and 1013, New Section 604.4]

- Proposed increase from 5 to 7 members was supported to allow for more community engagement and support for library programs (604.4.a).
- BOLT's proposal to eliminate the qualified elector requirement for membership was not recommended per discussion regarding general qualifications for Chartered Boards and Commissions, above (604.4.a).
- Updated language eliminates the authority of the BOLT to "administer" the Library system but retains its authority to approve the City Librarian (in coordination with a City Manager administered recruitment process), approve certain administrative policies unique to library operations, with some restrictions, and adds the requirement for BOLT input on the library budget and any master plan, along with other major decisions (604.4.b).

Notes: The Charter provisions setting forth the BOLT's powers and duties were substantially out of line with current/best practices in that they called for the BOLT to administer the City's library system. The BOLT agreed that this role was outdated but wanted to retain certain approval rights in key areas. The CRC was supportive of most of the BOLT's proposals and believes that the final language strikes a good balance.

Group Five

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

The Group Five Subcommittee recommended modifications to a variety of sections of the Charter pertaining to the Civil Service Commission as well as the terms of classified employment with the City. Through the course of robust meet and confer discussions with the bargaining units, numerous changes to the language were requested by the units and incorporated by staff. However, due to timing constraints, the bargaining units were not in a position to agree to the proposed modifications by the last CRC meeting of June 3rd. CRC provided direction to staff at that meeting to continue meet and confer efforts, and staff will provide a verbal update as to the outcome of those continued efforts as the Council goes through its review and deliberations of the overall Charter update proposal.. Below is a summary of the Charter modifications that were proposed by the CRC and discussed with the units.

Civil Service Commission

[Old Sections 1010, 1011, New Section 604.3]

- Add reference to conflict-of-interest rules
- Reorganize sections and update language for readability
- Expand to include all protected characteristics
- Include reference to Salary Setting Commission appointment/removal duty

Civil Service

[Old Section 1100, New Section 700]

- Align general merit principle language with Section 1010
- Add reference to the Civil Service Rules

Classified and Unclassified Service

[Old Section 1101, New Section 701]

- Categories of positions in the unclassified service updated to match those positions listed on the unclassified pay plan
- Language added to protect potential bargaining rights of temporary/as-needed employees (AB 1484)
- Currently undefined terms “professional, scientific, technical, or expert service of an occasional or exceptional character” updated to include definitions of Confidential, Professional, and Management Employees from the Employer-Employee Relations Resolution
- Eliminated the requirement for newly created unclassified positions to be the head of a division established by ordinance
- Concerns raised by bargaining units related to the potential for currently classified positions to become unclassified were addressed by adding in a clause “freezing” classified rights for positions on the classified salary schedule as of the date of the election

Appointments from the Classified to Unclassified Service

[Old Section 1102, New Section 702]

- Charter currently has an unlimited right of reversion, originally proposed to include a two-year limitation. After the bargaining units raised concerns, staff eliminated the proposed two-year limitation.
- Limited right of reversion in situations where an employee was dismissed for cause or resigned in lieu of termination
- Eliminated “forced retirement” language

Prohibitions

[Old Section 1107, new Section 707]

- Updated cross-references
- Updated penalty provisions to reference state law standard for misdemeanors

Notes: Proceeding with any changes to these sections in the absence of agreement with the bargaining units could place the City in a difficult position and potentially render the City’s decision vulnerable to challenge. Therefore, in the absence of an agreement, these provisions would be placed in the Level Three or Level Four categories.

Group Six

Fiscal Administration and Procurement

Budget Preparation

[Old Section 1301, New Sections 801.1 and 801.2]

- Language added expressly allows for the current “biennial” budget process, with alternating operating and capital budget approvals, with the budget to be prepared and presented by the City Manager in consultation with the Director of Finance and all departments (801.2).

Budget Contents

[Old Sections 1311-1314, New Section 801.3]

- Proposed updates delete multiple sections of outdated budget elements, including no longer used terms for budget reserves.
- Retains requirement for “Reserve Accounts” to cover future operations/capital needs funded to levels per City Council policies “and in consideration of recommendations by the City Manager and Director of Finance regarding best practices and available funds” (801.3).

Notes: Most of the Group Six discussion centered around their shared concerns regarding City budgeting for future capital and other needs through maintenance of adequate reserves. The Group even considered proposing specific reserve standards. Because this is the Charter, and that exercise would be complicated and changing over time, the ultimate consensus (consistent with the Finance Director’s preference) was to call for Reserves, but continue to have the terms and amounts set by Council policy.

Budget Implementation and Amendment

[Old Section 1300, New Section 801]

- Proposed language updates clarify which budget amendments require City Council approval, versus which can be administered by the City Manager (within the various departments and funds approved/appropriated by the Council) (801.5)
- At the request of the Finance Director, updated language allows for the “carryforward” of funds (i.e., no new City Council approval required) for approved Capital Improvement Projects and multi-year contracts (801.5).
- Requirement that Council level amendments be approved by five votes is retained, but new language adds a provision allowing amendments by four votes where funds are no longer need for original appropriate purpose, to realize project savings, or where the amendment appropriates new revenues (801.6).

Notes: Proposed changes were suggested/supported by the Director of Finance to retain Council authority over major amendments, but to simplify the amendment process for certain previously approved items, or where new revenues are involved.

Purchases of Goods and Services

[Old Section 1318, New Section 802.2]

- Adds provision for consultation with the Director of Finance for Council procurement policies (802.1)

Public Works (Option A Recommended)

[Old Section 1310, New Section 802.2.3 and 602.4]

- Proposal to replace outdated rules containing very low (\$1,000) thresholds for formal bidding and City Council approval of contracts/use of City forces, and lacking any provision for “alternative” (best value/design build) procurement processes and exceptions except in the case of an emergency.
- Option A (recommended) proposes public works procurement to be implemented by City Council ordinance within certain prescribed “best practice” guidelines including (a) definition of major versus minor contracts to establish formal bidding and approval authority thresholds, (b) except where specific exemptions apply, the general practice of awards to the lowest responsive and responsible bidder, (c) emergency authority, and (d) ability to reject bids, rebid, or perform work using City forces (see full list at Section 802.2.b).
- Procurement “Alternatives” allowed, including sole source/limited bid, “best value” contracts (e.g., design build), and other alternatives adopted as part of a City-wide program determined to be in best interests of the City.
- Maintenance/repair exclusions from “Public Works” description clarified and expanded to apply to minor interior improvements, separate equipment bidding and equipment installation.

Notes: The City Manager, Public Works and SVP communicated their strong support for these provisions to update the City's current highly out-of-date Charter provisions, requiring Council level approvals and formal bidding for even the smallest of projects, and to give the City additional "best value" public works procurement tools. Per the Public Works Director, design build and related mechanisms for certain types of projects can be used to great effect to manage costs, improve quality and shorten bid and construction time frames. This could be especially important/valuable to the City as a tool with so many major Measure I projects pending (e.g., Fire Station rebuilds) and for the highly technical electrical system projects required by SVP. If the Charter amendment is approved, an ordinance would need to be developed to set out the best practices for how this would work.

Because this proposal would substantially change the existing Charter rules for public works, it is considered a "Level Three" proposal. Unlike some other Level Three items, however, because of the substantial independent value of the proposed change, City staff believes, and the CRC agrees, that if the Council was not comfortable including this proposal within any proposed comprehensive update, it would warrant presentation to the voters as a stand-alone measure.

Audit Requirements

[Old Section 1319, New Section 803]

- Proposed update eliminates language suggesting that each City employee's financial activities get audited versus the intended, best practice, comprehensive audit of all City operations (803.1).
- Imposes "generally accepted auditing and accounting principles applied to government agencies" (803.1).
- Provides for reporting through the City's Audit Committee up to the City Council per existing and best practices (803.2).

Special Rules for Utilities Expenditures and Revenues

[Old Section 1320, New Sections 804]

- Proposed language eliminates outdated details for allowed expenditures and replaces it with a reference to expenditures allowed by law.
- Updates language for the 5% transfer to the general fund from utility revenues to make clear that such monies can be used for general City purposes as approved by City Council.

Finance and Tax Authority

[Old Sections 1309 and 1321, New Section 805]

- Replaces outdated language which inaccurately summarizes state law, with new statement of broad authority to impose taxes, fees and assessments, and issues debt subject to State law requirements (especially regarding Revenue Bonds)
- Retains but clarifies existing limit on bonded indebtedness to 15% of the total assessed value of City real and personal property (805.3)

- Retains express rights/requirements for voter approval of taxes/fees/debt where required by State Law, and for any proposed City financing of a nuclear plant or any interest in one (805.4).

