

RESOLUTION NO. 21-8965

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Measure 1

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

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

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 25TH DAY OF MAY, 2021, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:


NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Exhibit A

EXHIBIT A

The Charter of the City of Santa Clara shall be amended as follows:

Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 600 City elected officers.

No person shall be eligible to hold ~~any~~ the elective office ~~in the City including~~ of Mayor, City Council, ~~or~~ Chief of the Police Department ~~and~~ or City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member, 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 members of the City Council, (which includes the office of 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 ~~seat~~ at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. Except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any ~~numbered~~ Council office ~~seat~~ other than the one which he or she holds.

Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

~~Sec. 700.1 Elections — Designation of seats.~~

~~For purposes of City Council elections, each Council office shall be designated by an appropriate descriptive designation, as follows: The Council seat which on the effective date of this Section is occupied by the Mayor shall continue to be designated as "Mayor"; each of the other six seats, respectively, shall be designated as "Council Member Seat No. 2," "Council Member Seat No. 3," "Council Member Seat No. 4," "Council Member Seat No. 5," "Council Member Seat No. 6" and "Council Member Seat No. 7" respectively, and shall continue to be designated by the respective designation. The designation so given to each such office shall thereafter be used in all election, nomination papers, certificates of election, and other election papers pertaining or referring to such office, and to designate incumbency in such office.~~

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