



## Agenda Report

19-483

Agenda Date: 5/7/2019

### REPORT TO CITY COUNCIL

#### SUBJECT

Action on Voter approved Measure N Work Plan and Charter Review Committee Appointment Process relating to District Elections for the November 2022 Election Cycle

#### BACKGROUND

In November 2018, the City of Santa Clara (City) held its first district-based elections as required by a ruling of the Santa Clara Superior Court (Court). The Court ruling implemented district-based elections (six Council Districts), but did not amend the City Charter. Under the state constitution, the City Charter can only be amended by a vote of the City electorate. Thus, the City Charter still states that City Council members are to be elected “at-large”.

The City Council placed an advisory measure on the November 2018 ballot to determine if the voters wanted to engage in a public process to draft charter amendment language. The advisory ballot measure (known as “Measure N”) read as follows:

*“Shall the City of Santa Clara engage the voters in a public process to draft a Charter Amendment ballot measure to elect its Council Members, other than the Mayor, by district?”*

Measure N was approved by 70.04% of eligible voters on Nov. 6, 2018.

#### DISCUSSION

Staff is seeking City Council direction to begin the public process approved by Measure N through appointment of a new Charter Review Committee.

### Charter Review Committee Appointment Process

#### Scope of New Charter Review Committee

In order to focus the Charter Review Committee on the districting issue, staff recommends that their focus be limited to conducting the public process to draft language to amend the Charter with respect to council district elections. The scope, discussions and public input will be focused on the actual charter amendment language related to how voters elect their Councilmembers.

To that end, one of the first steps will be to receive public input on whether the public sentiment is to simply pose the following question: adopt the six-district plan and sequencing currently in place or to examine if there is support for some other configuration.

Unlike prior charter review committees, this one is intended to be limited in scope to solicit public input on the City’s composition of election districts as will be codified in the proposed charter language. To this end, we highly recommend the council appoint no more than 7 committee members, and to ensure the size of the committee remains an odd number (3, 5, or 7 committee

members).

As a reminder, the current sequencing is as follows:

District Number	Election Month and Year
Mayor	November 2018 and every 4 years thereafter
Districts 2, 3	November 2018 and every 4 years thereafter
District 1, 4, 5, 6	November 2020 and every 4 years thereafter

As discussed later in this report, significant work has been done with the demographer and the public on developing various Council District configuration options. The demographer has provided the City with Council District maps for a 2, 3 or 6 Council District configurations. If the decision is to change the number of districts based on public input, a new workplan will need to be developed to implement this voting system for the 2022 Election. Under the Superior Court Order the voters will still be electing their Councilmembers in the November 2020 election by six-districts.

#### **Option 1 - Application Process Similar to Boards and Commission**

This option would follow the process for other Boards and Commissions (e.g. Planning Commission) to appoint potential committee members. The communications outreach plan will follow the same process used to seek Boards and Commission members and will also communicate the specific role and scope of this Charter Review Committee. This recruitment process will take between four to six weeks. Following the recruitment process, staff would establish an interview date and time and determine a Council date for the formal committee appointments.

#### **Option 2 - Each member of the Council nominates one member**

This option would provide for the Mayor and each City Council member to nominate one person for the Charter Review Committee. All nominees would be formally appointed at a City Council meeting. The Council may, at its discretion, either elect to nominate each of the committee members at large, or, elect to nominate members according to each Council member's district (with the Mayor's appointment at-large). If this option is selected, staff would like the Council to provide nominee names to the Assistant City Clerk by a set date. The Assistant City Clerk will then verify eligibility and place the appointment of the committee on the next available Council agenda.

#### **Option 3 - Another process as deemed appropriate by Council**

The Council may choose to follow another process it deems appropriate. One example of an alternative process would be a mix of Options 1 and 2, where each Council member may choose to appoint a committee-member of their choice, in addition to a number of committee members that would apply similar to Boards and Commissions.

#### **Eligibility Requirements and Conflict of Interest**

It is recommended that the Council follow the eligibility requirements of Boards and Commissions, meaning members must be qualified electors of the City. To that extent, interested residents must provide two forms of proof of residency (e.g., driver's license, passport, utility bill, etc.).

#### **Election Timing**

Proposed Charter Amendment can be placed on either the primary election ballot (March 3, 2020) or the general election ballot (November 3, 2020). The primary election work plan is extremely

aggressive and is outlined in the attached document for reference. The City Clerk is recommending the November 2020 workplan be adopted by the City Council. The recommended work plan for the general election is outlined below.

### General Election Work Plan (November 3, 2020)

Action	Appointment Process	Application Process
City Council selects work plan and Charter Review Committee appointment process	May 7, 2019	May 7, 2019
Mayor and City Council to provide Charter Review Committee nominee names to the Assistant City Clerk	June 2019	Not Applicable
City accepts committee applications (appointed members still to complete application)	July 2019	July 2019
City council interviews committee applicants and appoints	Appointment August - September 2019	August-September 2019
Charter Review Committee holds initial meeting to discuss workplan and set public input session dates	September 2019	September 2019
Charter Review Committee holds public input sessions* <i>*If Committee recommends anything other than a 2, 3 or 6 district configuration, additional time may be needed here.</i>	Fall 2019 - Spring 2020	Fall 2019 - Spring 2020
City Council approves Charter Review Committee recommended Charter Amendment ballot language	June 2020	June 2020
City Council adopts resolution to call election, consolidate with County and provide election services to place measure on ballot and set date for arguments, impartial analysis and rebuttals	July 7 or 21, 2020	July 7 or 21, 2020
Election Day	November, 2020	November, 2020

This work plan allows adequate time for the committee member application process if selected and community input.

The City will be running regularly scheduled Council District elections during the General election so the additional unbudgeted cost would be the cost of adding the ballot language on top of our normally scheduled election, which is estimated to be approximately \$250,000.

### **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)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

**FISCAL IMPACT**

The Registrar of Voters (ROV) has estimated the cost for the November 3, 2020 election to be approximately \$185,000. In addition to this amount would be approximately \$60-70,000 of costs associated with printing, translation services, publishing notices and other related costs for a total of approximately \$250,000. These costs do not include the City's regularly scheduled General Election for November 2020.

**COORDINATION**

This report has been coordinated with the City Attorney 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>> or at the public information desk at any City of Santa Clara public library.

**ALTERNATIVES**

Alternatives for the Charter Review Committee appointment process:

1. Application process;
2. Nomination process; or
3. Another process deemed appropriate by Council.

Alternatives for the work plan:

1. Adopt the primary election work plan to have proposed Charter Amendment language on the March 3, 2020 primary election ballot.
2. Adopt the general election work plan to have propose Charter Amendment language on the November 3, 2020 general election ballot.

**RECOMMENDATION**

The City Clerk recommends the November 2020 election for placement of a Charter Amendment related to electing councilmembers by district, as the elections official to ensure greater participation and more time for robust community input.

Approved by: Hosam Haggag, City Clerk

**ATTACHMENTS**

1. City of Santa Clara Council District Map
2. Primary election work plan - March 3, 2020