RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2020, FOR A VOTE ON ONE BALLOT MEASURE THAT, IF PASSED, WOULD AMEND SECTIONS 600, 700.1 and 700.2 OF THE SANTA CLARA CITY CHARTER; REQUESTING THE CONSOLIDATION OF THE SPECIAL MUNCIPAL ELECTION WITH THE STATEWIDE PRESIDENTIAL PRIMARY ELECTION TO BE HELD IN SANTA CLARA COUNTY ON MARCH 3, 2020; AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, That pursuant to the requirements of the City Charter, there is called and ordered to be held in the City of Santa Clara, California, on Tuesday, March 3, 2020, a special municipal election placing one measure that, if passed, would amend Charter Sections 600, 700.1 and 700.2 of the Santa Clara City Charter;

WHEREAS, pursuant to California Elections Code section 1201, the next Statewide Presidential Primary election will be held on March 3, 2020;

WHEREAS, in the course of conducting a Special Municipal Election on March 3, 2020, it is desired that that the Board of Supervisors of the County of Santa Clara consolidate a special municipal election to be held on March 3, 2020, with the Statewide Presidential Primary election to be held on the same date for the purpose of submitting one ballot measure to the voters to consider a charter amendment. It is also necessary for the City to request services of the County as set forth in this resolution;

WHEREAS, in accordance with the Elections Code sections 9285 and 9286 the ballot arguments must be submitted no later than December 3, 2019, to the City Clerk, and rebuttal arguments must be submitted no later than December 13, 2019;

WHEREAS, the City Council is authorized to direct the City Attorney to prepare an impartial analysis of the measure by December 3, 2019, showing the operation of the measure and its effect on the existing law.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1.   That pursuant to the requirements of section 10403 of the California Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide Presidential Primary Election on Tuesday, March 3, 2020, for the purpose of placing one measure on the ballot that, if passed, would amend the Santa Clara City Charter sections 600, 700.1 and 700.2.

2.   That the consolidated election shall be held and conducted, the election officers appointed, the voting precincts designated, the ballots printed, the polls opened and closed, the ballots counted and returned, the returns canvassed, and all other applicable proceedings to be performed in connection with the above consolidated election, be regulated and performed by the Registrar of Voters of the County of Santa Clara in accordance with the provisions of applicable laws regulating consolidating elections. This City Council consents to such consolidation.

3.   That the Registrar of Voters is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

4.   That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

5.   That the City of Santa Clara recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

6.   That the City Clerk is directed to file a certified copy of this Resolution without delay with the Board of Supervisors and the County Registrar of Voters.

7.   That the City Council hereby proposes to amend Santa Clara City Charter Sections 600, 700.1 and 700.2, as set forth in Exhibit A, attached hereto and incorporated herein by reference

(with additions to and deletions from the current text indicated thereon); and the City Council hereby approves and orders the proposed measure to be submitted to the qualified electors of the City of Santa Clara at a special municipal election on March 3, 2020. If the measure is approved by a majority of voters, City Charter Sections 600, 700.1 and 700.2 shall be amended, as set forth in the measure, and the amendment shall be effective on the date that the City Council declares the results of the special municipal election.

8.   That in accordance with Elections Code sections 13247 and 9051, and in order to submit the proposed measure described herein to the voters, the City Council hereby approves and orders the following ballot question to be submitted to the qualified electors of the City of Santa Clara at the special municipal election on March 3, 2020:

A.   **Measure 1**

DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to elect city council members by district, excepting the mayor, as follows: for the 2020 election to establish six districts for the election of one council member to represent each district; and, beginning in 2022 to establish three districts for the election of two council members to represent each district; and to require an independent redistricting committee?	Yes
	No

9.   That pursuant to California Elections Code section 10002, the City Council hereby requests that the Board of Supervisors authorize and direct the County Elections Department to provide such services as may be necessary to properly and lawfully hold and conduct a Consolidated Special Municipal Election in the City on March 3, 2020, including, but not restricted to, furnishing indexes and election equipment, appointing precinct workers and officials, instructing workers and officials, addressing sample ballots for said City election, issuing absentee ballots, establishing and providing early voting, conducting central counting and official canvass, and performing such other acts as may be required, or directed by the City Clerk, subsequent to acceptance of nomination materials by the City Clerk.

10.   That the City Clerk is hereby authorized and directed to reimburse the County for services performed in accordance with this resolution, when the work is completed and upon presentation to the City of a properly approved bill subject to the approval by the City Clerk.

11.   That the City Clerk is hereby authorized and directed to coordinate with the County Registrar of Voters to procure and furnish the procurement of any and all official ballots, notices, printed matter, and all supplies, equipment, paraphernalia that may be necessary in order to properly and lawfully conduct the Consolidated Special Municipal Election. The ballots to be used at the election shall be in form and content as required by law.

12.   That in all particulars not recited in this Resolution, the Special Municipal Election shall be held and conducted as provided by law for holding municipal elections.

13.   That this resolution provides notice of the time and place of holding the Special Municipal Election, and the City Clerk is authorized, instructed and directed to give further or additional notice of the Special Municipal Election in time, form, and manner as required by law.

