

6-12-18

Item 3

# City of Santa Clara

## Council Meeting

Item #3 – Proposed Interview and  
Appointment Process for the Council  
Seat #5 Vacancy

June 12, 2018



## Background

- Former Council Member Dominic Caserta resigned from office, effective May 15, 2018, creating a vacancy in Council Seat #5 for the partial term ending November 2018
- In accordance with Charter Section 703, Council may chose to appoint a Council Member to the vacant seat but must do so before June 14, 2018 (30 days since the seat was vacated)
- At May 22, Council took action to initiate a candidate application process to fill the vacancy



POST MEETING MATERIAL

## Charter Section 600

- *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.*

## Advertisement of Vacancy

- The vacancy was advertised on Facebook, Twitter, NextDoor, the City's website, the City Manager's Blog, Channel 15, and also flyers were posted at the Community Recreation Center, Senior Center, Youth Center, Teen Center, Central Park Library, Northside Branch Library and at City Hall



## Update on Applicants

- A total of 25 applications were received by the advertised deadline
- As of this afternoon, June 12:
  - Santa Clara County Registrar of Voters verified that all applicants are registered voters
  - Two applicants have not been able to provide proof of residency
  - Three applicants voluntarily withdrew from the process
- There are now 20 applicants that are verified residents and qualified registered electors of the City

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## Appointment Process

- Per Charter Section 703, the Council may appoint a member by a 4/5<sup>th</sup> vote (5 affirmative Council votes)
- Staff has provided a recommended process; however, the Council may at any time entertain a motion to appoint a member and/or provide an alternative process after the City Attorney has had the opportunity to ensure compliance with The Brown Act
- If a 4/5<sup>th</sup> vote is not achieved by any single candidate, the position will remain vacant until the November election unless any other action is taken before June 14

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## Council Action

- If Council approves the staff recommended process, the following actions need to be taken:
  - 1) Confirm the up to 5 minute opening remarks
  - 2) Ranking up to 10 candidates after opening comments
  - 3) That only candidates ranked by 4 or more Councilmembers will be considered for the interview portion of the process
  - 4) That following the interview process, Council can move to appoint by motion or engage in another ranking process, until 4/5<sup>th</sup> vote is reached or Council determines not to proceed further

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## Recommended Appointment Process

- The following process is compliant with The Brown Act. To the extent that the Council deviates from the process, the City Attorney will need to provide legal advice.
- **Step 1:** Each of the verified 20 applicants may provide the Council an opening statement up to 5 minutes
  - Council may entertain a motion to determine the number of top candidates (between 5-10 candidates)
- **Step 2:** Each Council Member will rank their top candidates on provided ranking sheet. The highest ranking to be assigned by the number "1", the second ranking "2", etc
  - Applicants with four or more ranked votes will continue

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## Recommended Appointment Process (Con't)

- **Step 3:** City Clerk will call on each Council Member to verbally report/disclose their top ranking candidates
- **Step 4:** City Clerk will retrieve ranking sheets and tally the Council Member rankings while the Council proceeds with general business items on the Council agenda.
  - The candidate with the lowest total tally will be the highest ranked candidate
- **Step 5:** Council will interview the top candidates
  - Sample questions provided but Council may ask any desired questions

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DRAFT RANKING SHEET - FOR EXAMPLE ONLY

APPLICANT	Member 1	Member 2	Member 3	Member 4	Member 5	Member 6	TOTAL
Candidate 1							
Candidate 2							
Candidate 3							
Candidate 4	5	1	1	1	1		9
Candidate 5						5	
Candidate 6							
Candidate 7							
Candidate 8	2	2	2	2	4	3	16
Candidate 9							
Candidate 10							
Candidate 11		3	4	3	2		12
Candidate 12						1	
Candidate 13	1						
Candidate 14							
Candidate 15	3	5	3	4	3	2	20
Candidate 16							
Candidate 17							
Candidate 18		4	5	5	5	4	18
Candidate 19	4						
Candidate 20							

Five candidates received a majority Council vote and will proceed to the interview step

Under this scoring, results of the rank would be:

