



## Agenda Report

18-221

Agenda Date: 3/6/2018

### REPORT TO COUNCIL

#### **SUBJECT**

Informational Memo: Additional Options for Ballot Questions relative to the District Election/Voting Method and Elective City Clerk

In response to Council's direction from the February 13, 2018 meeting and given the importance of both the District Election/Voting Method and potential City Clerk ballot measures, staff sought advice from ballot measure experts as due diligence to ensure that additional information and options were available for Council's consideration.

#### **District Elections/Voting Method Ballot Measure**

Based on professional expertise, including input from Fair Vote, an additional ballot measure alternative is offered below:

**DISTRICT COUNCIL ELECTIONS/VOTING METHOD.** Shall the City Charter be amended: to establish two districts starting in 2018 to be represented by three Council Members each; and, starting in 2020, to use ranked choice voting to allow voters to rank candidates in order of choice to determine the winners of elections of all locally-elected city officers, including Mayor?

#### **City Clerk Ballot Measure**

As reference, general law cities follow California Government Code Sections 36508-36510 if they chose to place a ballot measure on any municipal election or special election to ask the electors if the City Clerk position should be appointive. Excerpts from the Government Code are provided for reference:

Government Code Section 36508.

At any municipal election, or a special election held for that purpose, the city council may submit to the electors the question whether the elective officers, or any of them except council members, shall be appointed by the city council; provided, however, that the city council shall not submit such question to the electors more often than once in an 11-month period.

Government Code Section 36509.

The question shall be printed on the ballots used at the election substantially in one of the following forms:

- (a) "Shall the offices of city clerk and city treasurer be appointive?"; or
- (b) "Shall the office of city clerk be appointive?"; or
- (c) "Shall the office of city treasurer be appointive?"

The words "yes" and "no" shall be so printed on the ballots that the voters may express their choice.

Government Code Section 36510.

If a majority of the votes cast on the proposition is for it, the city council shall appoint such officers at the expiration of the terms of the officers then in office, and on a vacancy in any such office. Such officers shall hold office during the pleasure of the city council and, notwithstanding Section 36502 to the contrary, are not required to be residents or electors in the city. The city council may by ordinance vest in the city manager its authority to appoint such officers.

While Santa Clara is a Charter City, and therefore governed by Charter, other Charter cities have utilized the same ballot question language prescribed above, including Morgan Hill.

Based on professional expertise, and in accordance with the California Government Code, an additional ballot measure alternative is offered below:

**SANTA CLARA CHARTER AMENDMENT.** Shall the office of City Clerk be appointive?

This information is provided to the Council for informational purposes and staff does not have a recommendation as it relates to the District Election/Voting Method or potential City Clerk ballot measures.

Approved by: Deanna Santana, City Manager