

**MINUTES OF THE SPECIAL MEETING
OF THE CITY OF SANTA CLARA
CITY COUNCIL
TUESDAY, FEBRUARY 13, 2018**

The City Council, with a quorum present, met at 5:00 pm, on the above-mentioned date, for a Special Meeting in the City Hall Council Chambers.

- 2.A- With no public comment, the Council met in the Council Conference Room for a
B **Closed Session**. The Council met for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City representative: Deanna J. Santana, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit #4 - City of Santa Clara Professional Engineers; Units #5, 7 & 8 - City of Santa Clara Employees Association; Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees); Unit #9 - Miscellaneous Unclassified Management Employees; Unit #9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association) and a Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *Davis v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 5:15-cv-05603-EJD.

6. The Council reconvened at 6:01 pm in the City Hall Council Chambers and the Special Meeting was opened with the recitation of the Pledge of Allegiance and Statement of Values.

7. Present: Members Dominic J. Caserta, Debi Davis, Patricia M. Mahan, Teresa O'Neill and Kathy Watanabe and Mayor Lisa M. Gillmor. Absent: Member Patrick Kolstad.

Staff present: City Manager, City Attorney, Chief Operating Officer and Acting City Clerk.

The Acting City Clerk read the "Behavioral Standards for Public Meetings."

MOTION was made by Mahan, seconded and unanimously carried (Kolstad absent), that the Council **excuse** Member Kolstad from attendance at this evening's meeting.

- 8.A

The Council proceeded to consider the City Attorney and Assistant City Manager Nader's report requesting Council direction on **next steps for the position of City Clerk**. The City Attorney reviewed the report and made an electronic presentation outlining four options relative to the office of city clerk pursuant to the City Charter, following the resignation of former City Clerk Rod Diridon, Jr. on February 6, 2018, as follows: 1) appoint a city clerk under Charter Section 703 (Vacancies) before March 9, 2018 who

would serve until the November 2018 election, 2) not appoint a city clerk and leave the elective office unfilled and be required to call a special election in November 2018, 3) place a Charter amendment eliminating the position of city clerk as an elected position on the ballot for the June 5, 2018 Special Election, and 4) reduce the role of the elected city clerk to ceremonial and appoint a person with the requisite skills and certification to perform the duties. The City Attorney reviewed the professional requirements for the position of City Clerk and read Charter Section 903 (City clerk; powers and duties) into the record. A Council discussion followed and the City Attorney answered Council questions. The Council noted an email (2/12/18) submitted by Margaret Okuzumi which was received after the agenda was posted. The following individuals addressed the Council with comments/concerns in support/opposition to the elimination of the elected position of city clerk: Teresa Sulcer, Margaret Okuzumi, Markus Bracamonte, Steve Lodge, Deborah Bress, Anthony Becker, Brian Mulligan, Mario Bouza, Hossam Haggag, Tino Silva and Kevin Park. After Council discussion, **MOTION** was made by O'Neill, seconded and carried with Caserta and Mahan dissenting (Kolstad absent), that the Council **direct** the City Attorney to come back at a date most practical with a recommendation regarding potential Charter amendment language for the June 5, 2018 election, including alternative ballot language for consideration; clarification of any potential conflict with the Charter amendment regarding the districting ballot measure already approved for the same election; background information on the last time the Charter was amended relative to the position of the elected city clerk, and background information from the recent Charter Review Committee; and to conduct robust outreach in the ensuing weeks utilizing social media and other outreach tools to solicit public feedback on potential ballot language.

9.

Under Public Presentations, Deborah Bress expressed comments of concern related to the online version of the City Charter.

10.

The City Attorney reported that the Council met earlier in the evening in the Council Conference Room for a **Closed Session** for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City representative: Deanna J. Santana, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit #4 - City of Santa Clara Professional Engineers; Units #5, 7 & 8 - City of Santa Clara Employees Association; Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees); Unit #9 - Miscellaneous Unclassified Management Employees; Unit #9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association) and for a Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(d)(1), *Davis v. City of Santa Clara, et al.*, United States District Court, Northern District of California Case No. 5:15-cv-05603-EJD and there was no reportable action.

MOTION was made by Davis, seconded and unanimously carried (Kolstad absent), that the Council adjourn the meeting at 7:32 pm. The next regular scheduled meeting is on Tuesday evening, **February 20, 2018** in the City Hall Council Chambers.

ATTEST: _____
City Clerk

APPROVE: _____
Mayor

DRAFT