1. Candidate 4
2. Candidate 11
3. Candidate 8
4. Candidate 18
5. Candidate 15

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## Sample Ranking Sheet



## Recommended Appointment Process (Con't)

- **Step 6:** Council may, by motion of a 4/5<sup>th</sup> vote, appoint an applicant **or** engage in another round of ranking among the final candidates
- **Step 7:** If applicant is successful at receiving 4/5<sup>th</sup> vote by the Council, the Council may consider a motion to appoint the candidate to fill the vacant seat
- **Step 8:** The City Clerk will administer the Oath of Office and the Council Member will then be seated for the remainder of the meeting

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**City of  
Santa Clara**  
The Center of What's Possible

AGENDA ITEM #: 3

**AGENDA REPORT**

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**Date:** June 12, 2018

**To:** City Manager

**From:** Executive Assistant to the Mayor & City Council

**Subject:** Correspondence received regarding Item #3 – Proposed Interview and Appointment Process for the Council Seat #5 Vacancy

From Wednesday afternoon, June 6, 2018 through Tuesday evening, June 12, 2018 at 5:00 pm, the Mayor & Council Offices have received the attached communications regarding Item #3.

A handwritten signature in black ink, appearing to read "Lynn Garcia", written over a horizontal line.

Lynn Garcia  
Executive Assistant to the  
Mayor & City Council

*Documents Related to this Report:*

- 1) Communications received

*L:\Agenda Reports & Memos\Communications Received Memos\06/122018 – Proposed Interview and Appointment Process for the Council Seat #5 Vacancy*

**POST MEETING MATERIAL**

06/12/18

Item #3

**Lynn Garcia**

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**From:** Mayor and Council  
**Subject:** FW: Residents deserve to elect their next Councilmember

-----Original Message-----

From: Michael [mailto:\_\_\_\_\_]  
Sent: Sunday, June 10, 2018 12:37 PM  
To: Mayor and Council  
Subject: Re: Residents deserve to elect their next Councilmember

> On Jun 4, 2018, at 3:22 PM, Michael <\_\_\_\_\_> wrote:  
>  
> Dear Mayor and Council,  
> With all due respect for your governance...  
> I too support the growing public position that Santa Clara Voters should decide our leadership, that is, it is undemocratic for you, the current Mayor and Council to appoint someone of your personal choosing to fill the Council vacancy.  
> I believe it is in your own best interests for residents to vote to fill the Council seat, in that you will gain the respect of the community. (It may also serve as a small appeasement to any who favor the current "2 DISTRICT VOTE" proposal on the June ballot.)  
> Yes, it will take some time and money, but putting the Council seat to a City vote is the RIGHT THING TO DO.  
>  
> Respectfully,  
>  
> Michael & Rita Fallon  
>  
> §  
> 30 year SC residents  
>



**Lynn Garcia**

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**From:** Mayor and Council  
**Subject:** FW: Recommendation: Suds Jain for City Council

**From:** Kate Grant [<mailto:kate@fistulafoundation.org>]  
**Sent:** Friday, June 08, 2018 12:33 PM  
**To:** Mayor and Council  
**Subject:** Recommendation: Suds Jain for City Council

Dear Ms. Gilmor, Ms. Davis, Mr. Kolstad, Ms. Watanabe, Ms. O'Neill, and Ms. Mahan,

Thank you all for your tireless work on behalf of our lovely city. I have been a homeowner at 873 College Avenue for the past 15 years and am glad that Santa Clara is my home and the place I am raising my son. I appreciate all you each do to make Santa Clara what it is. My parents still live in the home in Sunnyvale, that they bought in 1964, in which I grew up. I care a great deal about our city and our community as I know each of you do, too. I write you today to provide a recommendation for a candidate for city council, someone you know, Suds Jain. I think he would make a stellar choice for our council. Suds combines precious and too rare qualities that can help advance the interests of our city, namely: experience, wisdom, smarts, integrity and dedication.

I have known Suds for nearly a decade through Cub Scouts, in which both of our sons were involved, and through work at Discovery Charter School, in San Jose, that both of our sons attended. I have seen him to be someone who uses his keen intelligence and deep integrity to work productively and successfully with a variety of people. He is honest as the day is long, and brings with him a demonstrated and deep commitment to our community.

His resume in public life is both wide and deep. He has served ably on the City's critical Planning Commission for the last three years, served as the VP for the Old Quad Resident's Association, of which I am a member, and has served in board roles at Kona Kai Swim Club, the local environmental nonprofit Acterra, and Playing at Learning (robotics). He is also a member of the Rotary Club. Suds has also been a volunteer teacher at Discovery Charter School and co-founded the robotics team at our own Wilcox High School. It is extraordinary to me how much he does for our community!

