

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, TO REMOVE RON PATRICK FROM THE PLANNING COMMISSION AND APPOINT THE FIRST ELIGIBLE APPOINTEE, MARIO BOUZA, TO THE PLANNING COMMISSION

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

WHEREAS, Article X of the City Charter, Section 1006, Planning Commission-Generally, provides that “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”;

WHEREAS, Article X of the City Charter, Section 1002, provides that, “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”;

WHEREAS, Council Policy 032 recognizes that while the City Charter allows the Council to remove a Commissioner with no cause, the Council has created guidelines the Council may use to resolve a problem/complaint;

WHEREAS, Council Policy 032 provides that “options are available for resolving complaints,” against appointed commissioners, including referring the issue or complaint to the Mayor and/or City Council and “[i]f legal issues are involved, the concern/complaint is referred to the City Attorney,” and that “[d]epending on [the] nature of [the] concern/complaint, and factual information, range of actions/options are available including...[that the] City Council may take action ranging from note and file to removal from the Commission”;

WHEREAS, on June 6, 2022, the Santa Clara City Council considered applications to the Planning Commission and took action to appoint Ron Patrick to serve on the Planning Commission and place Mario Bouza and Neil Cortez on the eligibility list for appointment to the Commission, where Mr. Bouza received the second highest polled support among the Council during the June 6, 2022 Council meeting;

WHEREAS, at the July 5, 2022 City Council meeting, by way of a petition pursuant to Council Policy 030, the City Council took action to place Mr. Patrick’s removal from the Planning Commission on a future Council agenda;

WHEREAS, at the July 12, 2022 City Council meeting, the City Council considered the City Attorney’s July 7, 2022, memorandum to the City Council responding to the July 5, 2022 Council petition, outlining the background on the City’s investigation and evaluation of Mr. Patrick’s residency issues in the City of Santa Clara;

WHEREAS, at the July 12, 2022 City Council meeting, Mr. Patrick submitted public comment to the Council’s consideration of the response to July 5, 2022 Council petition, and also submitted a document entitled “Certification,” signed by the Deputy Registrar of Voters of Santa Clara County on July 7, 2022, which states as the address, “5191 Lafayette Street, Santa Clara, CA 95054,” the “Most Recent Date Registered: 09/05/2020”, and “Original Date Registered: 02/09/2019,” a true and correct copy of which is attached hereto as Exhibit A

WHEREAS, at the July 12, 2022 City Council meeting, the City Council clarified and affirmed for future action that it “determine the staff investigation sufficiently provided evidence of irregularities regarding Mr. Patrick’s residency and take action in accordance with Council Policy 032,” as provided in the City Attorney’s July 7, 2022 Memorandum at Exhibit B to this Resolution; and

WHEREAS, in response to its July 15, 2022 inquiry, the City Clerk’s office received an email from the Santa Clara County Registrar of Voters on July 20, 2022, identifying a “clerical error” on the “Certificate” submitted by Mr. Patrick at the July 12, 2022 Council meeting, stating that the “‘Original Date Registered’ date of 2/9/2019 is in reference to Mr. Patrick’s initial voter registration here in Santa Clara County which was at his former City of Mountain View residential address,” and the “‘Most Recent Date Registered’ date of 5/3/2022 is in reference to Mr. Patrick’s updated voter registration when he updated his residential address to his current City of Santa Clara residential address”; and that the Registrar of Voters provided a “new copy of the voter’s certificate that accurately reflects the dates,” a true and correct redacted copy of which is attached hereto as Exhibit C.

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

1. That pursuant to its discretionary authority provided in the City Charter and Council Policy 032, the City Council removes Ron Patrick from the Planning Commission effective immediately.
2. That pursuant to its authority provided in the City Charter, the City Council hereby appoints the first eligible appointee to the Planning Commission, Mario Bouza, effective immediately.

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3. Effective date. This resolution shall become effectively immediately.

I HEREBY CERTIFY THE FOREGOING TO BE AT TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____, 2022, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA