



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

City Manager's Office  
**Memorandum**

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**Date:** September 5, 2018

**To:** Santa Clara Community

**From:** Deanna J. Santana, City Manager

**Subject:** Statement regarding November 2018 Election

Over the past week, several local media outlets have falsely attributed to me and the City Attorney a decision to terminate candidate forums and the hiring of an outside consultant for the November 2018 election. I would like to set the record straight that neither of us has made such a decision and that would exceed our role and authority.

In early 2017, the City Council's Ethics Committee discussed and expressed concern about the appropriateness of continuing to hire an outside "democracy consultant," as was done for the November 2016 election. The timeframe for when this matter was publicly considered, not only precedes my appointment as City Manager, which started in October 2017, but the Committee took no action. Further, the Committee left the 1996 City Council adopted Policy, "Televised Candidate Forum," in place that supports a neutral organization's ability to organize and conduct a candidate forum while recognizing that it is legally problematic for City staff to participate in these political activities—allowing only "minimal assistance" for *the organizing entity*. It is unfortunate that no one asked the City Attorney or City Manager for clarification, yet attributed a decision that we did not take, without any regard to the facts. The public is being misled by false reporting.

As a professional City Manager with nearly 25 years of experience, having served as Interim City Clerk for the City of San Jose where I served as its Election Official, I know firsthand the ethical practices of what is required to administer a fair, transparent, and legal election. I also know that it is legally problematic for public service employees to engage in political campaign activities—including, organizing and conducting a candidate forum. This is not something that should be taken lightly and, per City Council Policy, a neutral organization may organize and conduct a candidate forum in a City facility. I support this legal activity; however, the decision to terminate these candidate forums is not a decision that I have taken, nor is it appropriate for me to participate in a decision to undo a City Council Policy.

Attached are my emails on the candidate forums over the past week. They show that: I support transparency; that I support that candidate forums take place; that on August 28, I requested that the City Clerk consider issuing a more complete and thorough response on the question about a consultant; and, it is worth noting, that the City Clerk and I have facilitated the public discussion on this topic at the next City Council meeting since our local media outlets have not been accurate.

  
Deanna J. Santana  
City Manager



## TELEVISED CANDIDATES FORUM

### POLICY

It is the policy of the City of Santa Clara to allow the holding of a Candidates Forum in City Council Chambers, to be broadcast live on the Municipal Cable Channel and re-broadcast four times. The League of Women Voters or another neutral outside organization will organize the Forum. The Forum will be held approximately four weeks prior to a municipal election, upon determination of the availability of City Council Chambers. The Forum will be for candidates for City of Santa Clara elected office only.

### PROCEDURE

1. As public funds will be utilized to broadcast and rebroadcast the Candidates Forum, a single televised Candidates Forum will be held. The Forum will be re-broadcast several times following the live broadcast in a manner determined to be most cost effective by staff. Taped copies of the Forum will be placed at each City library for potential checkout by citizens.
2. The Candidates Forum will be organized by the League of Women Voters or other outside neutral organization.
3. The organization will suggest a date, subject to Council Chambers availability, and will be responsible for conducting the event.
4. The Council Chambers will be provided for the Forum at no charge.
5. Staff participation in the Forum may include:
  - ◆ Reserving the Council Chambers on the designated night;
  - ◆ Arranging set-up and clean-up as provided for other groups;
  - ◆ Providing logistical information and minimal assistance for the organizing entity;
  - ◆ Arranging for the televising of the Forum, the re-broadcasting, and placement of tapes for checkout at each City library;
  - ◆ Providing notification and accepting RSVPs from candidates regarding their participation;
  - ◆ Placing an announcement on the Municipal Cable Channel providing public notice about the event and other media notification.


### Reference:

**City Council-approved policy dated 9/10/96**

## Deanna Santana

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**From:** Deanna Santana  
**Sent:** Tuesday, August 28, 2018 5:42 PM  
**To:** Nadine Nader; Walter Rossmann; Jennifer Yamaguma  
**Subject:** FW: Is the City planning candidate debates or forums?

 Thank you for the opportunity to review the responses, I would suggest that we elaborate on 4 by stating that we will bring in support and/or consultants on a case by case basis and/or as deemed needed. We will not provide ethics consultants to candidates.

Is there a way to send an elaborated, clarifying response to 4 so that he doesn't think that it is a flat no?