Notes: Although it could be argued that the prohibition on financing of any interest in a nuclear plant is outdated, because City ownership/use of nuclear power is potentially a highly sensitive area for many people, and SVP has indicated there is no urgent need to finance any such interest, the CRC has recommended to keep this limitation in place and not propose any updates at this time.

4. Final Recommendation

a. Proceed with a Comprehensive Update for Consideration by Voters at the November 2026 election. The CRC recommends that the City Council direct staff to take all steps necessary to prepare a comprehensive Charter update measure to be submitted to the voters on the November 2026 ballot. Consistent with the Charter Project's stated purpose, the CRC recommends that the City Council include in the measure all proposed Level One and Level Two updates, along with as many Level Three updates as the Council feels confident will be supported by the community.

The proposed updates characterized as Level Three include: (1) proposed changes to Measure R to allow for "secondary" uses of park property (new Section 102.3); (2) proposed deletion of the published notice and opportunity to bid on proposed transfers of real property valued at over \$500 (old Section 714); (3) enhancement of Chief of Police qualification requirements to the equivalent of a lieutenant with two years' of experience (new Section 201.2) (4) additional Chief of Police powers and duties to indicate that the Chief is the head of the Police Department, with responsibilities to advise the City Council regarding law enforcement and public safety matters (new Section 202.3); (5) a Public Works contracting overhaul to provide for procurement thresholds and details to be implemented by ordinance and to allow for the use of "best value" procurement alternatives, including design-build (new Section 802.2); and (6) proposed changes to Civil Service provisions which remain under review by labor groups in a meet-and-confer process and could rise to a "Level Four" issue if not resolved prior to the need for Council action (new Section 604.3, and Article Seven).

Of these Level Three proposals, the only one the CRC deems sufficiently valuable enough to consider presenting as a separate ballot measure at this time is the proposed replacement of the existing outdated public works provisions (new Section 802.2). This recommendation is based on the value that City professional staff attach to this proposal in terms of projected project cost savings, expedited performance and quality enhancement.

b. Additional Factors to Consider. In addition to considering the substance of the CRC's many proposed Charter language updates, the Council may also consider other factors in determining how to proceed.

Cost. One obvious factor is the cost of placing a measure on the ballot. Based on current estimates obtained from the County Registrar of Voters by the Assistant City Clerk, the

estimated cost of placing a measure on the upcoming November 2026 ballot is between \$250,000 and \$300,000 per measure. The primary consideration here is whether it is worthwhile to present more than one measure. On the one hand, the City Council might reasonably hesitate to include in any comprehensive update proposal a provision of such sensitivity or controversy that it risks having the entire measure rejected by the voters over concerns about that provision. On the other hand, even if the sensitive measure is desirable, it may not be worth spending the additional funds necessary (\$250,000 to \$300,000), to have it considered separately. In these cases, a reasonable determination could be made simply not to include a highly sensitive proposed change in any proposed measure for the November 2026 ballot.

The Need for Public Education. As discussed in some detail above, the CRC believes that it will be crucial for voters to be fully informed during the lead-up to the election regarding the purpose and contents of any proposed comprehensive Charter update measure. The recommended approach is to include in the ballot measure a conspicuous link to both the underline/strikeout and clean versions of the Charter, including all explanatory annotations. These would be made available on a dedicated Charter Project page on the City's website. Also on that dedicated page would be an extensive FAQ Section further explaining the measure.

Although the Council knows that the City **cannot** use City resources to "campaign" or advocate for any measure, the City **can** provide information to voters explaining the measure and making known the resources the City has available on its website to explain the measure further. This could be done through mailers or some other form of electronic communication. The City could also support the holding of public forums regarding the measure, with volunteer members of the CRC and relevant, assigned City staff available to field questions and concerns.

Additional Work Required if Measure Passes. If a comprehensive Charter update measure is proposed and passes, there will be substantial additional work to conform existing City Code provisions, policies and other documents that refer to the existing City Charter section numbers. All ordinances and policies that the Charter requires or contemplates enacting will also need to be developed. At a minimum, this would include: a City Council policy for excused absences; a transparent and fair policy for appointment and removal of Board and Commission members; provisions for a new Chapter in the City Code Charter implementing the Charter's outlined Public Works procurement provisions; and an ordinance establishing the terms for the formation of the next Redistricting Commission to respond to the 2030 decennial census.

Additional Issues Can be Taken Up in the Future. The CRC's recommended Charter update is comprehensive, but of course, within the context of the limited Charter Project purpose, it does not include everything that the CRC, the Council or the public may want considered as a potential change to the City's Charter at this time. With Council direction, any such issues can certainly be further evaluated and considered for presentation at one or more future elections. For this CRC, while a number of "Level Four" issues were discussed, the CRC took no official action to present these to the Council. The CRC's focus instead was on getting its current recommendation presented. If the Council so desires, after whatever action it may take on this Charter Project, the CRC could reconvene to more formally consider and recommend possible Level Four issues to be taken up by a future CRC.

c. Next Steps/Scheduling. City staff, with assistance from designated representatives of the CRC, will make an initial presentation of the Charter Project process, results and recommendations to the City Council at the Council study session scheduled for the June 9, 2026, Council meeting.

The matter will be taken up again by the City Council at its June 15 special meeting dedicated to the Charter Project. Based upon City Council feedback or direction at that meeting, the CRC could meet further, as needed, to make any requested modifications, conduct additional research, or refine its proposal. Any modified proposal could then be re-presented to the Council later in June or early July.

If the City Council desires to proceed with placing a measure on the ballot, the full ballot package would need to be delivered to the County Registrar no later than August 7, 2026. In order not to intrude on the Council's scheduled summer recess, that means any final City Council action on a Charter update ballot proposal would need to occur at the Council's currently scheduled July 14, 2026 meeting.

ATTACHMENTS

1. Charter Review Committee Bylaws [Charter Project]
2. City Charter (current)
3. Assembled History of Previously Proposed and Approved Charter Amendments (1952 through 2024)
4. City Charter with Proposed Modifications, Underline/Strikeout with Annotations
5. City Charter with Proposed Modifications, "Clean" Version with Annotations

FINAL
CITY OF SANTA CLARA
CHARTER REVIEW COMMITTEE
BYLAWS
[Charter Project]

1. Committee Established. On July 15, 2025, the City Council of the City of Santa Clara (“City Council”) directed the formation of a Charter Review Committee (“CRC”) to assist with a comprehensive review and update of the City Charter (referred to here as the “Charter Project”). On September 16, 2025, the City Council took action to appoint the members of the CRC and to approve these Bylaws, thereby establishing the CRC for the purposes, and with the duties, rights and limitations, set forth herein.

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

3. Duties. To carry out its stated purposes, the CRC shall perform the following duties:

3.1 Appointment of Chair and Vice Chair. At its first or second meeting, the CRC, by majority vote, shall appoint a Chair and a Vice Chair from among its members. The Chair shall (a) act as the Presiding Officer of the CRC in accordance with the terms of City Council Policy 055 (Council Meeting Procedures and Protocols), (b) coordinate CRC meeting agendas with City staff, and (c) unless otherwise directed by a majority of the CRC, serve as the spokesperson for the CRC. If the Chair is absent or unavailable, the Vice-Chair shall perform these duties. The Chair and Vice-Chair shall serve in these roles throughout the term of the CRC.

3.2 Schedule, Attend and Participate in CRC Meetings. In accordance with a schedule approved by a majority of the CRC, CRC members shall be expected to regularly attend and actively participate in CRC meetings. In the event that a CRC member is appointed to one or more Subcommittees, the CRC member shall also be expected to regularly attend and actively participate in the meetings of such Subcommittee(s).

3.3 Solicit and Consider Public Input. The solicitation and consideration of public input is integral to the Charter Project. CRC members shall encourage stakeholders within the community to provide input to the CRC and shall work with staff to develop an outreach policy to further encourage such input.

3.4 Make a Recommendation to the City Council regarding a Comprehensive Amendment of the City Charter. To implement the Charter Project City staff will be preparing draft revisions to the City Charter for consideration and input by CRC Subcommittees and or the CRC itself. At the end of the process, the CRC will be expected to make a recommendation to the City Council on one or more proposed amendments to the City Charter. The proposed “top to bottom” review process is intended to be driven by practical and legal considerations, with the prime objective being to bring the Charter up to current “best practices” for City operations. It is not intended to

implement any major restructuring of City operations or to change the City's election process. In the end, it will be up to the Charter Review Committee to recommend, and the City Council to decide which, if any, of the proposed changes will be presented to the voters as part a comprehensive update to the City Charter. In order to coordinate with the City Council's summer meeting schedule, and to meet the timing requirements for submittals of measures to voters at the November 2026 election, the CRC shall endeavor to finalize and present its recommendation(s) to the City Council by no later than June 29, 2026.

3.5 Comply with Applicable Laws and Ethics Standards. By accepting appointment to the CRC, in the fulfillment of their duties, each member of the CRC agrees to comply with all applicable laws and the ethical standards set forth below:

- (a) While serving on the CRC, CRC members shall not make or influence a City decision involving City authority under the terms of the City Charter which will benefit the CRC member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.
- (b) No CRC member shall use his or her position on the CRC to negotiate future employment with any person or organization, receive remuneration of any kind, or obtain any other benefit or advantage.
- (c) In their conduct on the CRC, CRC members shall comply with all applicable federal, state and local laws and regulations, including the policies, procedures, rules and regulations of the City of Santa Clara. Applicable laws and regulations shall include, without limitation, the Ralph M. Brown Act governing the conduct of CRC meetings, the Public Records Act, governing public access to any public records within their possession related to their CRC duties, and the City of Santa Clara Code of Ethics and Values.
- (d) A CRC member shall place the interests of the City above any personal or business interest of the member.

4. Membership.

4.1 Composition. The CRC shall be comprised of thirteen (13) total members appointed by the City Council and selected as follows: (a) Seven (7) members selected by the City Council and Mayor representing each of the six (6) City Council Districts (selected by the City Councilmember representing that District), and one (1) "at large" position (selected by the Mayor); and (b) Six (6) members selected by lottery, to include one resident from each of the six Council Districts.

4.2 Qualifications. To be qualified, both Council-selected and lottery-selected CRC members must be registered voters and residents of the voting Districts they represent or, in the case of the Mayor's selection, the City at large. CRC members must retain such qualifications throughout their tenure. Simultaneous membership on another City Board, Commission or Committee is allowed.

4.3 Term. Except as otherwise provided herein, each member shall serve for the from the date of the first meeting of the CRC until the dissolution of the CRC. Unless otherwise directed by the City Council, the CRC shall be dissolved (30) days after CRC makes its final recommendation and report to the City Council regarding a comprehensive Charter amendment, which is scheduled to occur on or before June 29, 2026.

4.4 Removal; Vacancy. The Council may remove any Committee member for cause, which includes failure to attend two consecutive Committee meetings without reasonable

excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, the seat shall be declared vacant. The City, in accordance with the established selection process for the subject member shall fill any vacancies on the Committee. The City shall make best efforts to fill vacancies within 45 days. Pending the filling of any vacancy or vacancies, provided there are at least seven (7) CRC seats that are filled, the CRC may proceed with the conduct of CRC business.

5. Limitations on Authority; No Compensation.

5.1 Limitation on Authority. Although City staff will be available to assist the CRC in its duties, neither the CRC nor any CRC member shall have the authority to direct City staff in any matter. Individual members of the CRC retain the right to address the City Council as an individual, however no individual CRC member shall have the authority to formally represent the CRC before the City Council, or otherwise, unless they have been authorized to do so by a majority vote of the CRC.

5.2 No Compensation. CRC members are volunteers and shall not be compensated for their services.

6. Meetings.

6.1 Frequency. The CRC shall meet as needed in order to fulfill its duties to facilitate implementation of the Charter Project. It is anticipated that the CRC may need to meet as frequently as monthly. At the end of each CRC meeting, if the next meeting has not already been scheduled, the CRC should identify their next meeting date.

6.2 Location. All meetings shall be held within the City at a location or locations to be determined.

6.3 Procedures and Protocols. The CRC shall be subject to the Ralph M. Brown Public Meetings Act of the State of California, Government Code Section 54950 et seq. (the "Brown Act"), and shall conduct its meetings in accordance with the provisions thereof. In addition, to the extent practicable, the CRC shall conduct its meetings in accordance with the City Council Policy 055 (Council Meeting Procedures and Protocols).

6.4 Voting. A majority of the number of CRC members (seven (7) members) shall constitute a quorum for the transaction of any CRC business. The affirmative vote of a majority of CRC members in attendance at any meeting shall be sufficient to take any action; provided, however, at least seven affirmative votes shall be required to make any recommendation to or request of the City Council.

6.5 Ad Hoc Subcommittees. To facilitate review and recommendations on subsections of the City Charter, the CRC may elect to form one or more Ad Hoc Subcommittees. Ad Hoc Subcommittees shall be comprised of no less than three (3) and no more than five (5) CRC members. Ad Hoc Subcommittees are not subject to the Brown Act and can meet privately, at times and locations to be determined by Subcommittee members that are mutually convenient to the members and any supporting City staff.

7. Staff Support. The City shall provide the CRC with the necessary technical and administrative assistance in furtherance of its purposes. Such support shall include: training in applicable laws and procedures (e.g., the Brown Act, the Public Records Act, Meeting Management Protocols), technical support at CRC meetings, and presentations on current challenges, shortcomings

and recommendations for revisions to the City Charter.

8. Implementing Rules; Amendment of Bylaws. If necessary, by majority vote, the CRC may adopt additional rules and procedures to facilitate CRC operations that are consistent with these Bylaws. Any proposed amendment to the Bylaws must be approved by a majority vote of the City Council.

Title CHA. The Charter of the City of Santa Clara California

Article I. Name of City

§ 100. Name.

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

Article II. Boundaries

§ 200. Boundaries.

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

Article III. Succession

§ 300. Rights and liabilities.

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

§ 301. Ordinances.

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

§ 302. Continuance of present officers and employees.

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

§ 303. Continuance of contracts and public improvements.

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

§ 304. Pending actions and proceedings.

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

Article IV. Powers

§ 400. General grant of power.

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

§ 401. Disposal of public utility.

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

Article V. Form of Government

§ 500. Form of government.

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

Article VI. The Elective Officers

§ 600. City elected officers.

No person shall be eligible to hold the elective office of Mayor, Chief of Police Department 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, excepting the Mayor, unless he or she is a qualified registered elector of the City and a resident in the district represented by the Council Member office.

In order to hold the elective office of Mayor, Chief of the Police Department or City Clerk a person must have been a resident of the City of Santa Clara for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

In order to hold the elective office of Council Member, excepting the Mayor, a person must have been a resident of the City of Santa Clara and of the District represented by the person as a Council Member for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

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 Mayor and 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 office 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 Council office other than the one which he or she holds.

(Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)

§ 600.01. Municipal elections.

Commencing with the year 2000, a regular election shall be held in the City of Santa Clara on the first Tuesday following the first Monday in November of even numbered years. The regular election shall be held for the election of each municipal elective officer whose term of office regularly expires at that time, and for such other purposes as the Council may prescribe. Each such regular election shall be known as the general municipal election of the City, and shall be in lieu of all others previously so called. All other municipal elections that may be called under the authority of this Charter, or the **California Elections Code**, shall be known as special elections.

(Amendment ratified 4-5-77; Amendment ratified 11-6-79; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 600.02. Consolidation of elections.

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

(Amendment ratified 4-5-77)

§ 600.1. Time of taking office – Term.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 601. Eligibility.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Article VII. The Council

§ 700. Term – Method of holding elections.

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

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 700.1. Offices separately filled.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 700.1. Elections – City Council Districts.

Members of the City Council, excepting the Mayor, shall be elected by district.

For the election to be held in November 2022 and each election thereafter, there shall be 6 (six) districts as such districts are designated on that certain map adopted by judgment of the Superior Court dated July 24, 2018, as set forth in Resolution No. 18-8585 of the City Council, as the boundaries of such districts shall be amended through a redistricting process following each decennial United States Census.

Council District elections shall be conducted as follows:

- (a) Each District shall be represented by one (1) Council Member.
- (b) In the election to be held in November 2022 and in each Council District election held thereafter the Council District elections shall be conducted as follows:
 - 1. the voters of District 2 shall nominate and elect one (1) Council Member for a four-year term; and
 - 2. the voters of District 3 shall nominate and elect one (1) Council Member for a four-year term.

