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ITEM#1 - RTZ# 20-146



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

NEWS RELEASE

FOR IMMEDIATE RELEASE: Friday, January 24, 2020

CONTACT: Lenka Wright, Director of Communications, 408-615-5515 or
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The Need for Public Transparency Regarding a Councilmember's Resignation

SANTA CLARA, Calif.: The purpose of this news release is to address some of the statements regarding Councilmember Mahan's resignation.

"When a councilmember resigns that is a public act of a public official, so we had to report it to the Council," said Brian Doyle, City Attorney. "Eventually whatever the communication is that says, 'I am hereby resigning' – that is communicated to Council so they can do their duty under the Charter to declare the seat vacant."

The resignation of an elected official is not a confidential matter; it is an inherently public act. The City Charter requires the Council to declare the Councilmember's seat vacant. This action will be scheduled for the Feb. 11 Council & Concurrent Authorities Meeting. Per the Charter, the Council must act within 30 days of the vacancy being announced. These options include:

- Appointing someone to the seat by a four-fifths vote within 30 days of the vacancy being announced;
- Hold a special election; or
- Keep the seat vacant until the November 2020 election.

Councilmember Patricia M. Mahan's official resignation, dated Jan. 22, 2020, was transmitted to the City Council as part of the [online agenda packet](#) for the Jan. 28, 2020 Council and Authorities Concurrent Meeting. Per Councilmember Mahan's resignation, the effective date is Feb. 1, 2020.

"We understand that there have been statements about HIPAA violations. I am confident that no one in the City has violated HIPAA (Health Insurance Portability and Accountability Act) or any laws regarding confidentiality," City Attorney Brian Doyle clarified.

On Jan. 22, City Manager Deanna J. Santana contacted Councilmember Mahan regarding the Councilmember's resignation and advised her that the proper steps would be followed. Nothing in Councilmember Mahan's official resignation statement mentions confidentiality. On Jan. 23, Ms. Santana offered Councilmember Mahan the opportunity to resubmit her letter and she declined. At 3:04 a.m. this morning, Councilmember Mahan submitted [this email](#) and requested that it be put in the form of a memo. In compliance with the California Public Records Act, the City cannot withhold or destroy a public document.

POST MEETING MATERIAL

About the City of Santa Clara

Located at the heart of Silicon Valley about 45 miles south of San Francisco, the City of Santa Clara truly is "The Center of What's Possible." Incorporated in 1852, Santa Clara covers an area of 19.3 square miles with an estimated population of 129,498. Santa Clara is home to an extraordinary array of high-tech companies, including Applied Materials, Hewlett-Packard, Intel, Nvidia, Oracle, and Ericsson. The City of Santa Clara is also home to Santa Clara University, California's Great America Theme Park, and Levi's® Stadium, home of the San Francisco 49ers and Super Bowl 50. For more information, go to SantaClaraCA.gov.

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Councilmember Patricia M. Mahan Submits Resignation

SANTA CLARA, Calif. – On Wednesday, Jan. 22, Councilmember Patricia M. Mahan submitted her resignation from her District 5 seat due to serious medical issues. Councilmember Mahan's resignation will become effective on Feb. 1, 2020.

"On behalf of the City Council, thank you to Councilmember Mahan for her significant contributions and service to the Santa Clara community," said Mayor Lisa M. Gillmor. "We respect her decision and are thinking of her and her family as they face a very challenging time ahead."

There will be an agenda item informing the Council of the resignation on Jan. 28. The City Charter requires the Council to declare the Councilmember's seat vacant. This action will be scheduled for the Feb. 11 Council & Concurrent Authorities Meeting. Her four-year term expires November 2020.

More information about the Councilmember's public service is available on SantaClaraCA.gov.

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