---

**From:** Nadine Nader  
**Sent:** Tuesday, August 28, 2018 3:57 PM  
**To:** Deanna Santana  
**Subject:** Fwd: Is the City planning candidate debates or forums?

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----- Forwarded message -----

From: "Jennifer Yamaguma" <[JYamaguma@santaclaraca.gov](mailto:JYamaguma@santaclaraca.gov)>  
Date: Tue, Aug 28, 2018 at 2:16 PM -0700  
Subject: RE: Is the City planning candidate debates or forums?  
To: "Sudhanshu Jain" <[suds@sudsjain.com](mailto:suds@sudsjain.com)>

Hi Suds,

Please see responses below in **red**.

Thank you,

J. Yamaguma

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

From: [sudsjain@zoho.com](mailto:sudsjain@zoho.com) [<mailto:sudsjain@zoho.com>] On Behalf Of Sudhanshu Jain  
Sent: Tuesday, August 28, 2018 11:10 AM  
To: Manager; Clerk; Kevin Park  
Subject: Is the City planning candidate debates or forums?

Last night we had a meeting of the Citizens Advisory Committee (CAC) and some questions came up regarding the upcoming elections for the City.

1. Is the City planning any candidate forum's or debates? **The City is not planning any City-sponsored forums as has been done in the past.**
2. If the CAC wanted to host one, could we get the Council Chambers **Campaign or campaign-related fund raising activities are not allowed in the Council Chambers; however, if the Chambers is available for an appropriate neutral use, the fee of \$15.00 per hour for day use and \$20 per hour for evening use would apply (per Policy and Procedure 008).**



or subsidized rental of the Senior Center Room or Library Rooms? **The established fee schedule would need to be followed.**

3. Would the City help publicize candidate forums? **Advertising would be done exactly as what is offered for any other type of event (i.e., if it is at the library, it would be added to the library event page, etc.)**

4. Is there going to be any ethics consultant or support for the election like we had 2 years ago? **No**

5. If a candidate or member of the public has an issue with how someone is running their campaign (stealing lawn signs, stating endorsements without consent), what is the recourse? Will there be a last word forum or event to air grievances? **There are no plans for a final word forum and any actions that conflict with the Municipal Code would be handled by Code Enforcement.**

Thank you,

Suds Jain

Cell: 408-499-2955

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This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>

## Deanna Santana

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**From:** Deanna Santana  
**Sent:** Friday, August 31, 2018 12:56 PM  
**To:** Patricia Mahan  
**Subject:** Re: FYI re November 2018 Election: Information and Education Efforts  
**Attachments:** image002.png

Hi Patty,

I am checking with Brian on your inquiry, will be in touch when I have a response. In the meantime, I know that you already know that you can certainly reach out on your own, as a member of the public, to begin to coordinate with them on such an event. I agree with you that these candidate forums are important as part of an election. \*

Deanna J. Santana  
Please excuse typos and brevity  
Sent from my iPhone

On Aug 31, 2018, at 12:20 PM, Patricia Mahan <[PMahan@SantaClaraCA.gov](mailto:PMahan@SantaClaraCA.gov)> wrote:

I just read the clerks memo about a candidates forum after receiving several emails, texts, and calls about it. It seems the answer is really still no, there is not going to be a forum. The League of Women Voters could sponsor one, but has not yet contacted the city. In every past election, the city has richer out to the neutral organizer, be it the League or Santa Clara University. Will you please tell me how I, or someone, ca reach out to start arranging a candidates forum? It is extremely important to have such a forum and to have it televised. For many voters, it is the one, unbiased source of information that they rely on in making a decision. Please call me to discuss. 408-410-1420  
Patty

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On Fri, Aug 31, 2018 at 8:38 AM -0700, "Deanna Santana" <[DSantana@SantaClaraCA.gov](mailto:DSantana@SantaClaraCA.gov)> wrote:

Good Morning,

In addition to the recent information that I have sent regarding the upcoming election, I also would like to provide a brief update on our workplan for the education and information campaign. Below is information on each by category:

1. **6-District Map and Vote:** Staff is beginning to disseminate information on the new voting system via:
  - a. City's website: <http://santaclaraca.gov/government/departments/city-clerk-auditor/election-information>
  - b. Social media outlets
  - c. Posting of the new Council District Map in City Hall, Libraries, Community Centers
  - d. Q & A in our Inside Santa Clara for the upcoming issue (Council now has a copy via email)