(c) In the election to be held in November 2024 and in each Council District election held thereafter the Council District elections shall be conducted as follows:

1. the voters of District 1 shall nominate and elect one (1) Council Member for a four-year term;
2. the voters of District 4 shall nominate and elect one (1) Council Member for a four-year term; and
3. the voters of District 5 shall nominate and elect one (1) Council Member for a four-year term.
4. the voters of District 6 shall nominate and elect one (1) Council Member for a four-year term.

(Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended and renumbered from section 700.2 by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)

§ 700.2. Election Following Change of Boundaries.

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 Number Repealed – text amended and renumbered to section 700.1 by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended and renumbered to Section 700.2 by electors at an election held June 7, 2022, Charter Chapter 17 of the State *Statutes of 2023*)

§ 701. Term limits of mayor and council members.

No person elected as member of the Council shall be eligible to serve, or serve, for more than two (2) full terms; but such service prior to December 1, 2016, shall not disqualify any person from further service as a member of the Council. If a member of the Council serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision. The office of elected Mayor, to be filled from the City at large, is a separate office from the Council and solely for the purpose of this term limit disqualification, is not a Council office or the Council. Consequently, time served in such office of elected Mayor is not time served on the Council and time served on the Council is not time served in such office of elected Mayor.

(As amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held November 8, 2016, Charter Chapter 18 of the State *Statutes of 2017*)

§ 701.1. Qualifications for Chief of the Police Department.

Candidates for the office of Chief of Police shall meet the minimum eligibility and qualification requirements imposed by state law upon candidates for the office of sheriff.

(Added by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 702. Compensation.

Commencing on July 1, 2017, each member of the City Council, other than the Mayor, shall receive as compensation the sum of two thousand dollars (\$2,000) per month. The Mayor shall receive as

compensation the sum of two thousand five hundred dollars (\$2,500) per month.

Commencing on July 1, 2019, and every two years on July 1 thereafter, the compensation of the City Council and Mayor shall be set by a Salary Setting Commission consisting of five members to be appointed by the Civil Service Commission from the qualified electors of the City for a term of four years. The first members shall be appointed for a term commencing January 1, 2019. Initially, the Commissioners shall be appointed in a manner so that two are appointed for two-year terms and three are appointed for four-year terms. On or before March 15 of every odd year, the Salary Setting Commission shall establish the salary of the Mayor and members of the City Council for the period commencing July 1 of that odd year and ending two years thereafter. Salaries so established by the Commission shall not exceed one hundred ten percent (110%) of the previous figure.

If a member of the City Council, including the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, the compensation to him/her for such month shall be reduced by the sum of twenty-five dollars (\$25.00) for each meeting or study session not attended unless he/she is absent with the consent of or on order of the City Council.

Absence from five consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any member of the City Council so absent.

(As amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*; Amended by electors at an election held November 8, 2016, Charter Chapter 17 of the State *Statutes of 2017*)

§ 703. Vacancies.

A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council by a four-fifths (4/5) vote of the remaining members.

In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent, provided that if the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the City Council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(As approved at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held November 8, 2016, Charter Chapter 19 of the State *Statutes of 2017*)

§ 704. Presiding officer – Mayor.

The Mayor shall be the presiding officer. The Mayor shall have a voice and vote in all its proceedings. He/she shall be the official head of the City for all ceremonial purposes. He/she shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his/her office.

(As amended by the electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 704.1. Mayor – Limitation of terms.

No person elected as Mayor shall be eligible to serve, or serve, more than two (2) full terms; but such service prior to December 1, 2016, shall not disqualify any person from further service as Mayor. If a Mayor serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision.

(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held November 8, 2016, Charter Chapter 18 of the State *Statutes of 2017*)

§ 704.2. Mayor – Political position.

The Mayor shall be the political leader within the community by providing guidance and leadership to the City Council, by expressing and explaining to the community the City's policies and programs and by assisting the City Council in the informed, vigorous and effective exercise of its powers. Political leadership shall be concerned with the general development of the community and the general level of City services and activity programs.

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

§ 704.3. Mayor – Powers and duties.

The Mayor shall have the following powers and duties:

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

(Added by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 704.4. Mayor – Vacancy.

The office of Mayor shall become and be deemed vacant immediately upon the incumbent ceasing to be a member of the City Council.

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

§ 705. Vice Mayor.

The City Council shall designate one of its members as Vice Mayor. The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability. The Vice Mayor shall serve in such capacity at the pleasure of the City Council.

(As amended by electors at election held November 5, 1968, approved by Joint Resolution of Legislature filed with the Secretary of State, January 15, 1969; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 706. Powers.

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

§ 707. Regular meetings.

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

§ 708. Special meetings.

Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section **54956**, as amended from time to time.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 709. Place of meeting.

All meetings of the City Council shall be held at the locations authorized by the Ralph M. Brown Act (commencing with Government Code Section **54950**) as it now reads or is hereafter amended.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 710. Quorum.

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

§ 711. Election and qualification of Council members.

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

§ 712. Proceedings.

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

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

§ 713. Action by ordinance or resolution.

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

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

The City Council shall have power to lease, sell, convey, and dispose of any and all property of the City, subject to the provisions of Section **401** of this Charter, and provided further that no property exceeding five hundred dollars (\$500.00) in value shall be sold without first publishing notice of intention to sell in an official newspaper once a week for two weeks preceding the date of such sale. The notice of intention shall describe the property, the price theretofore offered for said property and the time and place when and where the sale will be consummated.

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

§ 714.1. Protection of parkland and public open space.

Neither the Ulistac Natural Area, the Santa Clara Youth Soccer Park nor any other real property owned or controlled by the City that is presently listed or hereafter listed by ordinance in the inventory of parks and recreation facilities contained in Appendix Eight of the City of Santa Clara 2010-2035 General Plan shall be sold, leased or otherwise disposed of for a period of one hundred eighty (180) days or more, nor shall its use be changed, abandoned or discontinued without such sale, lease, disposal or changed use having been first authorized or ratified by a two-thirds (2/3) majority vote of the electorate, voting at a general municipal election for that purpose.

No substantial building, construction, reconstruction or development upon or with respect to any lands so dedicated shall be made except pursuant to ordinance subject to referendum.

The provisions of this Section **714.1** shall not apply to real property owned or controlled by the City that is subject to the CityPlace Master Community Plan originally adopted by the City Council by Resolution No. 8339.

(Added by electors at an election held November 8, 2016, Charter Chapter 20 of the State *Statutes of 2017*)

§ 715. Power to levy and collect taxes.

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

Article VIII. City Manager, Ordinances, Meetings

§ 800. Appointment.

A City Manager shall be chosen by the City Council on the basis of his/her executive and administrative qualifications. No City Council member shall receive such an appointment during the term for which he/she shall have been elected, nor within two years thereafter.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 801. Compensation.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 802. Powers and duties.

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

- (a) Appoint and remove, subject to the Civil Service provisions of this Charter, all officers and employees of the City, except as otherwise provided by this Charter, and except as he/she may authorize the head of a department or office to appoint and remove subordinates in such department or office. No person related to the City Manager by blood or by marriage shall be eligible for office or employment in the City.
- (b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.
- (c) Manage the City-owned water and power departments in a business-like manner, charging equitable rates for the services furnished and building up the properties so as to conserve their value and increase their capacity as needed by the City.
- (d) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- (e) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him/her desirable.
- (f) Make investigations into the affairs of this City, or any department or division thereof, or any contract, or the proper performance of any obligation to the City.
- (g) Submit to the City Council at each meeting for its approval, the list of all claims and bills approved for payment by him/her.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 803. Rules and regulations.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 804. Manager pro tempore.

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

§ 805. Participation in Council action.

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

§ 806. Removal of the City Manager.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 807. Prohibition against Councilmanic interference.

Neither the City Council nor any of its members shall order or request the appointment of any person to an office or employment or his/her removal therefrom, by the City Manager, or by any of the department heads in the administrative service of the City. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately.

Any City Council member violating the provisions of this section, or voting for a resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall cease to be a

Council Member.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 808. Ordinances.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 809. Repeal or amendment of ordinances.

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

§ 810. Effective date of ordinances.

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

§ 811. Emergency ordinances.

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

§ 812. Publication of ordinances.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 813. Codification of ordinances.

