

Charter Review Committee

Meeting Date: August 10, 2023

Questions and Public Comments received by 12:00 p.m. on August 10, 2023

Emailed Questions (in order of submittal)

Email Question (8/8/2023):

1. Does the committee need to be present for the Issuance of Staff Report to Transmit Committee Recommendations in November?

Staff Response:

1. The Committee as a whole is not required to be present at the November 7 presentation of the Committee recommendations to the City Council. However, the Committee will need to take action to determine who from the Committee will present the recommendations. Ordinarily, that would be the Chair. However, the Committee could decide to nominate an alternate presenter(s).

Please note that this meeting is also an opportunity to recognize and thank the Charter Review Committee for its dedication and service. For that reason, we as staff would strongly encourage all members to be present so that recognition can occur. We certainly understand if that is not possible.

Email Question (8/8/2023):

2. If you have the links for the four items below, please send them.
 - November 1952 Measure C: Elect Police Chief and City Clerk
 - November 7, 1972 Measure C: City Clerk; Powers, Duties
 - July 17, 2018 Ordinance No. 1983
 - July 17, 2018 Report to Council on Ordinance No. 1983

Staff Response:

2. The link for the report on Ordinance No 1983, as well as the actual Ordinance, can be found here: [City of Santa Clara - File #: 18-487 \(legistar.com\)](#). We have provided the Committee with the information that is available to us for 1952 and 1972 measures. Unfortunately, these measures pre-date our system and the City does not have a link to those documents. The City Clerk's office has requested information from the County Registrar of Voters so that we can provide any arguments and/or rebuttals that may have been submitted. We will forward to the Committee should the Registrar be able to provide the documentation.

Email Question (8/9/2023):

Please send this information if you can:

1. The requirements for recalling city elected officials.
2. A summary of 2 or 3 recent city recalls that made it to the ballot.
3. The study sessions and meetings links that Council Member O'Neill is referring to regarding Ordinance No. 1983 at the 7-17-2018 Council Meeting.

03:07:13 Council Member O'Neill.

03:07:20 And we had study sessions and meetings

03:07:25 about this and what I observe over the

Staff Response: Research in progress.

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Public Comment

Public Comment #1

To the Members of the Charter Review Committee:

Minimum Qualifications for Santa Clara's Chief of Police

Measure I was submitted to Santa Clara's voters in 2000 because of the belief that the then-current Charter's requirements were insufficient for a candidate for Chief of Police with the duties and responsibilities which were incumbent for that Office. The current Charter Review Committee must keep in mind that these were **minimum** requirements that reflected the opinion of the City Attorney Michael Downey in 2000. He believed that the Charter could not hold higher qualifications than those required of a Sheriff in the State of California.

I do not believe that the Committee should be limited by this belief; and should actively explore raising the standards for the elected Chief to be consistent with those of appointed Chiefs in adjacent jurisdictions; and that Santa Clara is not restricted by State or Federal law to limit the qualifications for an elected Chief of Police.

Respectfully Submitted,

Charles Arolla, Chief of Police (Retired)
Santa Clara Police Department.

Public Comment #2

To the 2023 Charter Review Committee Members:

I was raised in Santa Clara, am a graduate of Santa Clara High School, Mission College in Santa Clara, and Santa Clara University, and have spent most of my career working in Santa Clara. Throughout these past 65 years of residency and/or working in the City, I have had many interactions with the Santa Clara Police Department and its officers. (Never due to an unlawful action on my part!!!) Many times, however, as they have responded on calls, provided safety, given advice, and once even providing emergency life-saving care to a member of my family. In short, I believe we have one of the best, most decent, and professional police departments in the State. This is due in large part to the excellence in leadership, which is a direct result of our practice of holding the Police Chief responsible to the citizens of Santa Clara through the elections process.

I wish to voice my strong support for continuing the role of Police Chief in Santa Clara as an elected position. There are many reasons for doing so:

- An "elected" Police Chief promotes accountability to the people, through the democratic process.
- It provides greater transparency, in an age when this is most vitally important.
- A Police Chief elected by the community is, by the very nature of the process, more representative of the community.

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- An elected Police Chief, rather than a politically appointed Police Chief, has a greater sense of legitimacy within the community. This has a direct impact on the level of public trust in our police department.
- A Police Chief who knows he/she is directly accountable to the people will, I believe, be more responsive to the people's needs.
- An elected Police Chief is — hopefully — independent of political influence.

These are just a few of the reasons I strongly support Santa Clara's continuation of an "elected" Police Chief.

Sadly, in this day and age, the fact, or even the impression of political influence is becoming more dominant in our civic landscape. We should make efforts to maintain public trust in our police force by avoiding any sense or appearance of political influence. We have seen in many cities the damaging impact when police forces lose the trust and confidence of the citizenry. Santa Clara does not suffer that. I ask you to please help insure the continuance of our fine and independent police department's reputation and accountability to our citizens through the elections process. Yes, Santa Clara is the only major city in California with an elected Police Chief. Santa Clara is the only city continuing to do it right, as evidenced by having the finest Police agency in the county, state, and beyond.

Sincerely,

Preston Metcalf