- e. Developed a 1-page info sheet that will be incorporated into the Santa Clara County Voter Guide
  - f. Information will be included in mailers
  - g. Response to resident questions and, as needed, converting them into Q&A memos from the City Clerk and posting them to the website and social media (Council has now received one example of this effort)
2. **Measure M: Cannabis Tax:** As with previous measures, the City will disseminate information:
- a. City's website: <http://santaclaraca.gov/government/departments/city-clerk-auditor/election-information>
  - b. Social media outlets
  - c. Flyers
  - d. Mailers
  - e. We may do more based on our assessment over the next weeks
3. **Measure N Council District Advisory Vote:**
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  - f. The Q&A in Santa Clara Inside provides comment on this ballot initiative (a copy already sent to the City Council).

In addition, there will be a total of 4 mailers during the mid-September – October timeframe that will include information on all of the above election measures and new voting method. If it is determined that more is needed, given the potential for voter confusion with the recent change to Council Districts, we will certainly do more information and education activities. I will continue to keep the City Council updated on these efforts.

DEANNA J. SANTANA | City Manager  
1500 Warburton Avenue | Santa Clara, CA 95050  
D: 408.615.2210 | [www.santaclaraca.gov](http://www.santaclaraca.gov)



## Deanna Santana

---

**From:** Deanna Santana  
**Sent:** Friday, August 31, 2018 3:21 PM  
**To:** Patricia Mahan  
**Cc:** Jennifer Yamaguma; Brian Doyle  
**Subject:** Re: FYI re November 2018 Election: Information and Education Efforts  
**Attachments:** image002.png

Hi Patty,

I talked with Brian and, as expected, we will check with the LOWV again when we get closer to the election. I can confirm that Jennifer has reach out to them already to get started, but she has not heard back from them. When she does, she will send an email to the full Council.

Deanna J. Santana  
Please excuse typos and brevity  
Sent from my iPhone

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## Deanna Santana

---

**From:** Deanna Santana  
**Sent:** Tuesday, September 4, 2018 10:57 AM  
**To:** Patricia Mahan; Lynn Garcia; Jennifer Yamaguma; Nora Pimentel  
**Subject:** RE: FYI re November 2018 Election: Information and Education Efforts

Hi Patty,

I am copying Jennifer and Nora (Asst. City Clerk) on this email to handle to process for adding an item. They can handle your request to add an item.

Deanna

---

**From:** Patricia Mahan  
**Sent:** Tuesday, September 4, 2018 10:43 AM  
**To:** Deanna Santana; Lynn Garcia  
**Subject:** Re: FYI re November 2018 Election: Information and Education Efforts

In response to the numerous inquiries I have received about a candidates forum, I would like to have this item placed on our next council meeting agenda, to be considered as an action item. The proposed action would be to have a candidates forum for all Santa Clara candidates and ballot measures in the upcoming election. Please let me know what is needed to have this item put on the agenda for our upcoming meeting on September 11.

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## Deanna Santana

---

**From:** Deanna Santana  
**Sent:** Tuesday, September 4, 2018 1:52 PM  
**To:** Patricia Mahan  
**Cc:** Lynn Garcia; Jennifer Yamaguma; Nora Pimentel  
**Subject:** Re: FYI re November 2018 Election: Information and Education Efforts

\* Yes, my response was that they are working to add the item. Is there anything more that you need?

Deanna J. Santana  
Please excuse typos and brevity  
Sent from my iPhone

On Sep 4, 2018, at 12:53 PM, Patricia Mahan <[PMahan@SantaClaraCA.gov](mailto:PMahan@SantaClaraCA.gov)> wrote:

Thank you for that information. I had sent you an email earlier this morning asking for an action item to be placed on the council meeting agenda for our September 11 meeting concerning having a candidates forum. I look forward to your response.

Patty

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On Tue, Sep 4, 2018 at 10:57 AM -0700, "Deanna Santana" <[DSantana@SantaClaraCA.gov](mailto:DSantana@SantaClaraCA.gov)> wrote:

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<image001.png>



**Deanna Santana**

---

**From:** Deanna Santana  
**Sent:** Friday, August 31, 2018 4:24 PM  
**To:** Walter Rossmann; Nadine Nader; Jennifer Yamaguma  
**Subject:** City Makes About-Face on Election Education and Ethics - Silicon Valley Voice

<https://www.svvoice.com/city-makes-about-face-on-election-education-and-ethics/>

## City Makes About-Face On Election Education And Ethics

Since Santa Clara lost its Chief Democracy Officer — former City Clerk Rod Diridon Jr. — it seems to have also lost interest in its [award-winning voter engagement](#) and [Vote Ethics programs](#).