Suds also has an impressive education, which as an immigrant he worked hard to achieve, with two degrees, BS and MS, from the world-renowned Massachusetts Institute of Technology. He retired after a very successful technology career and has invested his time, talents and energy in making Santa Clara a better place to live. I know the City could use Suds' skills on our council as we all face an increasingly digitized future where technology will continue to play a critical role.

There is no one I think is better prepared and suited to join Santa Clara's distinguished city council than Suds Jain. I hope that you will give him your most thoughtful consideration for this important position in our community. Please do not hesitate to call me if you would like additional information. My cell: 408 204-9045.

Sincerely,

Kate Grant

Kate Grant

Chief Executive Officer



1922 The Alameda, Suite 302

San Jose, CA 95126

Business: (408) 249-9596

Fax: (408) 244-7328

Toll Free: (866) 756-3700

[www.fistulafoundation.org](http://www.fistulafoundation.org)

Fistula Foundation is committed to ending the suffering caused by the childbirth injury obstetric fistula, because we believe no woman should endure a life of misery and isolation simply for trying to bring a child into the world. We are proud to be the world-leader in fistula treatment – providing life-transforming care to more women in more places than any organization in the world.

## Lynn Garcia

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**From:** Mayor and Council  
**Subject:** FW: Elections vs. Appointments of city council members...and other opinions...

**From:** Larry Roll [mailto:[larry.roll@cityofsanclara.com](#)]  
**Sent:** Thursday, June 07, 2018 8:28 PM  
**To:** Mayor and Council  
**Cc:** 'Larry Roll'  
**Subject:** Elections vs. Appointments of city council members...and other opinions...

Resident and homeowner since 1995...Who pays careful attention to elections, who is paying for what, etc.

I think the City Council has some smart, experienced, passionate folks. But, things can be done better.

1) With a November election not far off, I would prefer if the city council wait to fill the empty position until there can be an election.  
If there is a need for an interim council member, that person should only be appointed on the condition they NOT run in the next election.  
(They could run in a later election...)

2) Likewise, too many appointments makes it appear that the council members are trying to 'stack' elected organizations, not follow what the voters want.  
We will remember what look like ethical gaps, and vote accordingly.  
Likewise, council members shouldn't put stuff in emails they don't want to see on facebook, etc., and they should know that.

3) Measure A is a mess. RCV seems like a decent idea, but splitting the city down El Camino is a lousy approach.  
If the city really doesn't have 'cultural zones' (which it may not), and there is cultural overlap, then maybe a city wide-wide approach with RCV would be an acceptable middle ground, if more zones don't improve diversity.

4) In general, it does not appear that the council is working the fundamentals of managing the city well.  
I'm tired of seeing a \$100K or two here and there spent on what look like wild goose chases.  
Find a different way.  
Pick your battles.  
Have a better prediction of the outcomes before you spend too much.

5) Measure J had some stupid stuff in it with the 49ers.  
But, we need to live with deal, or negotiate in good faith to fix things that aren't right.  
It appears there is way too much 'picking of fights' and not nearly enough 'working in good faith.'  
(I thought the 49ers in Santa Clara was a great idea, but voted against that, because of some dumb things like setting the rent rate in the first year.  
And, I think the city was naïve in the 'machine' that comes as part of the 49ers, even if generally well intentioned.)

6) The noise limit on the stadium is stupid.  
Yes, the decision to put a stadium there really messes up the lives of the folks who live there.  
I ride the bike trail there, and the noise from the helicopters circling overhead are just irritating.  
But, getting written up in Billboard magazine about the early noise limits, and reducing the use of the stadium is dumb.  
Folks there have to tolerate the stadium, let the concerts run another hour.



(And, if it really bugs you, put a fine/fee on going over, so the tours pay...and maybe even do something special for the folks in that neighborhood with part of the \$ from fines.)

7) I ride the bike path, and having it closed for stadium events is irritating.

But, that doesn't mean we should mess up security.

I'd like to see the path closed for shorter times before and after events.

Some events, the crowd control is great. Others, the stadium staff don't keep stadium patrons out of the way of bikes.

