



Agenda Report

21-671

Agenda Date: 5/4/2021

REPORT TO COUNCIL

SUBJECT

Council Discussion and Direction on proposed Charter Amendment to enact Council District elections and direction to return to the Council with an Ordinance to Enact the Court-Ordered Six-District Map

COUNCIL PILLAR

Enhance Community Engagement and Transparency

BACKGROUND

A court order mandated that the City be divided into six City Council Districts through the November 2020 election and that only residents of each district vote for one Councilmember to represent them. While the Court ruling implemented district-based elections with six Council Districts and enjoined holding at-large elections of City Councilmembers, it did not amend the language of the City Charter, which currently states City Councilmembers are to be elected "at-large." The City has now entered into a Settlement Agreement with the plaintiffs in the *Yumori-Kaku* lawsuit which requires the City Council to adopt a resolution to place a measure on the ballot to amend the Charter to be in conformance with the 6 district election process ordered by the Court for the election of Council members. The Settlement Agreement requires that the resolution proposing the ballot measure for the charter amendment measure be adopted by June 1, 2021.

DISCUSSION

Because Council previously received substantial public input through the work done by the Charter Review Committee that was established after Measure N, much of its work regarding wording changes to the current Charter language in order to move to district elections has already been accomplished. We are providing an attachment that shows the changes to the current Charter language that would be made in order to eliminate language to the current at-large by numbered seat system and to clearly indicate the requirement to hold Council District elections for the election of members of the City Council and to have an at-large election of the Mayor.

The proposed charter amendment would include the following language:

Members of the City Council, excepting the Mayor, shall be elected by district. 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, as then subsequently amended by the procedures for re-districting established by an ordinance adopted by the City Council.

For the re-districting process to have a starting point, the Council would have to enact an ordinance to extend the use of the map to elections beyond 2020. The map that was designated would be subject to future boundary changes required by the redistricting process following receipt of 2020 US

census data.

The Charter Review Committee also looked at other provisions that it recommended be included:

- A requirement that candidates be a resident of the district for a minimum of 30 days prior to the filing deadline
- Language that mandated the type of redistricting committee that could be appointed for the redistricting process

We offer this language as optional provisions that the Council might consider including in the proposed City Charter amendment. It is not necessary that Council include these provisions at the time that it adopts the ballot measure language in order to implement the Settlement Agreement. It could add these provisions at a later time.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

The City Clerk’s office has requested a cost estimate for placing a ballot measure on the primary June 2022 election from the Registrar of Voters office (ROV). The ROV has not gotten back to the city and estimates a response within six weeks. There are a few factors the ROV takes into consideration when calculating the cost (i.e. how many other cities are having an election and how many other ballot measures there will be) At this time staff can only estimate the cost to be between \$108,831 and \$200,000 based on prior ballot measures.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

RECOMMENDATION

Staff recommends:

1. City Council discuss the key elements of a Charter amendment and provide direction on the language to be included in a ballot measure for final approval at the Council’s May 25, 2021 meeting:
 - a. Charter text changes to eliminate at large election of Councilmembers except the Mayor and to establish six single-member districts
 - b. Include 30-day residency requirement (optional)
 - c. Require Independent Redistricting Committee in the Charter (optional); and
2. City Council direct staff to bring back an ordinance to establish the court-ordered six district map for Councilmember elections as the map to be used for elections beyond 2020, subject to changes required by the redistricting process.

Approved by: Hosam Haggag, City Clerk
Brian Doyle, City Attorney

ATTACHMENTS

1. Draft Charter Amendment language
2. Settlement Agreement