Santa Clara Citizens Advisory Committee Member Sudhanshu Jain recently emailed Acting City Clerk Jennifer Yamaguma asking if the City would provide support for this year's elections, as it has for many years.

City Hall's answer was a resounding 'No.'

Subject: RE: Is the City planning candidate debates or forums?

Date: Tue, 28 Aug 2018 21:16:53 +0000

From: Jennifer Yamaguma [REDACTED]

To: Sudhanshu Jain [REDACTED]

Hi Suds,

Please see responses below in red.

Thank you,

J. Yamaguma

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

From [REDACTED] On Behalf Of Sudhanshu Jain

Sent: Tuesday, August 28, 2018 11:10 AM

To: Manager; Clerk; Kevin Park

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Thank you,

Suds Jain  
[REDACTED]

Santa Clara won't be sponsoring candidate forums. No City venues will be provided for forums unless someone wants to rent them at regular rates, "per Policy and Procedure 008" and the City won't put out information about any forums.

There will be no ethics review and no "Last Word" giving candidates a chance to set the record straight. "Any actions that conflict with the Municipal Code would be handled by Code Enforcement."

In other words, if your opponent sends a mailer libeling you as a polygamist, too bad. If that mailer doesn't have an FPPC number, file a complaint with the department that handles complaints about neighborhood eyesores.

Santa Clara's ruling clique is making a last-gasp appeal to preserve its hegemony over City politics by appealing the judgment that Santa Clara's at-large election system broke voting rights laws.

So it isn't surprising that City officials will do nothing that might encourage voter engagement in a new system that's likely to remove them from power or hamper historically dirty campaign tactics.

In fact, by doing nothing City Hall is doing everything it can to promote voter ignorance, uncertainty and confusion *and* foster dishonest and unethical campaigns. Expect to see cash-filled envelopes, unreported donations, Roger Stone-style dirty tricks and maybe even a City Hall — secretly — financed fake “newspaper.”

It all adds up to another variation on the theme of voter suppression.

You can find out about the kinds of programs Santa Clara *used to have* at <http://santaclaraca.gov/government/ethics-values/election-and-public-outreach-information>

### Update Aug. 31:

About three hours after the Weekly published our Editorial Board, the City backpedaled a bit. They released a statement to clear the air since so many Santa Clarans shared their concerns about having no City-sponsored candidate forums.



See the question and answer document [here](#).

Basically, they clarified, almost point for point, the answers Jennifer Yamaguma sent to Suds Jain in the above email.

The big take away is that City Attorney Brian Doyle and City Manager Deanna Santana looked into the ways the City of Santa Clara conducted itself in past elections and deemed it inappropriate.

Interesting that out of all the many City-hired consultants and richly paid lawyers that are constantly rotating through Santa Clara the City Attorney and City Manager find a City-hired consultant to run a candidate forum — something that is a very popular event — or a City-hired ethics consultant — to monitor the historically dirty campaigns — as the most unnecessary and an inappropriate use of funds.



As a side note, readers may notice that the word “neutral” is commonly used throughout the statement. We think this term will get some use in ways that are anything but neutral during this election.



Deanna J. Santana  
Please excuse typos and brevity  
Sent from my iPhone

## Deanna Santana

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**From:** Deanna Santana  
**Sent:** Thursday, August 30, 2018 4:48 PM  
**To:** Jennifer Yamaguma  
**Cc:** Walter Rossmann; Nadine Nader; Brian Doyle  
**Subject:** RE: Candidate Forum Response\_Q&A\_Final.pdf

Excellent!


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**From:** Jennifer Yamaguma  
**Sent:** Thursday, August 30, 2018 3:24 PM  
**To:** Deanna Santana  
**Cc:** Walter Rossmann; Nadine Nader; Brian Doyle  
**Subject:** Candidate Forum Response\_Q&A\_Final.pdf

Slightly revised final version enclosed.

Change in highlight below for reference:

<b>1. Is the City planning any candidate forums or debates?</b>
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 No, City staff is restricted from these activities; however, a neutral forums. California law restricts campaign and election activity by their officials, officers and employees and prohibits the use of C advocate for or against a local ballot measure or candidate run

Thank you,

J. Yamaguma