



Agenda Report

18-841

Agenda Date: 6/12/2018

REPORT TO COUNCIL

SUBJECT

Additional Information related to the Council Vacancy Seat #5 Eligibility Status

REASON FOR SUPPLEMENTAL

The following report is being provided as indicated in the original staff report to provide the final eligibility list of applicants for the Council Vacancy.

The candidate application process for the City Council Seat #5 vacancy was opened on May 24, 2018 with an advertised deadline of June 5 at 5:00 p.m. The Office of the City Clerk received 25 applications by the advertised deadline. Three applicants have voluntarily withdrawn their application, leaving 22 to verify eligibility.

DISCUSSION

The requirements for holding a City Council seat are set forth in Section 600 of the City Charter as follows:

*No person shall be eligible to hold any elective office in the City including Mayor, City Council, Chief of Police Department and City Clerk, unless he or she is **a resident and a qualified registered elector of the City.***

As a result, the Office of City Clerk has been verifying eligibility of all applicants for this process. Upon receipt of the Candidate applications, staff forwarded the applications to the Registrar of Voters (ROV) for the purpose of completing due diligence with certifying if the applicant was a registered voter. The ROV may deem a Candidate ineligible for lack of being a registered voter.

As per the City Charter reference above, Candidates must also be City of Santa Clara residents. Staff has requested proof of residency from each applicant.

Below are lists of applicants categorized by the status of their verification of the eligibility requirements:

Eligible (Registered Voter and Residency Verified)

1. David Anderson
2. Nancy A. Biagini (Serrano)
3. Andrew Chan
4. Christina Cielusniak
5. Noah Clemons
6. Abhik Dutta
7. Eversley Forte
8. Hosam Haggag
9. Kevin Heller
10. Sudhanshu Jain
11. Joie Le
12. Mohammed Nadeem
13. Vincent Navarro
14. Kevin Park
15. Lara Ruffolo
16. Frederick A. Shaul
17. Susan Beth Tsolinas
18. Sara Yoders

Ineligible (Not a Verified Registered Voter)

1. Sowmya Krishnan

Unable to Verify Eligibility

(Verified Registered Voter but Unable to Verify Residency at Time of Publication)

1. Ashish Mangla
2. Kevin M. McMahon
3. Chris Stampolis

Voluntarily Withdrew

1. Susan Ellefson
2. Robert Meier
3. Samrat Roy

The City Council has 18 fully verified applicants by both the ROV and City. There are three applicants whose eligibility is not yet complete and the Council may determine on its own to advance them without official proof of residency; however, it must be stated, that the City Charter requires two requirements to be a seated Councilmember-registered voter and resident. These three applicants may still bring proof of residency before the City Council begins its process.

The City Clerk has prepared this report, as approved by the City Manager, and hereby certifies the status of applicants above.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a

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

FISCAL IMPACT

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

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Staff makes no recommendation. The City Clerk has prepared this report, as approved by the City Manager, and hereby certifies the status of applicants above.

Reviewed by: Jennifer Yamaguma, Acting City Clerk

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Susan Ellefson Withdrawal Email
2. Robert Meier Withdrawal Email
3. Simrat Roy Withdrawal Email
4. Chris Stampolis Email re Validation of Proof of Residency

JUN 11 2018

Simrat DhadliCity Clerk's Office
City of Santa Clara

From: Susan Ellefson < >
Sent: Saturday, June 9, 2018 9:19 AM
To: Simrat Dhadli
Subject: Re: Information regarding Council Seat #5 Vacancy Interviews and Process

Apologies for the late notice, but I have had a situation arise that will not only make my attendance at the Council meeting impossible, it will also preclude me from being able to continue with my application. Please remove my name from the list of applicants.
Best wishes for your search...

Susan

On Fri, Jun 8, 2018 at 9:20 PM, Simrat Dhadli <SDhadli@santacclaraca.gov> wrote:

Good Evening Applicants,

Thank you for your interest in Council Seat #5 Vacancy.

Please find attached the Tuesday, June 12, 2018 Council and Authorities Concurrent Meeting Agenda. The Council vacancy item will be heard as the first item under General Business/Public Hearing so please arrive no later than 7 pm.

The Office of the City Clerk is currently verifying the eligibility requirements of all the applicants in coordination with the Registrar of Voters. A supplemental report will be released on Monday as soon as the final list is verified. Staff is recommending that each candidate be given up to five minutes for remarks as to why you are interested in serving on the Council and what makes you an ideal candidate.

I have included the following documents for your reference:

- Vacancy Agenda Report, which includes staff's recommendation on a proposed interview and appointment process, as well as alternatives.
- Applications
- Sample Questions. Please note that these are only sample questions and the Council may wish to ask something different.

