



## Agenda Report

21-1612

Agenda Date: 11/16/2021

### REPORT TO COUNCIL

#### **SUBJECT**

Information and Update on the Ad Hoc Committee on the Apology Letter Relating to the City's California Voting Rights Act Litigation (Deferred from November 9, 2021)

#### **COUNCIL PILLAR**

Enhance Community Engagement and Transparency

#### **BACKGROUND**

At the July 13, 2021 City Council meeting, Council acted on a written petition submitted by Councilmember Becker requesting a public apology to the residents of Santa Clara for the California Voting Rights Act (CVRA) lawsuit. A draft letter was submitted along with the written petition and is provided in Attachment 1. At this meeting a motion was made by Councilmember Jain, seconded by Councilmember Becker, that the Council (1) issue an apology for having consumed the City's treasury for fighting a CVRA lawsuit, (2) establish a publicly noticed meeting of an Ad-Hoc Committee comprised of Councilmember Becker and Councilmember Park, and (3) return to Council for ratification of the letter at a later time.

The Ad-Hoc Committee on the CVRA Apology Letter Relating to the City's California Voting Rights Act Litigation (Ad-Hoc Committee) held its first meeting on October 13, 2021.

#### **DISCUSSION**

The purpose of the Ad-Hoc Committee is to edit the draft apology letter submitted by Councilmember Becker and return to the full City Council with a revised letter for review and approval.

At the October 13<sup>th</sup> Ad-Hoc Committee meeting, Councilmembers Becker and Park expressed interest in expanding the scope of the Ad-Hoc Committee by increasing community outreach to encourage the community to provide input on the letter. Specifically, the Ad-Hoc Committee members requested the following via a motion:

1. Schedule another Ad-Hoc Committee meeting **with full City staff support including livestreaming of the meeting as the City Council meetings are streamed and advertised.**
2. Set the Ad-Hoc Committee meetings for 7:00 p.m.
3. Promote the Ad-Hoc Committee and the survey on social media.
4. Have the Task Force on Diversity, Equity and Inclusion provide input on the draft letter.
5. Host a community workshop.
6. Place a survey on the City's website seeking feedback on the draft apology letter with the following materials for reference:
  - a. The draft apology letter submitted by Councilmember Becker;
  - b. An un-biased background/history on the CVRA Lawsuit, which is to be developed and

- approved by the City Council; and
- c. The recent City of San Jose Resolution Apologizing to the Chinese Immigrants and their Descendants for Acts of Fundamental Injustice and Discrimination, Seeking Forgiveness and Committing to the Rectification of Past Policies and Misdeeds (Attachment 2),

The City Manager noted at the meeting that she would return to City Council to report out on the expanded scope of the Ad-Hoc Committee.

Regarding the background and history on the CVRA lawsuit, a report was submitted to Council at its June 8, 2021 meeting outlining the history (Attachment 3). At that meeting, Council directed the City Attorney to return to a Council meeting with an updated report on California Voter Rights Act (CVRA) litigation to include the Councilmember recommended historical events additions. On August 18, 2021, the City Attorney sent a memo (Attachment 4) to City Council noting that as of the date of the memo, aside from a copy of the 2011 letter to the City from Robert Rubin sent by Councilmember Becker, no other information was received; therefore, there was no additional information to include in a revised report. Therefore, the only CVRA history on file is the one provided in Attachment 3.

### **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**

There is no fiscal impact associated with this report other than administrative staff time.

### **COORDINATION**

This report was coordinated between the City Attorney's Office and the City Manager's Office.

### **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) <<mailto:clerk@santaclaraca.gov>>.

### **RECOMMENDATION**

1. Review expanded scope and provide direction on staff resources to support the committee; and
2. Review the provided history and background and provide feedback on what should be posted on the Open City Hall survey as a history.

Reviewed by: Sujata Reuter, Assistant City Attorney

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Draft Letter
2. San Jose Resolution
3. CVRA Background - RTC 21-803

4. Memo to City Council re referral on CVRA Litigation Report