Again, please find a good faith, low cost way to make improvements.

8) On the convention center and COB management funding stop...

This looks like an example of being punitive.

If there is an issue or uncertainty, figure out what the right path is FIRST, and keep paying as has been done, until a correction is made.

It looks like it was an oversight, that should have been fixed in the course of things, on a normal schedule.

Since the convention center brings in income to the city, the payments (or even more) may be worthwhile.

But, it just looks like a mean and vindictive knee-jerk reaction when payments are stopped that have been going for years.

Likewise, if things 'have been going on for years' that are wrong and no one noticed, maybe there should be more 'noticing' and careful clean-up when things come due normally.

Another case where there might have been more 'working in good faith.'

Thanks for reading, and for putting in the effort...

Larry Roll.

**Lynn Garcia**

---

**From:** Mayor and Council  
**Subject:** FW: Measure A

-----Original Message-----

From: [Mil37@comcast.net](mailto:Mil37@comcast.net) [mailto:.....:]

Sent: Thursday, June 07, 2018 5:06 PM

To: Mayor and Council

Subject: Measure A

I am strongly against another Council decision on the person to fill the currently open Council seat. Let's have an election by Santa Cara voters to fill that seat.

I am also against Measure A for splitting the Council into two election zones, while also down on the current City wide basis of elections. Lets have one elected Council person from separate voting areas. That would minimize seat switching Mayor/Council positions and provide third nãtion and Black Americans a voice in their government. Incidentally I'm a white, college graduate, Christian raised voter

Milt Kostner

## Lynn Garcia

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**From:** Mayor and Council  
**Subject:** FW: In Support of Dr Nadeem for City Council

**From:** khaled hamade [mailto: ]  
**Sent:** Thursday, June 07, 2018 3:50 PM  
**To:** Lisa Gillmor; Mayor and Council  
**Subject:** Re: In Support of Dr Nadeem for City Council

June 7, 2018

RE: Council Appointment – Seat #5 – Santa Clara

Dear Honorable Mayor and Council Members:

No American-Asian has ever been elected nor appointed to elected office in Santa Clara.

Not after 1951 when Santa Clara was first chartered.

Not after passage of the California Voting Rights Act in 2002.

Not after the 2010 census, where Santa Clara was 37% Asian, 36% Caucasian and 19% Latino.

Not after the City Council received a June 2011 letter from a voting rights attorney putting the City on notice that Santa Clara was in egregious violation of law.

Not after the Merc's then columnist Scott Herhold in March 2016 sounded an explosive alarm that Santa Clara is "All White."

Not after Council vacancies were previously open. Two Asian-Americans applied in 2011. In 2016, six American-Asians applied. No American-Asian was appointed in either.

In the latter, as here, where there was less than one year remaining on the vacated term.

Not after a Judge's Proposed Statement of Decision in May 2018 finding liability against Santa Clara for denying the effective vote of American-Asian residents in their home city.

As a Santa Clara resident, I want a Council that (1) Is elected according to law, (2) is representative of our City and, (3) Listens to matters important to me. Someone who is fair, respectful and reasoned.

You have many qualified candidates before you on June 12. Please, please, do not embarrass our City further by "punting" to the next election. You appointed before under like circumstances.

Applying that standard, I support and recommend Dr. Mohammed Nadeem as the best appointment for City Council because he is fair, respectful and reasoned.



Sincerely,

**Khaled Hamade**

Former Chairman, Board of Directors

[2012 to 2016]

Granada Islamic School, Santa Clara, CA.

[kyhamade@yahoo.com](mailto:kyhamade@yahoo.com)

**Lynn Garcia**

---

**Subject:** FW: City Council Seat No. 5

**From:** William Ray [mailto:\_\_\_\_\_] \1  
**Sent:** Thursday, June 07, 2018 3:22 PM  
**To:** Lynn Garcia  
**Subject:** Fwd: City Council Seat No. 5

Sent from my iPhone

Begin forwarded message:

**From:** William Ray <  
**Date:** June 4, 2018 at 2:53:51 PM PDT  
**To:** [MayorandCouncil@santaclaraca.gov](mailto:MayorandCouncil@santaclaraca.gov)  
**Subject:** City Council Seat No. 5

Dear Mayor and Council Members:

I am writing in support of the application of my friend, colleague, and neighbor Suds Jain to fill the unexpired term of Pat Kolstad.