In meantime, please review the Agenda Report along with the attachments which outlines the recommended process for Council to follow.

If you have any questions, please feel free to contact the Office of the City Clerk.

Sincerely,

Simrat Dhadli

Simrat Dhadli | Acting Assistant City Clerk | City Clerk's Office
City of Santa Clara, California | All-America City
1500 Warburton Ave. | Santa Clara, CA 95050
(O) 1.408.615.2227 | (F) 1.408.241.6771
sdhadli@santaclaraca.gov | www.santaclaraca.gov



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Santa Clara**
The Center of What's Possible

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--
Susan

RECEIVED

JUN 11 2018

Simrat Dhadli

City Clerk's Office
City of Santa Clara

From: Robert Meier < >
Sent: Monday, June 11, 2018 9:36 AM
To: Simrat Dhadli
Subject: Re: Information regarding Council Seat #5 Vacancy Interviews and Process

Dear Simrat,

In preparation for the interview for the council position, I realized that this function is more involved than anticipated, e.g. being a member of multiple committees and full day meetings which would require me to stay away from my regular work. Considering this, I would like to withdraw my application for the open council position. Thank you for your attention.

Regards,
Robert

On Jun 8, 2018, at 9:20 PM, Simrat Dhadli <sdhadli@santaclaraca.gov> wrote:
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Sincerely,

Simrat Dhadli

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Simrat Dhadli

From: Sophia Smith
Sent: Friday, June 8, 2018 11:28 AM
To:
Cc:
Subject: your request to pull your Council vacancy application

Good morning Samrat,

Per our phone conversation, and at your request we are pulling your application and removing your name for consideration for the Council vacancy.

Thank you for your interest.

In appreciation,

Sophia Smith | Staff Aide I

City Clerk's Office

1500 Warburton Avenue | Santa Clara, CA 95050

Main Office: (408) 615-2220 Direct: (408) 615-2229

www.SantaClaraCA.gov |    



**City of
Santa Clara**
The Center of Northern California

Simrat Dhadli

RECEIVED

From:
Sent: Monday, June 11, 2018 7:48 AM
To: Simrat Dhadli
Subject: Re: City of Santa Clara - Council Seat 5 Vacancy

JUN 11 2018

City Clerk's Office
City of Santa Clara

I meet both standards, but I refuse to play your discriminatory and illegal games. You did not include these demands in the application materials and I will sue the City to overturn any appointment if I am excluded from the interviews based on your ex post facto requirements that were not included in the application materials. Further, our household has been busy with high school graduation and with Little League playoffs and I only read your email now.

If I was studying or working or assisting family in another jurisdiction, but domiciled in Santa Clara, under a variety of federal and state laws, I would continue to be an eligible voter in Santa Clara, and thus eligible to serve as an appointed or elected official, even if I was studying or working or caring for family elsewhere.

California law is extremely clear that one can have multiple residences. The law of domicile is clear that one can have only one domicile, and one only may register to vote where one is domiciled. Once one has established a domicile, only a judge can invalidate a domicile.

Do not screw around with this. While I do not have multiple residences, and I have been and continue to be a resident only of Santa Clara without break for decades, I will not participate in discrimination against any person who is domiciled in Santa Clara, but who may have multiple residences, as you have no legal definition of "residence" on which to rely that would supercede the law of domicile. A person need not demonstrate the documents you request to be eligible to register to vote. And that is the legal standard that controls.

If you exclude me despite my unbroken domicile and my residency, we will meet in court.

Chris Stampolis

----- Original message-----

From: Simrat Dhadli
Date: Thu, Jun 7, 2018 8:20 PM
To: ;
Cc:
Subject: City of Santa Clara - Council Seat 5 Vacancy

Hello Mr. Stampolis,

The City Clerk's Office is in the process of verifying eligibility of all applicants for this process. The requirements for holding a City Council seat are set forth in Section 600 of the City Charter as follows:

*No person shall be eligible to hold any elective office in the City including Mayor, City Council, Chief of Police Department and City Clerk, unless he or she is **a resident and a qualified registered elector of the City.***

As provided by the Charter, all persons must be residents of the City in order to serve on the City Council. In order to verify that you meet this requirement, please provide two proofs of residency, such as a copy of a license or a utility bill, to the City Clerk's Office or via email to:

clerk@santaclaraca.gov no later than Friday, June 8, 2018, at 12:00 p.m.

Thank you for your interest in the Council Vacancy.

Sincerely,

Simrat Dhadli

Simrat Dhadli | Acting Assistant City Clerk | City Clerk's Office
City of Santa Clara, California | All-America City
1500 Warburton Ave. | Santa Clara, CA 95050
(O) [1.408.615.2227](tel:14086152227) | (F) [1.408.241.6771](tel:14082416771)
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