14.   That the proposed measures shall not take effect unless and until approved by a vote of at least 50% plus one of the voters voting on the questions at the election.

15.   That the City Clerk is hereby authorized and directed to certify to the due adoption of this Resolution.

16.   Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED

AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING

THEREOF HELD ON THE 19th DAY OF NOVEMBER 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: Exhibit A
S:\Attorney\RESOLUTIONS\Form Resolution-City.doc

EXHIBIT A

The Charter of the City of Santa Clara shall be amended as follows:

Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

> **Sec. 600 City elected officers.**
>
> No person shall be eligible to hold ~~any~~ the elective office ~~in the City including~~ of Mayor~~,~~ ~~City Council, or~~ Chief of the Police Department ~~and~~ or City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member, excepting the Mayor, unless he or she is a qualified registered elector of the City and a resident in the district represented by the Council Member office.
>
> In order to hold the elective office of Mayor, Chief of the Police Department or City Clerk a person must have been a resident of the City of Santa Clara for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.
>
> In order to hold the elective office of Council Member, excepting the Mayor, a person must have been a resident of the City of Santa Clara and of the District represented by the person as a Council Member for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.
>
> The elective officers of the City shall consist of a City Council composed of seven

Exhibit A to Resolution No. _____

members, the Chief of the Police Department and the City Clerk. The ~~members of the City Council, (which includes the office of the~~ Mayor) and the Chief of the Police Department and the City Clerk shall be elected from the City at large at the times and in the manner provided in this Charter. Except as otherwise herein provided, a person elected to an office for other than an unexpired term shall serve a term of four years and shall serve until a successor is elected and qualified. The term shall commence on the date the City Council certifies the canvass of the election returns submitted to it by the County Registrar of Voters.

The person receiving the most votes cast for a particular City office shall be declared duly elected. Ties shall be broken as provided from time to time by ordinance.

The office of Mayor shall be separately voted upon and is a separate office. The person elected at any election to the office designated "Mayor" shall be deemed elected, both as a Mayor and as a member of the Council. Although the Mayor is a Council member, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council office ~~seat~~ at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. Except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any ~~numbered~~ Council office ~~seat~~ other than the one which he or she holds.

Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

~~Sec. 700.1 Elections – Designation of seats.~~

~~For purposes of City Council elections, each Council office shall be designated by an appropriate descriptive designation, as follows: The Council seat which on the effective date of this Section is occupied by the Mayor shall continue to be designated as "Mayor"; each of the other six seats, respectively, shall be designated as "Council Member Seat No. 2," "Council Member Seat No. 3," "Council Member Seat No. 4," "Council Member Seat No. 5," "Council Member Seat No. 6" and "Council Member Seat No. 7" respectively, and shall continue to be designated by the respective designation. The designation so given to each such office shall thereafter be used in all election, nomination papers, certificates of election, and other election papers pertaining or referring to such office, and to designate incumbency in such office.~~

Sec. 700.1 Elections – City Council Districts.

Members of the City Council, excepting the Mayor, shall be elected by district.

For the election to be held in November 2020, there shall be 6 (six) districts as such districts are designated on that certain map adopted by judgment of the Superior Court dated July 24, 2018, as set forth in Resolution No. 18-8585 of the City Council.

For the elections to be held beginning in November 2022 and thereafter, there shall be three districts to be known as District 1, District 2 and District 3, as such districts shall be drawn by an independent redistricting committee following the 2020 United States Census, with elections to be conducted as follows:

    a. Each District shall be represented by two (2) Council Members.

Exhibit A to Resolution No. _____

b. In the election to be held in November 2022 the Council District elections shall be conducted as follows:

1. the voters of District 1 shall nominate and elect one (1) Council Member for a four-year term; and

2. the voters of District 2 shall nominate and elect one (1) Council Member for a four-year term.

c. In the election to be held in November 2024 the Council District elections shall be conducted as follows:

1. the voters of District 1 shall nominate and elect one (1) Council Member for a four-year term;

2. the voters of District 2 shall nominate and elect one (1) Council Member for a four-year term; and

3. the voters of District 3 shall nominate and elect two (2) Council Members. The candidate who receives the greatest number of votes shall be elected to a four-year term, and the candidate who receives the second greatest number of votes shall be elected to a two-year term.

d. In the election to be held in November 2026 and in each Council District election held thereafter, the voters of each District shall nominate and elect one (1) Council Member for a four-year term.

Exhibit A to Resolution No. _____

Section 700.2 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 700.2 ~~**Elections: Designation of Seats.**~~ **Establishment of Independent Redistricting Committee**

The City Council shall enact an ordinance to establish an independent redistricting committee in accordance with Elections Code Sections 23001 and 23003 to make changes to the City Council District boundaries.

Upon any redistricting pursuant to the provisions of this section of the Charter or the ordinances enacted hereunder, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and represent the district by which the member was elected prior to such redistricting, notwithstanding any provision of Section 600 requiring a member to be a resident of the district represented by such member.