Suds's practical qualifications as an engineer, educator, parent, and planning commissioner speak for themselves, so I will limit this letter to the symbolic significance of appointing an Asian American of his unimpeachable stature, style, and character at this moment in our city's history. In every sense, he embodies the best of its past and its future. Make Santa Clara proud by making him your colleague.

Sincerely,

William Ray

Sent from my iPhone

06/12/18

**Lynn Garcia**

---

**From:** Mayor and Council  
**Subject:** FW: Vote

-----Original Message-----

From: Grace [mailto:](#)  
Sent: Thursday, June 07, 2018 5:24 AM  
To: Mayor and Council  
Subject: Vote

I demand to vote for our new councilman!  
Give the vote for all Santa Clara citizens to choose Thank you Grace

Sent from my iPad



6/12/18

ITEM #3

**Simrat Dhadli**

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**From:** Joie <1>  
**Sent:** Tuesday, June 12, 2018 4:44 PM  
**To:** Simrat Dhadli  
**Subject:** Re: Council Vacancy Seat #5 Supplemental Report and Materials

Hello Simrat,

I am on the schedule to attend tonight's meeting for an interview.

Unfortunately, I am on a business trip and my flight is delayed so I will not be able to make it in time for the interview.

Thank you for all your help in coordinating the interview. I am sure the selected candidate will do a great job on the council.

Regards,  
Joie Le

Joie

On Mon, Jun 11, 2018 at 6:51 PM, Simrat Dhadli <[SDhadli@santaclaraca.gov](mailto:SDhadli@santaclaraca.gov)> wrote:

Good Evening Applicants,

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

I have attached a Supplemental Report and Materials for Agenda Item #3 - *Proposed Interview and Appointment Process for the Council Seat #5 Vacancy*.

If you have any questions, please feel free to reach out.

Thank you,

Simrat

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@santacalaraca.gov](mailto:sdhadli@santacalaraca.gov) | [www.santacalaraca.gov](http://www.santacalaraca.gov)



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6-12-18

Item 3  
18-796

Larry Owens

San Jose, CA 95123

June 11, 2018

Letter of Reference for Sudhanshu "Suds" Jain

Dear City of Santa Clara Mayor and Council:

With distinct honor and privilege, I wholeheartedly recommend Sudhanshu "Suds" Jain for Santa Clara City Council. In my 25 years of service to the Santa Clara community I constantly turned to customers and citizens of the city in order to best fulfill our collective needs and goals. Suds was one of the very few I could count on to bring forward researched and considered input, and then work to understand the complexities and drivers within the community that ultimately tailors a winning approach.

Suds is a strategic thinker, and he brings the practical and methodical approach one usually gets from a trained engineer – a skillset that is founded on the rules of metrics, process, and fact-based validation. Suds' strong focus on sustainability includes financial sustainability. His interactions with me were always about the most efficient use of funds and challenging extravagant spending. Simply put, *things have to add up for Santa Clara* to get his support.

It is a good time to appoint a person of Suds' skillset to the council. For one thing, the utilities are now a half-billion dollar business for the City. Suds understands the energy industry as it has evolved in California, how it is evolving world-wide and how Santa Clara can successfully fit into that future. I believe council needs this strong understanding and representation to assure continued support and success of these key utility departments. From his tenure on the Planning Commission, I've seen new developments increase their investments in voluntary mitigations of short-term and long-term community impacts like never before.

From a decade of my personal interactions with him, it is clear that Suds does his homework, grasps things quickly, deliberates with the input of others and offers constructive input into the complex and multi-faceted (and sometimes multi-factioned) decisions facing Santa Clara.

I trust him. I admire his demeanor, ethic and considered approach. His active engagement with a multitude of stakeholders for the betterment of Santa Clara is undeniable. I highly recommend that Sudhanshu Jain be appointed to fill the current vacancy on the Santa Clara City Council.

Sincerely,

  
Larry Owens

Manager of Customers Services and Communications, Retired  
Silicon Valley Power/City of Santa Clara

POST MEETING MATERIAL



6/12/18

Item # 18-796  
ITEM # 3

**Sophia Smith**

---

**From:** Ram Misra <  
**Sent:** Sunday, June 10, 2018 10:10 PM  
**To:** Sophia Smith  
**Cc:** Clerk  
**Subject:** Request for inclusion into Council Seat #5 appointment consideration

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Sophia,

I have enrolled into City of Santa Clara vacancy email interest list. I did not receive any notification for Council Seat 5 vacancy application deadline. I had received previous vacancy notifications.