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

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 814. Adoption of printed building codes, etc.

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

§ 815. Publishing of legal notices.

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

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

Article IX. Officers and Employees

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

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

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 901. Other appointive officers.

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

§ 902. Appointive officers; duties.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 903. City clerk; powers and duties.

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

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

The City Council may, in its discretion, appoint any other officer or employee of the City as City Clerk and grant such person additional compensation for the performance of such duties.

§ 904. Director of Finance.

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

- (a) Compile the budget expense and capital estimates for the City Manager;
- (b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures which have been budgeted;
- (c) Maintain a general accounting system for the City government and of its offices, departments and agencies; keep books for, prescribe the financial forms to be used by and exercise financial budgetary control over each office, department or agency;

- (d) Submit to the City Council, through the City Manager, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;
 - (e) Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report;
 - (f) Collect all taxes, special assessments, utility charges, license fees and other revenues of the City for whose collection the City is responsible except City taxes collected by the County and as provided in Section **1306**, and receive all money receivable by the City from the State or Federal government, or from any court, or from any office, department or agency of the City;
 - (g) Receive and have custody of all monies receivable by the City from any source;
 - (h) Deposit all monies received in such depositories as may be designated by resolution of the City Council or, if no resolution be adopted, by the City Manager, and in compliance with all the provisions of the **State Constitution** and laws of the State governing the handling, depositing and securing of public funds; and
 - (i) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safe-keeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.
- (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 905. City Engineer and Department of Public Works.

- (1) City Engineer. The City Engineer shall be a Registered Professional Engineer in the State of California, and he/she shall have the power and be required to:
 - (a) Supervise and be responsible for all City engineering work, including the preparation of engineering maps, surveys, and designs;
 - (b) Perform such other duties as the City Council may from time to time prescribe, either by ordinance or resolution; and,
 - (c) On vacating the office, surrender to his/her successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his/her office and the work thereof.
- (2) Director of Public Works and Utilities. The Director of Public Works and Utilities, who may be the City Engineer, shall, under the supervision of the City Manager, be in charge of the administration of such departments of the City, including engineering and utilities, as are or may be from time to time designated by the City Council.

(As amended 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 906. Chief of the Police Department.

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

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 907. Chief of the Fire Department.

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

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

§ 908. City Attorney.

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

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

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 909. City Auditor.

The City Auditor shall audit and approve all bills, invoices, payrolls, demands or charges against the City government before payment and, with the advice of the City Attorney, advise the City Council as to the regularity, legality and correctness of such claims, demands or charges.

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

§ 910. Administrative Code.

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

§ 911. Official bonds.

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

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 912. Oath of office.

Each member of the City Council, of every board and commission, and each officer and department head, before entering upon the discharge of the duties of his/her office shall take, subscribe to and file with the City Clerk the following oath of affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the **Constitution of the State of California** against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Article X. Appointive Boards and Commissions

§ 1000. In general.

There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated, and such other powers and duties as may be conferred by the City Council which are not inconsistent herewith. In addition, the City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

§ 1001. Appropriations.

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

§ 1002. Appointments; terms.

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

§ 1003. Meetings; Chair.

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as it may require. All proceedings shall be open to the public unless the nature of any proceeding is such that in the opinion of such board or commission the public interest would be best served by closing a particular proceeding to the public, and the reasons therefor are declared in any action closing such proceeding. Upon conclusion of any such proceeding any final action which is to be taken by such board or commission, with respect to such proceedings, shall be taken in open meeting.

The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action. Each board or commission shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. It shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1004. Compensation, vacancies.

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

Except as otherwise herein provided, any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself/herself from three regular meetings of such board or commission, consecutively, unless with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall be vacant and shall be so declared by the City Council.

(As amended, 1967 Statutes, Senate Concurrent Resolution No. 35; Chapter 61; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1005. Oaths; affirmations.

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

§ 1006. Planning Commission – Generally.

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

§ 1007. Planning Commission – Duties and powers.

The Planning Commission shall have power and be required to:

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1008. Parks and Recreation Commission.

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

§ 1009. Parks and Recreation Commission – Powers and duties.

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

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1010. Civil Service Commission.

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

§ 1011. Civil Service Commission – Powers and duties.

- (a) The Civil Service Commission is charged with the duty of providing qualified persons for appointment to the service of the City. All appointments in the public service shall be made for the good of that service, and solely upon merit and fitness, as established by appropriate test, without regard to partisan politics, race, color or religious belief.
- (b) Act as Board of Review to hear petitions by civil service employees, and applicants for civil service positions, and to grant or deny such petitions.
- (c) Perform such other duties as may be required by the civil service rules and regulations.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1012. Board of Library Trustees.

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

§ 1013. Board of Library Trustees – Powers and duties.

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

- (a) Make and enforce such by-laws, rules and regulations as it may deem necessary for the administration and protection of the City library;
- (b) Approve or disapprove the appointment of a librarian who shall be the department head;
- (c) Accept into the library fund and administer money, personal property or real estate donated to the City or otherwise acquired for library purposes subject to the approval of the City Council;
- (d) Contract with school, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Article XI. Civil Service

§ 1100. Civil service; merit principle.

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

§ 1101. Classified service.

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

- (a) The unclassified service shall comprise the following offices and positions:
 - (1) All elective officers;
 - (2) City Manager;
 - (3) City Attorney;

- (4) City Clerk;
 - (5) City Auditor;
 - (6) The head of each department, including but not limited to, the Director of Finance, Director of Public Works and Utilities, City Engineer, Chief of the Police Department, Chief of the Fire Department;
 - (7) The Assistant City Manager, Assistant City Attorney, and Assistant Department Heads, whenever so designated by the City Council;
 - (8) All members of boards and commissions;
 - (9) Persons employed for a temporary or special purpose, for a period not to exceed six months in any one calendar year, if the City Manager certifies that such employment is temporary and that the work shall not be performed by employees in the classified service;
 - (10) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character;
 - (11) Volunteer members of the Fire Department and Police Reserve; and,
 - (12) The City Council by ordinance may divide or separate any department of the City into divisions and by ordinance may provide that the employee selected to be the head of any such division shall be in the unclassified service.
- (b) The classified service shall comprise all positions not specifically included in this section in the unclassified service.
- (As amended 1965 Statutes, Senate Concurrent Resolution No. 74, Chapter 101; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1102. Appointments from classified to the unclassified service.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1103. Classification.

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

§ 1104. Pay plan.

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

positions. Amendments to the pay schedule may be adopted from time to time upon the recommendation of the City Manager.

§ 1105. Civil service rules and regulations.

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

§ 1106. Reserved.

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

§ 1107. Prohibitions.

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

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1108. Contract for administrative services.

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

Article XII. Retirement

§ 1200. State system.

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

(As amended by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10))

Article XIII. Fiscal Administration

§ 1300. Fiscal year.

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

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

§ 1301. Annual budget; preparation by the City Manager.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1302. Budget – Submission to City Council.

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

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

(As amended 1959 Statutes, Senate Concurrent Resolution No. 37; Chapter 121; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1303. Budget – Public hearing.

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

§ 1304. Budget – Further consideration and adoption.

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative votes of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the City Manager and a further copy shall be placed and shall remain on file in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

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

§ 1305. Budget – Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

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

§ 1306. Tax system and collection of taxes.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

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

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1307. Tax limits.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1308. Tax liens.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1309. Bonded debt limit.

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

§ 1310. Contracts on public works.

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

The City Council may reject any and all bids presented and may re-advertise in its discretion.

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

§ 1311. General fund.

The City Council shall maintain a General Fund for the purpose of accounting for the general government revenue and the expenditures of the various City departments resulting from the provision of general government services.

The City Council shall maintain a General Contingency Reserve Fund. A reserve shall be built up in this fund from any available sources including any excess of revenues over expenditures in the General Fund during any fiscal year.

The City Council may establish reserve accounts in the General Contingency Reserve Fund as needed to segregate monies for particular purposes. Transfers may be made by the City Council from the General Contingency Reserve Fund to any other fund or funds, of such sum or sums as may be required for the purposes Council deems appropriate.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1312. Capital project funds.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1313. Department funds.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1314. Petty cash funds.

The City Council may provide for revolving petty cash funds, to be paid to the City Manager or department heads and used for payment in cash of expenditures provided for in the budgets that cannot conveniently be paid otherwise. The City Manager, and such department heads, shall account to the City Council for all disbursements made therefrom when making demand for replenishment of the same

and at such other times as the Council may require and the amounts shall thereupon be charged against the proper appropriations.

