




**Council Meeting**

**19-975:** Declaring the Vacancy for the Position of Elected Chief of Police and discussion on process for filling the vacancy by appointment or special election in March 2020.

September 4, 2019



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

## Background

- At the July 9, 2019 Council meeting staff informed the City Council of the Charter requirements for the upcoming vacancy in the elective office of the Chief of Police.
- Police Chief Seller's announced his retirement in June 2019 effective September 1, 2019.
- City Charter section 703 ("Vacancies") requires that any vacancy in an elective office of the City be filled by appointment by the City Council by a four-fifths vote. If the Council fails to fill the vacancy by appointment *within thirty (30) days after the office is declared vacant*, the City must "forthwith" cause an election to be held to fill such vacancy.

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## Filling Vacancy By Appointment 1/2

- If the Council desires to fill the vacancy by appointment, 6 of 7 votes are required for a candidate. The Council may appoint a new Police Chief at a regular meeting or special City Council meeting scheduled **any time before October 4, 2019.**
- Candidates for the office of Chief of Police shall meet the minimum eligibility and qualification requirements imposed by state law upon candidates for the Office of Sheriff and must be a resident and a qualified registered elector of the City.

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## Filling Vacancy By Appointment 2/2

- Application/selection process is at the discretion of the Council.
- Proposed timeline:
  - September 5-16: Accept applications from qualified applicants
- September 24: Hold a special City Council meeting at 5:00 p.m. to interview and appoint one candidate to fill the vacancy for the balance of the unexpired term ending in November 2020

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## Filling Vacancy By Election 1/2

- If the Council chooses to not appoint a candidate to fill the vacancy, or are unable to reach a 6 out of 7 vote, the position is left vacant until a qualified candidate is elected by the people in the March 3, 2020 election.

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## Filling Vacancy By Election 2/2 (Timeline)

Action	Timeline
Effective Date of Resignation	September 1, 2019
Council Declares Vacancy	September 4, 2019
Call Election and Request to Consolidate with the County	Last day for Council to adopt resolutions Council meeting October 8
Publish Notice of Election at least once in Newspaper	October 28-November 11, 2019
Filing period for nomination papers and candidate statement opens	October 28, 2019
Last day to file nomination papers and candidate statement	December 6, 2019
Write in Candidacy Period	January 6, 2020 - February 8, 2020
Last day to register to vote for March Election	February 17, 2020
Last day to publish notice of nominees in Newspaper	February 25, 2020
Election Day	March 3, 2020

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## Action

- Declare the vacancy
- Determine if the Council will pursue filling vacancy by appointment or election.
  - If by appointment, approve the timeline/schedule.

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September 4, 2019



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AGENDA ITEM #: 5 (19-975)

**AGENDA REPORT**

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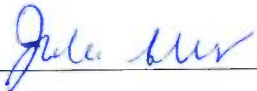
**Date:** September 4, 2019

**To:** City Manager

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

**Subject:** Correspondence received regarding Item #5 on September 4, 2019 City Council Meeting Agenda

From Wednesday, August 28, 2019, at 12:00 p.m., through Wednesday evening, September 4, 2019, at 5:00 p.m., the Mayor and City Council Offices received the attached communications regarding Item #5 – 19-975 Declaring the Vacancy for the Position of Elected Chief of Police and discussion on process for the filling of the vacancy by appointment or special election in March 2020.

  
\_\_\_\_\_  
Julie Minot  
Executive Assistant to the  
Mayor & City Council

*Documents Related to this Report:*

1) *Communications received*

L:\Agenda Reports & Memos\Communications Received Memos\09-04--2019\Item5

**POST MEETING MATERIAL**

9/4/2019

ITEM 5

Julie Minot

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From: Jeffrey Hunter <jhunter7@icloud.com>  
Sent: Wednesday, September 4, 2019 12:27 PM  
To: Mayor and Council  
Subject: Police Chief Vacancy

Madam Mayor and Honorable Council,

As a resident of over 20 years in Santa Clara, I have watched this city progress in many ways. Over the last 10 years, I have had the privilege to work directly with the Santa Clara Police Department on a number of initiatives. One of the persons that I have worked very closely with is Assistant Chief Daniel Winter. Since his time as a lieutenant we have worked closely on a number of high profile projects and circumstances that have allowed me to observe his ability to lead.

Asst. Chief Winter has always displayed the utmost professionalism and concern for the community. I have observed him in many settings, including highly political environments involving several counties trying to find agreement on sensitive matters. Asst. Chief Winter has always displayed a level-headed approach to the situations and provided excellent suggestions for paths forward. I have found him to be highly intelligent, engaged and contemporary in his understanding of his role as the assistant chief ready to take the next step.

I know the current vacancy allows council to take action on the police chief position. I write to advocate that council appoint Asst. Chief Winter to the position to allow the continued stability within the organization and recognize the excellent work that has been done by him over his career in Santa Clara achieving his role through every rank.

Sincerely,  
Jeff and Kimberly Hunter  
3317 Bellarmine Ct.  
Santa Clara, CA 95051

POST MEETING MATERIAL

9/4/19

ITEM 5

**Julie Minot**

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**From:** Lori Leahy <lorileahy@yahoo.com>  
**Sent:** Wednesday, September 4, 2019 2:27 PM  
**To:** Mayor and Council  
**Subject:** A message in support of Asst. Chief Dan Winter

Madam Mayor and Honorable Council,

I have lived in Santa Clara for close to thirty years. I feel privileged to have known Dan Winter for 17 of those years beginning with our children attending preschool together. Since our initial meeting, I have watched his engagement with the community, both as a police officer and an active volunteer, with great respect. He gives me confidence that the Santa Clara Police Department will always protect and serve our city to the best of their efforts. His experience and leadership skills are unmatched in the department.

Please consider appointing Asst. Chief Winter to the current vacant police chief position to give continued stability within the organization and recognize the excellent work that has been done by Dan over his career in Santa Clara earning the experience at every rank.

Regards,  
Laureen Leahy  
3346 Bellarmine Court  
Santa Clara, Ca 95051

**POST MEETING MATERIAL**

9/4/2019

ITEM 5

Julie Minot

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From: Kirk Vartan <kirk@asliceofny.com>  
Sent: Tuesday, September 3, 2019 10:30 AM  
To: Mayor and Council  
Subject: Vacancy for Chief of Police - Nikolai

Dear Mayor and Council,

I would like to ask you to appoint Pat Nikolai tonight as the acting Chief of Police until the election in 2020.

This last Chief of Police race was the closest in history, with about 100 votes separating the winner, meaning 50 people changing their minds would have changed the outcome.

Since former Chief Sellers has left his role before the end of his term, it seems the people's will should be followed in appointing Pat Nikolai for the job.

I hope you will stand together and UNANIMOUSLY appoint Pat Nikolai to this critical position. He has the overwhelming support and respect of the members of the police force and that should help make the transition smooth.

Kind regards.

-Kirk

Kirk Vartan

A Slice of New York

<https://nam03.safelinks.protection.outlook.com/?url=www.aSliceOfNY.com&data=02%7Co1%7CmayorandCouncil%40santaclaraca.gov%7Cc678dbc9df1246bd79fa08d730946283%7C28ea354810694e81aa0b6e4b3271a5cb%7Co%7C1%7C637031286173422356&sdata=Inq2kB6x7YO9mWjQkdwaGpKhPO%2B92HoE7jEE7TNDaOaI%3D&reserved=0>

**POST MEETING MATERIAL**