I request you include me too for the consideration. You already have my previous application in your file. Nothing has changed since I submitted my last application.

Please confirm that I am also one of the candidate for consideration on June 12, 2018.

Thanks. I appreciate.

With Regards,

Ram Misra

## Sophia Smith

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**From:** Sophia Smith  
**Sent:** Tuesday, June 12, 2018 3:30 PM  
**To:** 'Ram Misra'  
**Cc:** Clerk  
**Subject:** RE: Request for inclusion into Council Seat #5 appointment consideration

Good afternoon,

Your email and last application received in 2016 was printed and will be passed out to Council.

Thank you,

**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](http://www.SantaClaraCA.gov) |    



**City of  
Santa Clara**  
Plus Ça Change, Plus Ça Change

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**From:** Ram Misra [[mailto:](#)]  
**Sent:** Sunday, June 10, 2018 10:10 PM  
**To:** Sophia Smith  
**Cc:** Clerk  
**Subject:** Request for inclusion into Council Seat #5 appointment consideration

Hello Sophia,

I have enrolled into City of Santa Clara vacancy email interest list. I did not receive any notification for Council Seat 5 vacancy application deadline. I had received previous vacancy notifications.

I request you include me too for the consideration. You already have my previous application in your file. Nothing has changed since I submitted my last application.

Please confirm that I am also one of the candidate for consideration on June 12, 2018.

Thanks. I appreciate.

With Regards,

Ram Misra



# City of Santa Clara

The Center of What's Possible

## APPLICATION BOARD, COMMISSIONS, AND COMMITTEE CITY OF SANTA CLARA

City Clerk's Office 1500 Warburton Avenue,  
Santa Clara, California 95050

Phone: 408-615-2220 E-mail: [Clerk@santaclaraca.gov](mailto:Clerk@santaclaraca.gov)

\*If you are having trouble viewing or submitting this form please download the free version of Adobe Reader:  
<http://get.adobe.com/reader>

Board/ Commission/ Committee Applying For:

Cultural Commission

Name:

Ram Misra

Address:

City:

Santa Clara

CA

Zip Code:

95051

E-mail Address:

Primary Phone Number

Secondary Phone Number

Are you eligible to register to vote in Santa Clara?

☒ Yes

☐ No

☐ Unsure

Are you a registered voter of Santa Clara?

☒ Yes

☐ No

☐ Unsure

Have you attended a meeting of this Board/  
Commission/Committee?

☐ Yes

☐ No

☒ Unsure

Present Employer:

Lockheed Martin

Job Title:

Software Engineer

Previous Governmental Bodies/ Elective Offices  
Applicant has served:

Position/ Office Held:

Dates:

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Civic or Charitable Organizations to which  
Applicant has belonged:

Position(s) Held:

Dates:

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Special Interests, Hobbies or Talents:

I enjoy professional sports. I have attended number of SJ Giants games, as well as GS Warriors, Oakland A's, SF Giants and San Jose Shark. I also enjoy attending cultural presentations.
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College, Professional, Vocational Schools  
attended:

Major Subject:

Degree/Dates:

Santa Clara University
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Computer Science
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MS/1989
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Special awards or recognition received:

Various Achievement awards at work place.

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

I have very long track record of Volunteering. I volunteered at Kaiser Hospital, United Way Fund event and Super Bowl 50. I was also Board Member at local credit union, for about 18 years as well as Treasurer at IEEE Computer Society for about 3 years. I am good listener and get along well with almost everyone. I will appreciate an opportunity at Cultural Commission, to foster good interactions between multi-cultural groups and welcome visitors from various cultures.

Any other information which you feel would be useful to the City Council in reviewing your application:

I am excellent communicator.

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position?

☐ Yes

☒ No

☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises?

☒ Yes

☐ No

☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

No. I have very clean record.