§ 1315. Presentation of demands.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1316. Registering warrants.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1317. Actions against City.

No suit or action for money or damages, whether sounding in tort, contract or some other theory, may be brought against the City, or any board, commission, agency or officer, agent or employee thereof, until a claim has been filed with the City, and either the City acts on the claim or it is deemed denied by operation of law. The procedures prescribed by State law governing the presentations, consideration and enforcement of claims against cities and its officers, agents and employees shall apply to the presentation, consideration and enforcement of claims against the City. Claims for money or damages which are excepted from or not covered by State law may be governed by the procedures established by City ordinance.

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1318. Centralized purchasing.

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

§ 1319. Independent audit.

The Council shall employ, at the beginning of each fiscal year, an independent certified public accountant who shall audit the books, records and accounts of all officers and employees of the City who receive, administer or disburse public funds, and such other officers, employees, departments and agencies as the Council may direct. Such audit shall be made at such times as may be prescribed by the City Council but shall be at least annually.

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

(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1320. Utilities fund.

Receipts from the utilities operated by the City shall be paid into the City Treasury and maintained in a separate utilities fund for such utilities. Expenditures from such fund shall be made for the following

purposes only for such utilities in the order named, viz.:

- (a) For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the City or the City Council may establish;
- (b) For repairs and maintenance;
- (c) For the payment of interest and sinking funds on bonds issued for acquisition, construction or extensions;
- (d) For the payment of five per cent of the gross receipts from such utilities to the general fund of the City; subject, however, to such limitations as may be contained in any resolution or indenture heretofore adopted providing for the issuance of revenue bonds for the acquisition, construction or improvement of such utilities, which bonds are now outstanding or may hereafter be issued under such existing resolution or indenture;
- (e) For extensions and improvements;
- (f) For the establishment of a sinking fund within the utilities fund for the replacement of utilities property in the minimum amount of two million five hundred thousand dollars (\$2,500,000.00).

The City Council shall cause records to be kept of the receipts and expenditures of each utility and of credits and debits of each utility in the aforementioned utilities fund. The City Council may, however, order expenditures from the utilities fund for any utility even though that utility has no credit in the utilities fund, provided only that the balance in the utilities fund is greater than the proposed expenditure. (As Amended, 1967 Statutes, Senate Concurrent Resolution 35; Chapter 61; Amendment ratified 11-4-80; Amended by electors at an election held November 8, 2023, Charter Chapter 18 of the State *Statutes of 2023*)

§ 1321. Revenue bonds.

- (a) The City Council, when authorized at an election as hereinafter provided, shall have power to issue revenue bonds for the purposes authorized by the general laws of the State of California including the issuance of refunding revenue bonds and also shall have power to borrow money and incur indebtedness for any and all revenue producing works, undertakings, enterprises and utilities (hereinafter in this section referred to as "works") to the end that, as far as practicable, all such works shall be self sustaining and shall be paid for directly out of the revenues therefrom. Such works may be financed through the issuance of revenue bonds.
- (b) Neither such revenue bonds, nor the interest accruing thereon, shall be, or evidence, indebtedness of the City. Such revenue bonds, and the interest accruing thereon, shall be a charge solely upon such of the revenues of the works on account of which they are issued as by the terms of their issuance are so charged therewith, but shall not be a charge, lien or encumbrance, legal or equitable, upon, nor shall any recourse on account thereof be had against any income, receipts, revenues, funds, or property of the City, other than such charge upon such revenues of the work on account of which they are issued, and neither the credit nor the taxing power of the City shall be deemed to be pledged to, or charged with, such payment, nor shall the holder of any such bond have any right to compel the exercise of such taxing power.
- (c) The City Council may avail itself of any of the procedures now or hereafter authorized by the general laws of the State of California for the issuance of revenue bonds or the City Council may, by ordinance or resolution effective upon adoption set up and establish a procedure for the issuance of such revenue bonds, the calling and holding of elections therefor, and all matters pertaining to the issuance and sale of such bonds; provided, however, that the issuance of said revenue bonds shall be submitted to the electors at an election and the votes of a majority of all those voting on the proposition shall be required to authorize the issuance of the bonds.

- (d) Nothing in this section or elsewhere in this Charter, shall preclude the issuance, when authorized by two-thirds vote of the duly qualified electors of the City voting upon the proposition, of bonds of the City, for the purposes of any works, pursuant to proceedings therefor taken in accordance with the Constitution and general laws of the State. It is nevertheless the intention of this Charter that all principal and interest accruing on such bonds of the City if any, shall be provided currently out of the revenue fund pertaining to the works on account of which such bonds of the City shall have been issued, so far as it is practicable to make such provisions after the payment of all costs of operation and maintenance of said works and of all principal and interest on revenue bonds of the City issued on account of said works, and that so far as such current provision is not practicable, the general funds of the City shall be reimbursed out of said revenue fund, as soon as practicable, for all moneys paid from such general funds on account of such bonds of the City.
- (e) The City Council shall have power to issue revenue bonds to finance the generation, production, transmission and distribution of electric energy, including the acquisition and/or construction of lands and facilities therefor, without authorization at an election. The City Council may avail itself of the procedures now or hereafter authorized by the general laws of the State of California for the issuance of such revenue bonds or the City Council may, by ordinance or resolution effective upon adoption, set up and establish a procedure for the issuance of such revenue bonds and all matters pertaining to the issuance and sale of such bonds. This section (e) does not authorize the financing of a nuclear plant, or an interest therein, unless approved by an election.

(Amendment ratified 11-3-81)

Article XIV. Franchises

§ 1400. Procedure; terms.

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

Article XV. Reserved

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

Article XVI. Reserved

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

Article XVII. Reserved Powers, State Election Code and Amendments to State Elections Code

§ 1700. Reserved powers.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1701. State Elections Code.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1702. Amendments to State Elections Code.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Article XVIII. Miscellaneous

§ 1800. Definitions.

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

- (a) **"Shall"**
is mandatory, and "may" is permissive.
- (b) **"City"**
is the City of Santa Clara and "department," "board," "commission," "agency," or "employee," is a department, board, commission, agency, officer or employee as the case may be, of the City of Santa Clara.
- (c) The masculine and feminine gender include the neuter.
(Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

§ 1801. Violations.

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

§ 1802. Validity.

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

§ 1803. Effective date.

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

CITY OF SANTA CLARA

VOTE HISTORY

Ballot Measures

Regarding

Charter Amendments

1952 to Present

**CITY OF SANTA CLARA BALLOT MEASURES
PERTAINING TO CHARTER AMENDMENTS
1952 to Present**

November 4, 1952 (General Election)

Measure C: **Elect Police Chief and City Clerk**

(Passed) Yes - 3,538 No - 2,420

"Shall the Charter of the City be amended by adding a new section thereto to provide that the Chief of the Police Department and the City Clerk shall be elected officials instead of appointed officers? Said amendment also provides an election shall be held in 1953 to fill said office, and also in April 1955 and every four years thereafter."

June 5, 1956 (Primary Election)

Measure A: **Public School System**

(Passed) Yes - 4,938 No 1,292

"Shall Article XVI and Sections 1600 and 1601 of the Charter of the City of Santa Clara be amended to provide that the organization, government and administration of the public school system, the manner and mode of selection, the powers and duties of the Board of Education and its members shall be set forth in the Constitution, Education Code and applicable general laws of the State of California?"

November 4, 1958 (General Election) Charter Amendments

Measure A: **Change of Fiscal Year**

(Passed) Yes - 8,780 No - 2,554

"Shall the Charter of the City of Santa Clara be amended by amending Sections 1300, 1302, 1304 and 1306 thereof and adding Section 1306.5 thereto to provide that the fiscal year of said City shall commence on July 1st of each year and end on June 30th of the following year unless otherwise provided by ordinance; also providing the annual budget shall be submitted at least 35 days before

the beginning of each fiscal year and as determined by the Council; and that the annual budget shall be adopted on or before June 30th of each year and the tax levy fixed by August 15th of each year and providing for the adoption of an interim budget when a change in fiscal years requires the same?"

Measure B: **Classified Service**

(Passed) Yes - 6,450 No - 4,628

"Shall Section 1101 of the Charter be amended to provide for the division of the Civil Service of the City into the Classified and Unclassified Service and providing how said services shall be comprised and adding a provision that a department of the City may by ordinance be divided into divisions and the heads of such divisions shall be in the Unclassified Service?"

Measure C: **Supervision by City Engineer**

(Passed) Yes - 8,936 No - 2,571

"Shall Section 905 of the Charter of the City of Santa Clara be amended to provide that the City Engineer shall supervise and be responsible for all engineering work of the City, and that the head of the Department of Public Works and Utilities shall supervise and be responsible for the inspection, care, maintenance and repair of various public works and public utilities of said City?"

1965 Section 905.1 position of City Engineer and Section 905.2 Director of Public Works.

February 15, 1967

Prop A Amend Sec. 702 - Each Council Member shall receive \$200 p/month and the Mayor an additional \$100 p/month (PASSED ELECTION).

Prop A1 Amend Section 702 to keep compensation of Mayor and Council limited according to standards of other general law cities the size of Santa Clara (FAILED ELECTION).

- Prop B Amend Section 1320 - set aside a separate utilities fund and establish a sinking fund of \$2,500,000 in utilities account (PASSED ELECTION).
- Prop C Amend Section 1004 to delete restriction against reimbursement of Board and Commission members for expenses (PASSED ELECTION). (Ordinance 1157, 2-15-67, Minutes 4-11-67, p. 166).

June 4, 1968 (Primary Election) Charter Amendments

Measure N: **Political Activities**

(Failed) Yes - 5,743 No - 12,703

"Shall Section 1106 of the Charter of the City of Santa Clara entitled 'Political Activities Prohibited' be repealed?"

Measure O: **City Councilmen**

(Failed) Yes - 7,134 No - 12,060

"Shall Section 701 of the Charter of the City of Santa Clara be amended to allow the election of a person to hold office as a member of the City Council no matter the number of consecutive terms he has served, and to provide that no person shall be eligible for appointment to fill a vacancy in the Council until two years after any prior service by him as a member of the City Council?"

November 5, 1968 (General Election)

Measure D: **Elected Mayor**

(Passed) Yes - 13,484 No - 12,047

"Shall the Charter of the City of Santa Clara be changed to make the City's Mayor elected from the City at large, to establish the provisions to nominate and elect such officer, to establish the compensation of the elective Mayor at \$1,000 per month, to establish at four years the term of such Mayor and limit to two the number of successive terms such a Mayor might serve, to set forth the political position of the elective Mayor listing his specific duties and powers, to establish

qualifications for all elective offices of City and to establish a uniform procedure for filling vacancies in all elective offices of City?"

November 7, 1972 (General Election)

Measure B: **Eligibility for Candidate for City Offices**

(Passed) Yes - 17,717 No - 12,054

"Shall the Charter of the City of Santa Clara be changed as follows: to expressly provide that no person shall be eligible to be a candidate for or to take or hold any elective office of the City unless he has resided in the City for the year next preceding the date of his election or appointment to such office; by deleting from the Charter Section 1106 which purports to prohibit certain political activities by persons holding positions in the classified service or on an eligible list; by changing all references in Section 1200 of the Charter from 'State Employees' Retirement Act' and 'State Employees' Retirement System' to 'Public Employees' Retirement Law' and 'Public Employees' Retirement System,' respectively; and by deleting Articles XV and XVI of the Charter which articles contain provisions with reference to Police Court and School Department, respectively?"

Measure C: **City Clerk; Powers, Duties**

(Failed) Yes - 14,057 No - 14,368

"Shall the Charter of the City of Santa Clara be changed as follows: by deleting the provision from Section 903 of the Charter that 'The City Council may, in its discretion, appoint any other officer or employee of the City as City Clerk and grant such person additional compensation for the performance of such duties.'; by changing the title of Section 1101 from 'Classified Service' to 'Classified and Unclassified Service', by changing the numbering and sequence of the offices and positions listed as comprising the unclassified service and by deleting the specific reference to City Clerk and Chief of the Police Department from such listing."

Measure D: **Eligibility of Councilmen and Mayor**

(Failed) Yes - 7,525 No - 22,175

"Shall the Charter of the City of Santa Clara be changed by removing the present restrictions on the eligibility of Councilmen, including the Mayor, to serve more than two consecutive elective terms as such, respectively?"

Measure E: **Sale City Owned Property**

(Failed) Yes - 8,510 No - 19,948

"Shall the Charter of the City of Santa Clara be changed as follows: that Section 714 of the Charter shall provide that City owned property up to and include \$2,500 in value may be sold without first publishing notice of intention to sell in an official newspaper once a week for two weeks preceding the date of such sale; that with respect to contracts on public works the formal advertised procurement procedures of Section 1310 of the Charter would be changed to contracts involving an expenditure of more than \$3,500; that all other provisions of the Sections 714 and 1310 shall remain in full force and effect, unchanged?"

Measure F: **Terms of Elected Candidates**

(Passed) Yes - 15,079 No - 12,031

"Shall the Charter of the City of Santa Clara be changed to provide generally that all candidates hereafter elected at any general municipal elections prescribed in the Charter, shall serve for a term of four years, commencing forthwith on completion of the canvass of ballots of such election, and continuing until their respective successors shall have been elected and qualified, with the exception that candidates so elected for other than an unexpired term in such a municipal election held in 1973 and 1975 shall serve for a term commencing on the first Monday in May of such years following each of such elections and ending in the fourth year thereafter on completion of the canvass of ballots of the general municipal election held in such year, and at the time their respective successors have been elected and qualified?"

Measure G: **Council Seats Numbered**

(Passed) Yes - 17,650 No - 9,229

"Shall the Charter of the City of Santa Clara be changed by providing for the designation of Council seats, providing a procedure for the election and filling of the separate seats, prohibiting a person from being a candidate for more than one such seat and restricting certain incumbent members of the City Council from being a candidate for any numbered Council seat other than the one which he holds?"

Measure H: **Compensation of Council Members**

(Failed) Yes - 11,949 No - 16,725

"Shall Section 700 of the Charter of the City of Santa Clara be changed to provide that each member of the City Council shall receive as compensation the sum of three hundred dollars (\$300) per month?"

April 5, 1977 Election Primary

Proposition A: **Change Election Date**

(Passed) YES - 4,614 NO - 4,084

"Shall the Charter of the City of Santa Clara be amended by changing the date of holding the City's general municipal elections?"

Proposition B: **City Council Compensation**

(Failed) YES - 1,084 NO - 7,712

"Shall Section 702 of the Charter of the City of Santa Clara be amended to provide a \$400 per month compensation for each member of the City Council other than the Mayor, for a \$1,667 per month compensation for the Mayor?"

Proposition C: **City Council Medical/Dental Benefits**

(Failed) YES - 1,395 NO - 7,292

"Shall the Charter of the City of Santa Clara be changed to provide the same medical and dental benefits for each member of the City Council including the Mayor as is provided from time to time to the holders of the City elective offices of City Clerk and/or Chief of Police?"

Proposition D: **City Property Disposition Under \$5,000 Value**

(Failed) YES - 1,416 NO - 6,983

"Shall Section 714 of the Charter of the City of Santa Clara be revised as proposed to provide alternate procedures for the City Council to exercise the City Council's power to lease, sell, or convey City property?"

Proposition 1: **Neighborhood Senior Citizen Housing**

(Advisory Vote Only)

(Passed) YES - 4,787 NO - 3,660

"Shall it be recommended that the City of Santa Clara shall comply with the Housing and Development Act of 1974 and allow to be completed by 1979 within the boundaries of the City of Santa Clara 195 senior citizen housing units where these units will be developed within any geographical area of the City of Santa Clara with an attempt to encourage the distribution of these housing units throughout the City's neighborhoods?"

Proposition 2: **High Rise Housing**

(Advisory Vote Only

(Failed) YES - 3,820 NO - 4,816

"Shall it be recommended that the City of Santa Clara approve the concept of a federally funded retirement facility with rent supplements in the University Redevelopment Project, which facility would be constructed at no cost to the City, would be a nine-story high-rise of approximately the height of the existing Bank of America Building in the Project Area, and which would include approximately 176 apartment units, a dining room, leisure time areas, the area of the ground floor for commercial use and adjacent parking, the construction of which facility would help satisfy the commitments of the City of Santa Clara to provide housing for lower and middle income elderly?"