Signature of Applicant:

Ram Misra

Date Signed:

11/27/2016

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

6/12/18  
**hopkins carley**



**RECEIVED**

JUN 11 2018

City Clerk's Office  
City of Santa Clara

June 11, 2018

ITEM #3  
San Jose  
70 South First Street  
San Jose, CA 95113  
T. 408.286.9800  
F. 408.998.4790

Joan R. Gallo  
jgallo@hopkinscarley.com  
T. 408.299.1496  
F. 408.938.6227

Mayor Lisa M. Gillmor & Council Members  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Meeting 6/12/18  
File 18-796  
Agenda Item #3

**Re: Vacancies Charter Provision Section 703**

Dear Mayor Gillmor and Council Members:

I represent Working Partnerships USA, an organization that advocates for government accountability, transparency and reform. We urge you to make an appointment to fill the current vacancy without further delay.

It is clear that the Charter Section 703 gives you two choices in case of a Council seat vacancy: either appoint or hold a special election. It does not offer you a third option of doing nothing until the next election. The Charter Review Commission which proposed the current language stated clearly in their signed argument for the measure that "Until the next general election, it is important to have a full set of officials to more effectively conduct city business. This measure also allows the council to fill the vacancy by appointment until the next general election with four-fifths (4/5) vote of the council. This change motivates the council members to appoint someone they can all work with."

The language of the Charter is clearly mandatory. "A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, **shall** be filled by appointment by the City Council by a four-fifths (4/5) vote of the remaining members." Also "In the event the City Council **shall** fail to fill a vacancy by appointment within thirty (30) days after such vacancy by appointment within thirty (30) days after such office **shall** have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy." (emphasis added) This Council has a plain nondiscretionary duty to fill the position without unnecessary delay. The City will not be likely to prevail if a writ of mandate is filed challenging failure to comply with Charter Section 703.

A recent lawsuit on an analogous issue underscores the policy reasons which require vacancies to be filled without delay. The Wisconsin Court in Newton v. Walker, brought by Eric Holder's organization, found that Governor Scott Walker had a duty to hold a special election to fill a legislative vacancy. The Court specifically found that the

citizens who brought the suit were "substantially damaged" by the Governor's determination to keep the seat vacant for longer than necessary. Walker's concerns about cost and the shortness of time of the vacancy were rejected.

The importance of filling this vacancy without unnecessary delay is underscored by the fact that all city councils have an odd number of voting members. This is essential to avoid ties and inability to get the important decisions made. The public interest is best served by filling the vacant position now.

Thank you for your consideration.

Sincerely,

HOPKINS & CARLEY  
A Law Corporation

A handwritten signature in black ink, appearing to read "Joan Gallo", written in a cursive style.

Joan R. Gallo

JRG:md

cc: Brian Doyle  
City Clerk



6/12/18

ITEM #3



## City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
santaclaraca.gov  
@SantaClaraCity

### Agenda Report

18-848

Agenda Date: 6/12/2018

## REPORT TO COUNCIL

### SUBJECT

Update to Council Vacancy Seat #5 Eligibility Status (Supplemental Report #2)

### BACKGROUND

A Supplemental report was provided to Council on June 11, 2018 related to the Council Vacancy Seat #5 Eligibility Status as of Monday evening ([Supplemental #1](#)). This additional supplemental report provides a further update on the eligibility status of the applicants as of 3 p.m. today, June 12.

### DISCUSSION

After publishing the report referenced above, two additional applicants have been verified as residents and qualified registered voters.

Sowmaya Krishnan contacted the Office of the City Clerk and indicated that she updated her address with the Registrar of Voters (ROV) on June 7, 2018. The Office of the City Clerk contacted the ROV asking to verify the applicant's Voter Registration and they confirmed her voter registration. Ms. Krishnan previously provided proof of residency which now would qualify her as an applicant with the combined verification of residency and a qualified registered voter.

Kevin M. McMahon contacted the Office of the City Clerk and provided proof of residency. The ROV previously verified Mr. McMahon's is a qualified registered voter which now would qualify him as an applicant with the combined verification of residency and a qualified registered voter.

There are now 20 applicants that meet the provisions of Charter Section 600.

The City Clerk has prepared this report, as approved by the City Manager, and hereby certifies the status of Ms. Krishnan and Mr. McMahon.

Reviewed by: Jennifer Yamaguma, Acting City Clerk

Approved by: Deanna J. Santana, City Manager

**POST MEETING MATERIAL**