November 6, 1979 (Special Statewide Election)

Proposition D: **Amend Election Date**

(Passed) Yes - 7,500 No - 495

"Shall the City of Santa Clara's general municipal elections be held on the same dates as the regular election of the Santa Clara Unified School District?"

November 4, 1980 (General Election) Charter Amendment

Measure N: **Utility Tax Transfer**

(Passed) Yes - 16,205 No - 10,047

"Shall Section 1320 of the Charter of the City of Santa Clara be amended to delete therefrom the authority of the City to transfer to its General Fund the balance of any monies remaining in excess of the Charter prescribed sinking fund for replacement of utilities property?"

November 3, 1981 (Special Election)

Measure E: **Revenue Bonds**

(Passed) Yes - 4,792 No - 4,070

"Shall the Charter of the City of Santa Clara be changed to provide that the City may issue revenue bonds, payable solely from the revenues of the electrical works without tax liability, to finance the production, transmission, distribution and non-nuclear generation of electric energy without requiring an election?"

Measure F: **Council Salaries**

(Failed) Yes - 2,459 No - 6,327

"Shall the Charter of the City of Santa Clara be amended to provide a \$400 per month compensation for each member of the City Council other than the Mayor, and for a \$1500 per month compensation for the Mayor?"

November 4, 1986 (General Election)

Measure K: **Charter Amendment-Council Compensation**

(Failed) Yes - 8,239 No - 12,863

"Amends Section 702 of the Santa Clara Charter to provide \$1,000 per month compensation for each member of the City Council other than Mayor, and \$1,800 per month compensation for the Mayor."

Measure L: **Charter Amendment-Council Compensation**

(Failed) Yes - 6,122 No - 14,287

"Amends Section 702 of the Santa Clara Charter, as indicated in the text of the amendment, to provide each member of the City Council with compensation comparable to the maximum compensation authorized by state law for the respective council counterpart in the general law city."

June 7, 1994 (Special Municipal Election)

Measure B: **Chief of Police Appointment.**
(Failed) Yes - 4,370 No - 10,079
Amends the Charter of the City of Santa Clara to provide for the appointment of the Chief of Police by the City Manager rather than selection of the Chief of Police by the current election process.

March 7, 2000 (Special Municipal Election)

Measure H: **Charter Amendment - Obsolete Language**
(Passed) Yes - 16,047 No - 2,880
Amends the Charter by eliminating obsolete, unnecessary and unclear language, making the Charter gender neutral, making the Charter consistent with current legal requirements, and making minor revisions to make the Charter consistent with modern city charters.

Measure I: **Charter Amendment - Chief of Police Requirements**
(Passed) Yes - 16,558 No - 2,244
Amends the Charter to require that candidates for the elected office of Chief of Police meet the minimum eligibility and qualification requirements imposed by State law upon candidates for the office of Sheriff.

Measure J: **Charter Amendment - Council and Mayor Compensation**
(Passed) Yes - 10,791 No - 7,924
Amends the Charter to provide for an increase in City Council Member compensation to \$600 per month with annual increases for the Mayor and City Council members equal to the consumer price index, but not to exceed 5% in any year.

Measure K: **Charter Amendment - Disposal of City-owned Real Property**
(Failed) Yes - 6,819 No - 11,907
Amends the Charter to permit the disposal of City-owned real property of \$50,000 or less in value without publishing in an official newspaper a notice of intention to sell real property.

Measure L: **Charter Amendment - Award of Public Works Contracts**

of up to \$50,000 in value

(Failed) Yes - 7,332 No - 11,269

Amends the Charter to permit the award of public works contracts of up to \$50,000 in value, with an annual increase consistent with the consumer price index, without publishing in an official newspaper a notice of intent to award a public works contract, provided that the City Council first establishes by ordinance a competitive bid procedure for such contracts.

November 7, 2006 (General Municipal Election)

Measure B: **Binding arbitration for certain personnel of the Police and Fire Departments**

Shall a section be added to the City Charter which would require binding arbitration before a three person arbitration panel of all unresolved disputes between the City and certain personnel of the Police and Fire Departments on all matters relating to wages, hours, and other terms and conditions of City employment, including the interpretation and application of any existing labor agreements?

(Failed) Yes - 9,853 No - 12,612

November 8, 2016 (Special Municipal Election)

Measure O: Setting of Salaries for Mayor and City Council. Shall Section 702 of the Santa Clara City Charter be amended to set the salaries of the Mayor at \$2500 per month and City Council at \$2000 per month, and to create a Salary Setting Commission to review and adjust those salaries every two years?

(Passed) Yes - 25,640 No - 10,393

Measure P: Mayor and City Council Term Limits. Shall Sections 701 and 704.1 of the Santa Clara City Charter be amended to limit the Mayor and members of the City Council to no more than two full terms for each office, and to define a partial term in excess of two years as a full term?

(Passed) Yes - 29,495 No - 6,908

Measure Q: Filling Vacancies in City Elected Offices. Shall Section 703 of the Santa Clara City Charter be

amended to provide that vacancies in any elective office of the City be filled by a four-fifths (4/5) vote of the City Council and to require that persons appointed to fill vacancies occurring in the first half of a term of office shall hold office until the next general municipal election?

(Passed) Yes - 28,156 No - 6,855

Measure R: Protection of Parkland and Open Space. Shall Section 714.1 of the Santa Clara City Charter be added to provide that no City owned land used for park or recreational purposes, including the Ulistac Natural Area and the Santa Clara Soccer Park, shall be sold or disposed of by the City without being authorized by a two-thirds (2/3) majority vote and that development upon such property shall be subject to referendum?

(Passed) Yes - 33,552 No - 3,890

June 5, 2018 (Special Municipal Election)

Measure A: DISTRICT COUNCIL ELECTIONS/VOTING METHOD:
Shall the City Charter be amended to establish two districts starting in 2020 to be represented by three Council Members each; and , when available, use ranked choice voting to allow voters to select candidates in order of choice to determine the winners of elections of all city elected officers?

(Failed) Yes - 9,169 No - 10,023

November 6, 2018 (Municipal Election)

Measure N: 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?

(Passed) Yes - 21,902 No - 9,208

March 3, 2020 (Special Municipal Election)

Measure C: DISTRICT COUNCIL ELECTIONS:
Shall the City Charter be amended to elect City Council Members by district, excepting the Mayor, as follows: for the 2020 election to establish six districts for the election of one Council Member to represent each district; and, beginning in 2022 to establish three districts for the election of two Council members to represent each district; and to require an independent redistricting committee?
(Failed) Yes - 9,731 No - 15,458

June 7, 2022 (Special Election)

Measure D: DISTRICT COUNCIL ELECTIONS:
Shall the City Charter be amended to elect city council members by district, excepting the mayor, to establish six districts for the election of one council member to represent each district; and to establish a 30-day residency requirement for all elected officials?
(Passed) Yes - 14,172 No - 3,835

November 8, 2022 (Municipal Election)

Measure G: CITY OF SANTA CLARA NO TAX INCREASE/SERVICES PROTECTION MEASURE:
To protect essential services without raising taxes, such as 9-1-1 response; police patrols, fire protection; street/storm drain repair, and maintaining reliable local utility service; shall Section 1320 of the Charter continuing the annual budget transfer of funds from City utilities to the general fund at 5% of gross receipts until ended by voters, generating approximately \$30,000,000 annually, with independent audits, all funds local, be reaffirmed/adopted?
(Passed) Yes - 24,643 No - 4,629

March 5, 2024 (Special Election)

Measure A: PROPOSES TO AMEND THE CITY CHARTER TO CHANGE THE
POSITIOON OF CITY CLERK FROM A POSITION ELECTED
EVERY FOUR YEARS TO A POSITION APPOINTED BY THE
CITY MANAGER, SIMILAR TO OTHER CITY DEPARTMENT
HEADS
Shall an amendment to the City Charter providing
that the City Clerk position be appointed by the
City Manager be adopted?
(Failed) Yes - 6,580 No - 13,735

March 5, 2024 (Special Election)

Measure B: PROPOSES TO AMEND THE CITY CHARTER TO CHANGE THE
POSITIOON OF CHIEF OF POLICE FROM A POSITION
ELECTED EVERY FOUR YEARS TO A POSITION APPOINTED
BY THE CITY MANAGER, SIMILAR TO OTHER CITY
DEPARTMENT HEADS
Shall an amendment to the City Charter providing
that the Chief of Police position be appointed by
the City Manager be adopted?
(Failed) Yes - 5,680 No - 14,887